

**Marin County Office of Education
Oficina de Educación del Condado de
Marín**

**Parent Information
Información para Padres**

**Please keep for your records
Por favor, mantener copia en sus
archivos**

1000 COMMUNITY RELATIONS

1200 PARTICIPATION BY THE PUBLIC

1212 SCHOOL OR CLASSROOM VISITATION

No person, other than enrolled students, their parents, and employees of the Marin County Office of Education and Host School Districts shall enter a school or classroom without the approval of the Superintendent or his/her designee.

The Program Manager, in consultation with the affected teacher(s), shall determine the frequency, length of stay and number of visitors that may be allowed to enter the classroom(s).

The Program Manager and the affected teacher(s) shall jointly decide the appropriateness of allowing the placement of student teachers in specific classes and for scheduling classroom observations by college students.

No person shall enter the school or classroom for the purpose of photographing students, obtaining students' names or transacting any personal business with students or employees without the approval of the Superintendent or his/her designee and in the instance of students, without the approval of parents.

This policy does not apply to those individuals who have statutory authority to enter the schools, i.e. State Department of Education employees and peace officers.

References: EC 32211-32212, 44810-44812
Penal Code 626.8

Approved as to form:



Deputy County Counsel

Approved by
Marin County Board of Education - 10/25/88

1000 COMMUNITY RELATIONS

1500 COMPLAINTS

1501 UNIFORM COMPLAINT PROCEDURES

The Superintendent/County Board recognizes that Marin County Office of Education (MCOE) is primarily responsible to ensure compliance with applicable state and federal laws and regulations governing educational programs. MCOE shall investigate complaints alleging noncompliance with applicable state and federal laws and/or alleging discrimination, harassment, intimidation, or bullying; and shall seek to resolve those complaints in accordance with MCOE's uniform complaint procedures. (5 CCR [4620](#))

Complaints Subject to the UCP

MCOE shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination, harassment, intimidation, or bullying, against any person participating in MCOE programs or activities funded directly by or that receive or benefit from any state financial assistance on the grounds identified under Education Code [200](#) and [220](#) and Government Code [11135](#), including race or ethnicity, color, ancestry, national origin, nationality, ethnic group identification, citizenship and immigration status, age, religion, marital status, pregnancy or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information. These terms are defined by state or federal statute including any actual or perceived characteristics as set forth in Penal Code section 422.55 or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics. (GC 11135, EC 200, 220, 2345.1, PC 422.55)

Uniform complaint procedures shall also be used when addressing complaints, noncompliance with state and/or federal laws in: (5 CCR [4610](#))

1. Accommodations for Pregnant and Parenting Pupils (California Education Code [EC] section 46015)
2. Adult Education Programs (EC sections 8500-8538, 52334.7, 52500-52616.4)
3. After School Education and Safety Programs (EC sections 8482-8484.65)
4. Agricultural Career Technical Education (EC sections 52460-52462)
5. Career Technical and Technical Education, Career Technical, Technical Training (state) (EC sections 52300-52462)
6. Career Technical Education (federal) (EC sections 51226-51226.1)
7. Child Care and Development (including State Preschool) (EC sections 8200-8493)
8. Compensatory education (EC section 54400)
9. Course periods with Educational Content (EC sections 51228.1-51228.3)
10. Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in a school district and Children of Military Families (EC sections 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
11. Every Student Succeeds Act (20 *United States Code* [20 U.S.C.] section 6301 et seq.; EC section 52059)
12. Local Control Funding Formula (LCFF) and Local Control and Accountability Plans (LCAP) (EC section 52075, *Government Code* [GC] section 17581.6(f))
13. Migrant Education (EC sections 54440-54445)
14. Physical Education: Instructional Minutes (EC sections 51210, 51223)
15. Pupil Fees (EC sections 49010-49011)
16. Pupil Instruction: Course Periods Without Educational Content or Previously Completed Courses
17. Reasonable Accommodations to a Lactating Pupil (EC section 222)

18. Regional Occupational Centers and Programs (EC sections 52300–52334.7)
19. School Plans for Student Achievement (EC section 64001)
20. School Safety Plans (EC sections 32280–32289)
21. School Site Councils (EC 65000)
22. State Preschool Health and Safety Issues in LEAs Exempt from Licensing (EC sections 8235.5(a), 33315, GC section 17581.6 (f)), California *Health and Safety Code [HSC]* section 1596.7925)

Uniform Complaint Procedures shall also be used to address any complaint alleging MCOE's noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities. MCOE will attempt, in good faith, to engage in reasonable efforts to identify and fully reimburse all pupils, parents, and guardians who paid a pupil fee within one year prior to the filing of the complaint. (5 CCR 4600(u)) A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred. (5 CCR 4630(c)(2))

The Superintendent/Governing Board acknowledges and respects every individual's right to privacy. Discrimination, harassment, intimidation and bullying complaints shall be investigated in a manner consistent with applicable due process 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 County Superintendent or designee, on a case-by case basis.

