

**Santa Monica-Malibu Unified School District
Board of Education Meeting
UPDATE TO THE AGENDA**

November 1, 2007

CONSENT AGENDA

- A.02 Approval of Independent Contractors
EDIT: Add contractor name (page 2 of this update)

MAJOR ITEMS

DISCUSSION ITEMS

- D.02 Revise Policy 1312.3 – Uniform Complaint Procedures
EDIT: Policy language (pages 3-6 of this update)

INFORMATION ITEMS

SW

TO: BOARD OF EDUCATION

ACTION/CONSENT

11/01/07

FROM: DIANNE TALARICO / CHIUNG-SALLY CHOU /
MAUREEN BRADFORD

UPDATE

RE: APPROVAL OF INDEPENDENT CONTRACTORS

RECOMMENDATION NO. A.02

It is recommended that the Board of Education enter into an agreement with the following Independent Contractor(s). These contracts are included in the 2007/2008 Budget.

| Contractor/ Contract Dates | Description | Site | Funding |
|---|--|-------------|--|
| David Raffa 11/5/07 to 6/20/08 Not to exceed: \$14,400 | Ceramic classes for grades K-5 6 week sessions per grade level | Roosevelt | 01-90150-0-11100-10000-2917-007-1501 |
| Tery Arnold STAR Education 10/2007 to 4/2008 Not to exceed: \$4,752 | Film making classes | McKinley | 01-71400-0-11100-10000-5802-004-4040 |
| <u>Family Service of Santa Monica</u> 10/02/07 to 6/30/08 Not to exceed: \$32,000 | <u>To provide social services through family counselors to preschool children, assist in the identification of children that may need additional services, participate in the self-assessment of the program activities.</u> | <u>CDS</u> | <u>56% - 12-52101-0-85000-10000-5802-070-2700</u> <u>44% - 12-60550-0-85000-10000-5802-070-2700</u> |

MOTION MADE BY:
SECONDED BY:
STUDENT ADVISORY VOTE:
AYES:
NOES:

TO: BOARD OF EDUCATION

DISCUSSION

11/01/07

FROM: DIANNE TALARICO / TIMOTHY R. WALKER /
CHIUNG-SALLY CHOU

UPDATE

RE: REVISE POLICY 1312.3 - UNIFORM COMPLAINT PROCEDURES

DISCUSSION ITEM NO. D.02

It is recommended that the Board of Education revise Board Policy 1312.3 - Uniform Complaint Procedures. These revisions are recommended by CSBA and the California State Department of Education.

Attachment:

- Board Policy 1312.3 - Uniform Complaint Procedures

New text in underline
Deleted text in ~~strikeout~~

| <u>NUMBER</u> | <u>ARTICLE</u> | <u>TITLE</u> | | | |
|---------------------|---------------------|-------------------|-------------------|----------------|--|
| 1312.3 | Community Relations | Uniform Complaint | | | |
| Procedures | | | | | |
| <u>SUBTOPIC</u> | | <u>POLICY</u> | <u>REGULATION</u> | <u>EXHIBIT</u> | |
| Community Relations | | X | | | |

DETAILS

The Governing Board recognizes that the district is primarily responsible for complying with applicable state and federal laws and regulations governing educational programs. The district shall investigate complaints alleging failure to comply with such laws and/or alleging discrimination and shall seek to resolve those complaints in accordance with the district's uniform complaint procedures. (5 CCR 4620)

The district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination ~~based on age, sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability in any program that receives or benefits from state financial assistance.~~ against any protected group as identified under Education Code 200 and 220 and Government Code 11135, including actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, or age, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any district program or activity that receives or benefits from state financial assistance. (5 CCR 4610)

Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, ~~vocational~~ career technical and technical education and career technical and technical training programs, child care and development programs, ~~child~~ nutrition programs ~~services~~, and special education programs. (5 CCR 4610)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5148 - Child Care and Development)

(cf. 6159 - Individualized Education Program)
(cf. 6171 - Title I Programs)
(cf. 6174 - Education for English Language Learners)
(cf. 6175 - Migrant Education Program)
(cf. 6178 - Vocational Education)
(cf. 6200 - Adult Education)

Complaints related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, and teacher vacancies and misassignments shall be investigated pursuant to the district's Williams uniform complaint procedure (AR 1312.4).

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Complaints related to post-grade twelve intensive services and instruction (AB 347) for students who have not passed CAHSEE in one or both subjects shall be investigated pursuant to the district's uniform complaint procedure.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

The Board encourages the early, informal resolution of complaints at the site level whenever possible.

The Board acknowledges and respects every individual's right to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process. This may include keeping the identity of the complainant confidential, as appropriate and except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee, on a case-by-case basis.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)
(cf. 9011 - Disclosure of Confidential/Privileged Information)

The Board prohibits any form of retaliation against any complainant in the complaint process, including but not limited to a complainant's filing of a complaint or the reporting of instances of discrimination. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

The Board recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving their problem

through mediation, the Superintendent or designee shall initiate that process. The Superintendent or designee shall ensure that the results are consistent with state and federal laws and regulations. The Deputy Superintendent shall be designated as the responsible staff position for receiving complaints.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
8200-8498 Child care and development programs
8500-8538 Adult basic education
18100-18203 School libraries
32289 School safety plan, uniform complaint procedure
35186 Williams uniform complaint procedure
37254 (d) (3) CAHSEE Intensive Instruction
41500-41513 Categorical education block grants
48985 Notices in language other than English
49060-49079 Student records
49490-49590 Child nutrition programs
52160-52178 Bilingual education programs
52300-52499.6 Career-technical education
52338 Middle and High School Supplemental Counseling Program
52500-52616.24 Adult schools
52800-52870 School-based coordinated programs
54000-54028 Economic impact aid programs
54100-54145 Miller-Unruh Basic Reading Act
54400-54425 Compensatory education programs
54440-54445 Migrant education
54460-54529 Compensatory education programs
56000-56885 Special education programs
59000-59300 Special schools and centers
64000-64001 Consolidated application process
CODE OF REGULATIONS, TITLE 5
3080 Application of section
4600-4687 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs
PENAL CODE
422.6 Interference with constitutional right or privilege
UNITED STATES CODE, TITLE 20
6301-6577 Title I basic programs
6601-6777 Title II preparing and recruiting high quality teachers and principals
6801-6871 Title III language instruction for limited English proficient and immigrant students
7101-7184 Safe and Drug-Free Schools and Communities Act
7201-7283g Title V promoting informed parental choice and innovative programs
7301-7372 Title V rural and low-income school programs

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>
California Department of Education: <http://www.cde.ca.gov>
U.S. Department of Education, Office for Civil Rights:
<http://www.ed.gov/offices/OCR>

CSBA 1/06 **AB 347 10/07**