

## JUSTIFICATION FOR SERIES 1000

(Pending Board Approval May 19, 2021)

### Background:

#### **Exhibit 1113 - District and School Websites**

(E NEW)

New exhibit lists material which state and/or federal law explicitly requires to be posted on district and/or school websites, including a citation to the legal authority and a reference to the board policy, administrative regulation, or board bylaw that further describes the requirement.

#### **BP/AR 1312.1 - Complaints Concerning District Employees**

(BP/AR revised)

Policy updated to reflect a court decision which held that a district cannot bar criticism of employees at public board meetings, and to add referral of complainants to the appropriate complaint procedures when concerns are expressed at a board meeting or to an individual board member outside a board meeting. Policy includes material formerly in AR regarding reports against employees for child abuse or neglect, and adds circumstances under which complaints should be addressed in accordance with BP/AR 1312.3 - Uniform Complaint Procedures or AR 4030 - Nondiscrimination in Employment. Policy also adds material related to the investigation of a complaint, including an anonymous complaint, and includes material formerly in AR regarding appeals to the board. Regulation reorganized and updated to require that complaints be made in writing and to add steps regarding the investigation of the complaint and the notification of the complainant and employee regarding the final decision. to accept and provide full or partial credit for coursework completed by a foster youth, homeless student, former juvenile court school student, child of a military family, migrant student, or immigrant student participating in a newcomer program at another school.

#### **BP 1312.3 - Uniform Complaint Procedures**

(BP revised)

Policy updated to reflect the relationship between the state uniform complaint procedures (UCP) and **NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)** regarding Title IX complaints of sexual harassment. Policy also reflects **NEW STATE REGULATIONS (Register 2020, No. 21)** which limit the applicability of the UCP for complaints regarding special education and child nutrition programs, add procedures for addressing complaints regarding health and safety deficiencies in license-exempt

California State Preschool Programs (CSPP), and delete the referral of complaints of fraud to the California Department of Education (CDE). The list of programs subject to the UCP revised and reorganized to more directly reflect CDE's 2020-21 Federal Program Monitoring (FPM) instrument.

### **AR 1312.3 - Uniform Complaint Procedures**

(AR revised)

Regulation updated to provide optional language stating that the compliance officer for purposes of the UCP will be the same person designated to serve as the Title IX Coordinator for addressing complaints of sexual harassment. Section on "Notifications" reflects CDE's 2020-21 FPM instrument which requires additional content for the annual notification to students, parents/guardians, employees, and others. Regulation also updated to reflect **NEW STATE REGULATIONS (Register 2020, No. 21)** which (1) clarify that for complaints related to the local control and accountability plan (LCAP) the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP, (2) designate the final written decision as the "investigation report" and specifies required components for that report, (3) change the timeline for filing an appeal to CDE from 15 calendar days to 30 calendar days, (4) expand the basis upon which an appeal may be filed, (5) require the district to submit specified documents to CDE within 10 days after the district has been notified that an appeal has been filed, (6) require the district to investigate and address any allegations that CDE determines were not addressed in the district's investigation, (7) require CDE to issue a written decision regarding an appeal within 60 days of CDE's receipt of the appeal unless extended by written agreement or documentation by CDE of exceptional circumstances, and (8) authorize either party to request reconsideration by the Superintendent of Public Instruction or designee within 30 days of the appeal decision. Section on "Health and Safety Complaints for License-Exempt Preschool Programs" reflects a requirement of new state regulations to include in the annual UCP notification a list of which district programs are licensed or exempt from licensing.

### **AR 1312.4 - Williams Uniform Complaint Procedures**

(AR revised)

Regulation updated to delete material related to complaints regarding noncompliance with health and safety requirements in a license-exempt CSPP program as such complaints have been moved to BP/AR 1312.3 - Uniform Complaint Procedures, consistent with CDE's Federal Program Monitoring instrument.