Uniform Complaint Procedures shall also be used to address any complaint alleging that MCOE has not complied with legal requirements related to the implementation of the Local Control and Accountability Plan. (Education Code 52075)

Such complaints may be filed anonymously if the complaint provides evidence or information reasonably leading to evidence to support an allegation of noncompliance.

In addition, the UCP may resolve complaints of noncompliance with laws related to accommodations for lactating students, educational rights of foster youth and homeless students, assignment of students to courses without educational content, and physical education instructional minutes, as specified below:

1. Any complaint alleging MCOE noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student. (Education Code 222)
2. Any complaint, by or on behalf of any student who is a foster youth, alleging MCOE noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the MCOE educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the grant of an exemption from County Board-imposed graduation requirements. (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)
3. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, a former juvenile court school student, or a child of a military family as defined in Education Code 49701 who transfers into the district after his/her second year of high school, alleging MCOE noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from County Board-imposed graduation requirements. (Education Code 51225.1, 51225.2)
4. Any complaint alleging MCOE noncompliance with the requirements of Education

Code 51228.1 and 51228.2 that prohibit the assignment of a student in grades 9-12 to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions. (Education Code 51228.3)

5. Any complaint alleging MCOE noncompliance with the physical education instructional minutes requirement for students in elementary school. (Education Code 51210, 51223)

6. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy.

7. Annual dissemination of a written notice of MCOE's complaint procedures include the following statements:

- a. To all students, employees, parents or guardians of its students, school and district advisory committee members, appropriate private school officials or representatives, and other interested parties that includes information regarding allegations about discrimination, harassment, intimidation, or bullying.
- b. The person(s), employee(s), or LEA position(s), or unit(s) responsible at MCOE for receiving complaints, investigating complaints and ensuring LEA compliance.
- c. The person(s), employees(s), positions(s) or unit(s) responsible at MCOE for compliance and/or investigations shall be knowledgeable about the laws/programs that he/she is assigned to investigate.
- d. In order to identify appropriate subjects of state preschool health and safety issues pursuant to Section 1596.7925 of the *Health and Safety Code* [HSC section 1596.7925], a notice shall be posted in each California state preschool program classroom in each school at MCOE notifying parents, guardians, pupils, and teachers of both of the following:
- e. The health and safety requirements under Title 5 of the *California Code of Regulations* apply to California state preschool programs pursuant to HSC section 1596.7925.
- f. The location at which to obtain a form to file a complaint.

8. Any other complaints as specified in the MCOE policy.

The County Board encourages the early, informal resolution of complaints at the site level whenever possible. To resolve complaints which cannot be resolved through such informal process, the County Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670.

The County 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, harassment, bullying, or intimidation. Such participation shall not in any way affect the status, grades, or work assignments of the complainant. Uniform Complaint Procedures shall be used to address any complaint regarding such retaliation. Complainants are protected from retaliation and the identity of a complainant alleging discrimination, harassment, intimidation or bullying will remain confidential when appropriate. (EC 234.1(f); 5 CCR 4621)

When an allegation that is not subject to the UCP is included in a UCP complaint, MCOE shall refer the non-UCP allegation to the appropriate staff or agency and shall resolve the UCP-related allegation(s) through MCOE's UCP.

The County Superintendent or designee shall provide training annually to appropriate MCOE staff to ensure awareness and knowledge of current law and related requirements, including the steps and timelines specified in this policy and the accompanying administrative regulation.

The County Superintendent or designee shall maintain records of all UCP complaints and the

investigations of those complaints in accordance with applicable state law and MCOE policy.

Non-UCP Complaints

The following complaints shall not be subject to MCOE's UCP but shall be referred to the specified agency: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging fraud in connection with any program activity funded directly by or that receive a benefit from any state or federal financial assistance shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education.
4. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment.

