

WESTMORLAND UNION ELEMENTARY SCHOOL DISTRICT

Board Policy No. 5002: PUPIL COMPLAINT PROCEDURE

A. Prohibited Discrimination

Except as otherwise provided by law, a student shall not be excluded from participation in, denied the benefits of, or subjected to discrimination under any academic, extracurricular, or other educational program or activity operated by the District or denied any aid, benefit or service provided by the District on the basis of sex, religion, creed, disability, race or national origin, sexual preference, or on the basis of any prohibited discrimination in Board Policy 5000. This complaint procedure shall apply to all pupil complaints of unlawful discrimination and harassment.

B. Definitions

1. A "complaint" is a formal written allegation by a pupil who has been adversely affected by discrimination, harassment, intimidation, or bullying prohibited by Board Policy 5000.
2. A "pupil" is a pupil currently enrolled in the District.
3. A "day" is a day in which the administrative office of the District is open.

C. Informal Level

1. Before filing a formal written complaint, the pupil shall attempt to resolve it by an informal conference with the Superintendent or Counselor. If the matter cannot be resolved at the informal level, the pupil shall follow the formal levels listed below.

D. Formal Levels

1. Step 1

- a. Within twenty (20) days after the occurrence of the act or omission, or within twenty (20) days after the pupil knew or reasonably should have known of the act or omission giving rise to the complaint, the pupil must present such complaint in writing to the Superintendent.
- b. This statement shall be a clear, concise statement of the complaint, the circumstances involved, the decision rendered at the informal conference, under C above, and the specific remedy sought.

- c. The Superintendent or designee shall communicate a decision to the pupil in writing within fifteen (15) days after receiving the complaint. If the Superintendent or designee does not respond within the time limits, the pupil may appeal to the next step.
- d. Within the above time limits, either party may request a personal conference with the other party.

2. Step 2

- a. In the event the pupil is not satisfied with the decision at Step 1, the pupil may appeal the decision to the Superintendent within ten (10) days.
- b. The statement should include a copy of the original complaint, the decision rendered, and a clear, concise statement of the reasons for the appeal.
- c. The Superintendent or designee shall communicate a decision within twenty (20) days after receiving the appeal. The Superintendent may request a personal conference within the above time limits. If the Superintendent does not respond within the time limits, the pupil may appeal to the next step.

3. Step 3

- a. In the event that the pupil is not satisfied with the decision at Step 2, he/she may request that the complaint be submitted to the Board. Such request must be in writing and filed within ten (10) days with the Superintendent.
- b. The Board may or may not schedule a conference. The decision of the Board shall be the final decision of the District. The pupil may appeal to any appropriate federal or state agency.

E. Notice:

- 1. A copy of this Policy shall be displayed in a prominent location.
- 2. A copy of this Policy shall be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester or summer session as appropriate.
- 3. A copy of this Policy shall be provided for each faculty member, all members of the administrative staff, and all members of the support staff

at the beginning of the first quarter or semester of the school year, or at the time that there is a new employee hired.

4. A copy of this Policy shall appear in any publication that sets for the District's comprehensive rules, regulations, procedures and standards of conduct.

Legal Reference:

Education Code sections 212.5, 220, 234.1, 221.5, 221.7, 224, 234.1, 225, 229, 230, 231, 231.5, 48900.2

Title IX, Education Amendments of 1972

34 CFR Sections 106.8(b) - 106.9(a), 106.31, 106.34

Date Policy Adopted By The Board: August 22, 1989 (formerly B.P. 5021)

Date Policy Revised By The Board: November 8, 1994, October 9, 2003 (formerly B.P. 5001),
February 12, 2019