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, teacher vacancies and misassignments shall be investigated pursuant to MCOE's Williams Uniform Complaint Procedure.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
222 Reasonable accommodations; lactating students
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
48853-48853.5 Foster Youth
41500-41513 Categorical education block grants
48985 Notices in language other than English
49060-49079 Student records
49069.5 Rights of Parents
49490-49590 Child nutrition programs
49701 Interstate Compact on Educational Opportunity for Military Children
51210 Courses of study grades 106
51223 Physical education, elementary schools
51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, and military-connected students; course credits; graduation requirements
51228.1-51228.3 Course periods without educational content
52060-52077 Local control and accountability plan, especially
52075 Complaint for lack of compliance with local control and accountability plan requirements
52160-52178 Bilingual education programs
52300-52490 Career-technical education

52500-52616.24 Adult schools
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
56000-56867 Special education programs
59000-59300 Special schools and centers
64000-64001 Consolidated application process

HEALTH AND SAFETY CODE

104420 Tobacco-Use Prevention Education

PENAL CODE

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 2

11023 Harassment and discrimination prevention and correction

CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4687 Uniform Complaint Procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

6301-6577 Title I basic programs

6601-6777 Title II preparing and recruiting high quality teachers and principals


6801-7014 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

Approved as to form:


ROBERT J. HENRY, of Counsel

Approved by

Marin County Board of Education

Revised: 3/13/07; 7/10/12; 6/11/13; 6/24/14; 10/15/19

MARIN COUNTY OFFICE OF EDUCATION
ADMINISTRATIVE RULES AND REGULATIONS

UNIFORM COMPLAINT PROCEDURES
(Board Policy 1501)

Except as the County Superintendent may otherwise specifically provide in other policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in Board Policy 1501.

The County Office designates the individual(s), position(s), or unit(s) identified below as responsible for coordinating the County Office's response to complaints and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serves as the compliance officer(s) for handling complaints aligned to Board Policy 1503 – Hate-Motivated Behavior Bullying Prevention regarding unlawful discrimination such as discriminatory harassment, intimidation, or bullying. The compliance officer(s) shall receive and coordinate the investigation of complaints and shall ensure County Office compliance with law.

Deputy Superintendent
Marin County Office of Education
1111 Las Gallinas Avenue
San Rafael, CA 94903 (415) 499-5805

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent, if applicable, if another compliance officer is assigned to the complaint. On a case by case basis the compliance officer may determine whether to employ one or more properly trained and licensed agents to assist in the investigation.

In no instance shall a compliance officer be assigned to a complaint in which the compliance officer has a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the County Superintendent or designee who shall determine how the complaint will be investigated.

The County Superintendent or designee shall ensure that employees or agents assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination (such a discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the County Superintendent or designee.

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the results of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the County Superintendent/designee, or, if appropriate, the site administration to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they

are no longer necessary or until MCOE issues its final written decision, whichever occurs first.

Notifications

MCOE's UCP policy and administrative regulation shall be posted in all MCOE schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

The County Superintendent or designee shall annually provide written notification of MCOE's Uniform Complaint Procedures, including information regarding unlawful student fees, Local Control and Accountability Plan (LCAP) requirements, and requirements related to the educational rights of foster youth, homeless students, former juvenile court school students, and children of military families, to students, employees, parents/guardians, MCOE advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. The annual notification, complete contact information of the compliance officer and information related to Title IX as required pursuant to Education Code 221.61 shall be posted on the MCOE web site and may be provided through MCOE-supported social media, if available. (Education Code 262.3, 48853, 48853.5, 49010-49013, 49069.5, 51225.1, 51225.2, 52075; 5 CCR 4622) As amended by AB 2306 (Ch. 464, Statutes of 2016), MCOE must include information about specified educational rights of foster youth, homeless students, former juvenile court school students, and children of military families in its annual UCP notification.

The County Superintendent or designee will make available copies of MCOE's Uniform Complaint Procedures free of charge. (5 CCR 4622)

The County Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in MCOE's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular MCOE programs speak a single primary language other than English, MCOE's policy, regulation, forms, and notices concerning the UCP shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, MCOE shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

The notice shall include:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints.
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable.
3. Include statements that:
 - a. MCOE is primarily responsible for compliance with state and federal laws and regulations governing educational programs including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group and all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board Policy.
 - b. The complaint review shall be completed within 60 calendar days from the date of receipt of

the complaint unless the complainant agrees in writing to an extension of the timeline

- c. An unlawful discrimination, harassment, intimidation, or bullying complaint must be filed not later than six months from the date the alleged discrimination, harassment, intimidation, or bullying occurs, or six months from the date the complainant first obtains knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying. The time for filing may be extended for up to 90 days by the County Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
- d. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of MCOE's educational program, including curricular and extracurricular activities. Complaints regarding student fees must be filed no later than one year from the date of the alleged violation occurred.
- e. MCOE is required to adopt and annually update a Local Control and Accountability Plan (LCAP), in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.
- f. Complaints should be filed in writing and signed by the complainant. If a complainant is unable to put his/her complaint in writing due to conditions such as a disability or illiteracy, MCOE staff shall assist him/her in the filing of the complaint.
- g. If a complaint is not filed in writing but MCOE receives notice of any allegation that is subject to the UCP, MCOE shall take affirmative steps to investigate and address the allegations, in a manner appropriate to the particular circumstances.

If the allegation involves retaliation or unlawful discrimination such as discriminatory harassment, intimidation, or bullying and the investigation confirms that discrimination has occurred, MCOE will take steps to prevent recurrence of discrimination and correct its discriminatory effects on the complainant, and on others, if appropriate.

- h. A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the office liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades, when he/she transfers between schools or between MCOE and another district.
- i. A foster youth, homeless student, former juvenile court school student, or child of a military family who transfers into a MCOE high school or between MCOE high schools as applicable shall be notified of MCOE's responsibility to:
 - (1) Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework completed.
 - (2) Not require the student to retake any course or a portion of a course which he/she has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency.
 - (3) If the student has completed his/her second year of high school before the transfer, provide

the student information about MCOE adopted coursework and County Board-imposed graduation requirements from which he/she may be exempted pursuant to Education Code 51225.1.

- j. The complainant has a right to appeal MCOE's decision to the CDE by filing a written appeal within 15 days of receiving MCOE's decision.
- k. The appeal to the CDE must include a copy of the complaint filed with MCOE and a copy of MCOE's decision.
- l. Copies of MCOE's UCP are available free of charge.
- m. UCP complaints regarding state preschool health and safety issues pursuant to HSC section 1596.7925 shall include the following statements:
 - mi. File with the preschool program administrator or his or her designee.
 - mii. A state preschool health and safety issue complaint pursuant to HSC section 1596.7925 about problems beyond the authority of the preschool program administrator shall be forwarded in a timely manner, but not to exceed 10 working days to the appropriate local educational agency official for resolution.
 - miii. A State preschool health and safety issues complaint pursuant to HSC section 1596.7925 may be filed anonymously. A complainant who identifies himself or herself is entitled to a response if he or she indicates that a response is requested. A complaint form shall include a space to mark to indicate whether a response is requested. If Section 48985 of the EC is otherwise applicable, the response, if requested, and report shall be written in English and the primary language in which the complaint was filed.
 - miv. A complaint form for a state preschool health and safety issue pursuant to HSC section 1596.7925 shall specify the location for filing a complaint. A complaint may add as much text to explain the complaint as he or she wishes.
- n. The preschool program administrator or the designee of the **district** superintendent shall (1) make all reasonable efforts to investigate any problem within his or her authority. Investigations shall begin within 10 days of the receipt of the complaint and (2) remedy a valid complaint within a reasonable time period, but not to exceed 30 working days from the date the complaint was received and report to the complainant the resolution of the complaint within 45 working days of the initial filing. If the preschool program administrator makes this report, he or she shall also report the same information in the same timeframe to the designee of county office superintendent.
- o. If a public school or LEA finds merit in a complaint regarding Pupil Fees; Local Control and Accountability Plan (LCAP); and/or Physical Education Instructional Minutes (grades one through eight), the remedy shall go to all affected pupils and parents/guardians.
- p. A statement declaring that a complainant not satisfied with the resolution of the preschool program administrator or the designee of the district superintendent has the right to describe the complaint to the governing board of the local educational agency at a regularly scheduled hearing of the governing board or body, as applicable, of the LEA.
- q. A statement declaring that complainant who is not satisfied with the resolution proffered by the preschool program administrator or the designee of superintendent has the right to file an appeal to the State Superintendent of Public Instruction (SSPI) within 30 days of the date of the report.
- r. A complainant shall comply with the appeal requirements of 5 CCR section 4632.

- s. A statement declaring that the SSPI or his or her designee shall comply with the requirements of 5 CCR section 4633 and shall provide a written Decision to the State Board of Education describing the basis for the complaint, the LEA's response to the state preschool health and safety issues pursuant to HSC section 1596.7925 complaint and its remedy or proposed remedy and, as appropriate, a proposed remedy for the issue described in the complaint, if different from LEA's remedy.
- t. A statement declaring that the LEA shall report summarized data on the nature and resolution of all state preschool health and safety issues complaints pursuant to HSC section 1596.7925 on a quarterly basis to the county superintendent of schools and the governing board (or authorized designee), as applicable, of the LEA. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the LEA's governing board. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints.
- u. A statement declaring that all complaints and responses are public records.

MCOE Responsibilities

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 shall be posted on the district website and may be provided through district-supported social media, if available.

All UCP-related complaints shall be investigated, resolved and a written report issued to the complainant within 60 calendar days of the MCOE's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (EC 234.1; 5 CCR 4631)

The compliance officer shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation, unlawful discrimination, or bullying confidential except as required by appropriate due process or when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR 4630, 4964)

Filing of Complaint

Any individual, public agency, or organization may file a written complaint of alleged noncompliance with federal or state laws or regulations governing educational programs by MCOE at (5CCR 4630):

Deputy Superintendent
Marin County Office of Education
1111 Las Gallinas Avenue Avenue
San Rafael, CA 94903 (415) 499-5805

The complaint shall be presented to the above named compliance project officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints shall be filed in accordance with the following:

Uniform complaint procedures shall also be used when addressing complaints alleging noncompliance with state and/or federal laws in: (5 CCR 4610)

1. Accommodations for Pregnant and Parenting Pupils (California Education Cod [EC] section 46015)
2. Adult Education Programs (EC sections 8500-8538, 52334.7, 52500-52616.4)
3. After School Education and Safety Programs (EC sections 8482-8484.65)
4. Agricultural Career Technical Education (EC sections 52460-52462)
5. Career Technical and Technical Education, Career Technical, Technical Training (state) (EC sections 52300-52462)
6. Career Technical Education (federal) (EC sections 51226-51226.1)
7. Child Care and Development (including State Preschool) (EC sections 8200-8493)
8. Compensatory education (EC section 54400)
9. Course periods with Educational Content (EC sections 51228.1-51228.3)
10. Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in a school district and Children of Military Families (EC sections 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
11. Every Student Succeeds Act (20 *United States Code* [20 U.S.C.] section 6301 et seq.; EC section 52059)
12. Local Control Funding Formula (LCFF) and Local Control and Accountability Plans (LCAP) (EC section 52075, *Government Code* [GC] section 17581.6(f))
13. Migrant Education (EC sections 54440-54445)
14. Physical Education: Instructional Minutes (EC sections 51210, 51223)
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17. Reasonable Accommodations to a Lactating Pupil (EC section 222)
18. Regional Occupational Centers and Programs (EC sections 52300-52334.7)
19. School Plans for Student Achievement (EC section 64001)
20. School Safety Plans (EC sections 32280-32289)
21. School Site Councils (EC 65000)
22. State Preschool Health and Safety Issues in LEAs Exempt from Licensing (EC sections 8235.5(a), 33315, GC section 17581.6 (f)), *California Health and Safety Code* [HSC] section 1596.7925)

Uniform Complaint Procedures shall also be used to address any complaint alleging MCOE's noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities. MCOE will attempt in good faith to engage in reasonable efforts to identify and fully reimburse all pupils, parents, and guardians who paid a pupil fee within one year prior to the filing of the complaint. (5 CCR 4600(u)) A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred. (5 CCR 4630(c)(2))

Uniform Complaint Procedures shall also be used to address any complaint alleging that MCOE has not complied with legal requirements related to the implementation of the Local Control and Accountability Plan. (Education Code 52075) Such complaints may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

In addition, the UCP may resolve complaints of noncompliance with laws related to accommodations for lactating students, educational rights of foster youth and homeless students, assignment of students to courses without educational content, and physical education instructional minutes, as specified below:

1. Any complaint alleging MCOE noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant

child, or address other breastfeeding-related needs of the student. (Education Code [222](#))

2. Any complaint, by or on behalf of any student who is a foster youth, alleging MCOE noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the MCOE educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the grant of an exemption from County Board-imposed graduation requirements. (Education Code [48853](#), [48853.5](#), [49069.5](#), [51225.1](#), [51225.2](#))

3. Any complaint, by or on behalf of a homeless student as defined in 42 USC [11434a](#), a former juvenile court school student, or a child of a military family as defined in Education Code [49701](#) who transfers into the district after his/her second year of high school, alleging MCOE noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from County Board-imposed graduation requirements. (Education Code [51225.1](#), [51225.2](#))

4. Any complaint alleging MCOE noncompliance with the requirements of Education Code [51228.1](#) and [51228.2](#) that prohibit the assignment of a student in grades 9-12 to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions. (Education Code [51228.3](#))

5. Any complaint alleging MCOE noncompliance with the physical education instructional minutes requirement for students in elementary school. (Education Code [51210](#), [51223](#))

6. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy.

7. Any other complaints as specified in the MCOE policy.

Mediation

MCOE recognizes that Alternative Dispute Resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is acceptable to all parties. ADR, such as mediation, may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where it is reasonably likely that the party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process. Within three business days after the compliance officer receives the complaint, he/she may informally discuss with all the parties the possibility of using mediation.

Before initiating the mediation of a complaint alleging retaliation, unlawful discrimination, or bullying, the compliance officer shall ensure that all parties agree to make the mediator a party to relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend MCOE's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then MCOE shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, MCOE shall then continue with subsequent steps specified in this

administrative regulation.

Investigation of Complaint

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin or cause to begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or his/her representative with the opportunity to present the information contained in complaint to the compliance officer and shall notify the complainant and/or his/her representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer or designee shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. To resolve a complaint alleging retaliation, unlawful discrimination, harassment, intimidation or bullying, the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff, agents or legal counsel may conduct or support the investigation.

A complainant's refusal to provide MCOE's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR [4631](#))

In accordance with law, MCOE shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of MCOE to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR [4631](#)) The compliance officer shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

Report of Findings

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report of the MCOE's investigation and decision, as described in the section "Final Written Decision" below, within 60 calendar days of MCOE's receipt of the complaint. (5 CCR [4631](#))

Final Written Decision

MCOE's decision shall be in writing and shall be sent to the complainant. The written report of Findings shall contain the investigative findings and MCOE's decision, including corrective action(s), if any, and suggested remedies, if applicable. (5 CCR [4631](#))

In consultation with MCOE legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the decision or affected by the complaint, as long as the privacy of the parties is protected.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved attends a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language. In all other instances, MCOE shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For all decisions, the written report shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered will be provided to the complainant within 60 days from receipt of complaint, unless complainant agrees in writing to an extension of time. (EC 234.1; 5 CCR 4631)

In reaching a factual determination, the following factors may be taken into account:

- a) Statements made by any witnesses
- b) The relative credibility of the individuals involved
- c) How the complaining individual reacted to the incident
- d) Any documentary or other evidence relating to the alleged conduct
- e) Past instances of similar conduct by any alleged offenders
- f) Past false allegations made by the complainant
- g) Any other information deemed material and credible

2. The conclusion(s) of law

3. Disposition of the complaint

4. Rationale for such a disposition

5. Corrective actions, if any are warranted

6. Notice of the complainant's right to appeal MCOE's decision to the CDE within 15 calendar days of receiving the Report of Findings

7. Procedures to be followed for initiating an appeal to the CDE are:

- a) Persons or organizations disagreeing with the investigative findings must file an appeal in writing and include a copy of the original complaint, as well as a copy of MCOE's decision.
- b) The appeal should be sent to:

The California Department of Education
1430 N Street
Sacramento, CA 95814

For complaints of retaliation or unlawful discrimination, including discriminatory harassment, intimidation, or bullying, the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

1. The manner in which the misconduct affected one or more students' education
2. The type, frequency, and duration of the misconduct
3. The relationship between the alleged victim(s) and offender(s)
4. The number of persons engaged in the conduct and at whom the conduct was directed
5. The size of the school, location of the incidents, and context in which they occurred
6. Other incidents at the school involving different individuals, such as separate corrective actions(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600
7. Any other information deemed material and credible

For complaints of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, the decision may, as required by law, include:

1. The corrective actions imposed on the individual found to have engaged in the conduct that relates directly to the subject of the complaint.
2. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint, but this information should not be shared with respondent.
3. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence.
4. Notice of the complainant's right to appeal MCOE's decision to the CDE within 15 calendar days and procedures to be followed for initiating such an appeal

The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

For complaints, alleging unlawful discrimination based on state law, including discriminatory harassment, intimidation, and bullying, the decision shall also include a notice to the complainant that:

1. The complainant may pursue available civil law remedies outside of MCOE's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with the CDE. (Education Code 262.3)
2. The 60 day moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

Corrective Actions

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the MCOE operations may include, but are not limited to, actions to reinforce MCOE policies, training for faculty, staff, and students, updates to school policies, or organization's climate surveys.

For complaints involving retaliation, unlawful discrimination, or bullying, appropriate corrective actions that focus on the victim may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

For complaints involving retaliation, unlawful discrimination, or bullying, appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a Student Planning Team
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

MCOE may also consider training and other interventions for the larger educational programs/services community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination, including discriminatory harassment, intimidation, or bullying, that MCOE does not tolerate it, and how to report and respond to it.

If a public school or MCOE finds merit in a complaint regarding Pupil Fees; Local Control and Accountability Plan (LCAP); and/or Physical Education Instructional Minutes (grades one through eight), the remedy shall go to all affected pupils and parents/guardians. The remedy shall go to the affected pupil in the case of complaints regarding Course Periods without Educational Content; Reasonable Accommodations to a Lactating Pupil, and/or Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled, and pupils in military families. In LCAP and pupil fee complaints, the remedy shall go to all affected pupils, parents/guardians, which in the case of pupil fees. MCOE ensures an attempt shall be made in good faith to engage in reasonable efforts to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint, subject to procedures established through regulations adopted by the state board. (Education Code 49013(d), 52075(d), 5 CCR 4600(u))

Appeals to the California Department of Education

Any complainant who is dissatisfied with MCOE's final written decision of a UCP complaint regarding all specified federal and state educational programs subject to the UCP may file an appeal in writing with the CDE within 15 calendar days of receiving MCOE's decision at California Department of Education, 1430 N Street, Sacramento, CA 95814. (Education Code 222, 48853, 48853.5, 49013, 49069.5, 51223, 51225.1, 51225.2, 51228.3, 52075; 5 CCR 4632)

The complainant shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of MCOE's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant has appealed the MCOE's decision, the County Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the decision
3. A summary of the nature and extent of the investigation conducted by MCOE, if not covered by the decision
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of MCOE's Uniform Complaint Procedures
7. A complainant not satisfied with the resolution of the preschool program administrator or the designee of the Superintendent has the right to describe the complaint to the governing board (or authorized designee) at a regularly scheduled hearing of the governing board.
8. A complainant who is not satisfied with the resolution proffered by the preschool program administrator or the designee of Superintendent has the right to file an appeal to the State Superintendent of Public Instruction (SSPI) within 30 days of the date of the report.
9. A complainant shall comply with the appeal requirements of 5 CCR section 4632.
10. The SSPI or his or her designee shall comply with the requirements of 5 CCR section 4633 and shall provide a written Decision to the State Board of Education describing the basis for the complaint, MCOE's response to the state preschool health and safety issues pursuant to HSC section 1596.7925 complaint and its remedy or proposed remedy and a proposed remedy for the issue described in the complaint, if different from MCOE's remedy.
11. We shall report summarized data on the nature and resolution of all state preschool health and safety issues complaints pursuant to HSC section 1596.7925 on a quarterly basis to the county superintendent of schools and the governing board (or authorized designee), as applicable, of our agency. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of our agency's governing board. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints.
12. A statement declaring that all complaints and responses are public records.
13. Other relevant information requested by the CDE

Approved by Marin County Board of Education

Revised: 3/13/07; 7/10/12; 6/24/14; 10/15/19

4000 PERSONNEL**4100 ALL PERSONNEL****4141 ADULT SEXUAL AND GENDER-BASED HARASSMENT****Purpose of Policy**

It is the position of the Superintendent/Governing Board of the Marin County Office of Education that sexual or gender-based harassment is unlawful and will not be tolerated. It is a violation of this policy for any employee, agent, student, or party with which the district has a cooperative agreement, to engage in sexual or gender-based harassment.

It is the policy of the Superintendent/Governing Board of the Marin County Office of Education to provide an employment environment free of sexual or gender-based harassment. To accomplish this, the policy is designed to secure, at the earliest level possible, an appropriate resolution to incidents and allegations of harassment.

This policy is intended to supplement, and not replace, any applicable state or federal laws and regulations. Complaints under these laws and regulations shall be processed through the procedures established by the appropriate state and/or federal agencies.

Definitions of Sexual and Gender-Based Harassment

For the purposes of this policy, sexual harassment is defined by Education Code Section 212.5, "Sexual harassment means unwelcome sexual conduct including, advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature, made by someone from or in the work or educational setting.

Gender-based harassment includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex, although they are not necessarily sexual in nature. Prohibited conduct includes harassment of a student for exhibiting what is perceived as a stereotypical characteristic for her or his sex, or for nonconformity with stereotypical notions of masculinity and femininity.

Sexual and/or gender-based harassment denies or limits a student's ability to participate in or benefit from the Marin County Office of Education's school programs under any of the following conditions:

- (a) Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress.
- (b) Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
- (c) The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.
- (d) Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution."

Specifically, sexual or gender-based harassment may occur as a pattern of degrading sexual and gender-based speech or actions ranging from verbal or physical annoyances or distractions to deliberate intimidations and frank threats or sexual demands.

Examples of conduct which may constitute sexual harassment include, but are not limited to:

- (1) Suggestive or obscene letters, notes, invitations, derogatory comments, slurs, jokes, epithets, assault, touching, impeding or blocking movement, leering, gesture, display of sexually suggestive objects or pictures, or cartoons, whether conducted in person or through an electronic means.
- (2) Among peers, continuing to express sexual interest after being informed that the interest is unwelcome.
- (3) Within the employment environment, implying or actually withholding satisfactory evaluations or suggesting that promotion or favorable evaluations will be denied as a condition of receiving sexual favors.
- (4) Offering favors or employment benefits, such as promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.

Examples of conduct with may constitute gender-based harassment include, but are not limited to:

- (1) Slurs, threats, derogatory comments, unwelcome jokes, or degrading descriptions related to or because of a student's gender or gender identity.
- (2) Harassment of a student because of his/her perceived effeminate/masculine mannerisms.

- (3) Harassment of a student because of his/her non-traditional choice of extracurricular activities, apparel, and personal grooming choices.
- (4) Disparaging remarks about a student because the student socializes with students of the opposite sex, or is predominately friends with students of the opposite sex.

Remedial and Corrective Actions

Where unlawful sexual or gender-based harassment is found to have occurred, the Marin County Office of Education will take appropriate remedial and/or corrective action(s), including consideration of the following: providing counseling to a targeted individual or individual(s) found to have engaged in harassment; limiting the interaction between the targeted student(s) and the individual(s) found to have engaged in the harassment; whether remedial measures are necessary to respond to the impact of the harassing conduct on witnesses or bystanders; and whether other schoolwide actions, such as education and training, are appropriate to respond to the harassing conduct and prevent a recurrence.

Administrative Regulations

The Superintendent/Governing Board shall adopt, and from time to time may revise, further procedures as may be necessary to implement this policy and provide for a means of enforcing this policy.

Training and Curriculum

To implement this policy, the Marin County Office of Education will provide appropriate training programs for staff (and students.) Employees in a supervisory capacity will be trained, as required by law, at least every two (2) years beginning January 1, 2006. Teachers are not considered to be supervisory.

Notification

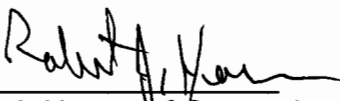
There will be adequate notification of the policy to include public posting. The policy will be published in site handbooks and/or the Marin County Office of Education Personnel Handbook.

Special Assistance

It is expected that questions may arise concerning this policy. For assistance in these matters, individuals may contact the Superintendent or designee.

Legal Reference:
Title VII of the Civil Rights Act
42 USC Section 2000-e-2(a)(1)
California Fair Employment and Housing act
Government Code section 12940
Education Code section 212.5
Government Code section 12950.1

Approved as to form:



Robert J. Henry, of Counsel

Approved by Marin County Office of Education: 6/11/13

ADMINISTRATIVE REGULATION 4141**ADULT SEXUAL AND GENDER-BASED HARASSMENT****Reporting Procedure**

Any employee who believes he or she has been sexually harassed by an employee, agent, student or guest/vendor of the Marin County Office of Education should report the facts of the incident(s) to the site administrator or supervisor. If the site administrator or supervisor is the alleged harasser, the employee should report to the Superintendent/or designee. A written report of the alleged incident will be filed and forwarded to the Superintendent. A copy of Board policy will be provided to the employee who makes the complaint.

Employees who feel aggrieved because of unwelcome conduct that may constitute sexual or gender-based harassment are not required to inform the person that the conduct is unwanted, offensive, and must stop, but are encouraged to do so. An aggrieved individual is not required to complain to his or her supervisor if that supervisor is the individual who is harassing them.

Filing Complaints with State and Federal Agencies

Aggrieved parties may wish to file complaints with other appropriate state and federal agencies, including:

Equal Employment Opportunity Commission
901 Market Street, San Francisco, CA 94103 (415) 356-5061

The State Fair Employment and Housing Commission
30 Van Ness Avenue, San Francisco, CA 94102, (415) 557-2005.

U.S. Department of Education, Office of Civil Rights
50 Beale Street, Suite 7200, San Francisco, CA 94105-1813, (415) 486-5555

Confidentiality

An allegation of sexual or gender-based harassment and the results of the investigation shall be kept confidential to the extent reasonably possible under the investigation process. The site administrator will inform the employee making the report that the allegation and the results of the investigation shall be kept confidential to the extent reasonably possible under the investigation process. In addition, witnesses and those interviewed shall be informed of the confidential nature of the issue and the investigation, as well as the reason for confidentiality. The alleged harasser will also be informed as to the confidential nature of the procedure. Anyone violating confidentiality by disclosing the nature of the allegation or the investigation to others shall be subject to disciplinary action.

Retaliation is Prohibited

So long as the allegation is not brought forward in bad faith, the initiation of an allegation of sexual or gender-based harassment will not cause any reflection on the individual reporting the incident or witnesses nor will it affect such persons' future business dealings with the Marin County Office of Education, his or her employment, compensation or work assignments, or other matters pertaining to his or her status in any Marin County Office of Education programs or activities. It shall be a violation of this policy to engage in such retaliation. An allegation of retaliation shall be considered as a separate incident, shall be investigated, and shall be subject to disciplinary action as defined in this policy.

The Marin County Office of Education will take reasonable measures to prevent retaliation against any target student(s) and/or any other student(s) who provide information as witnesses, including identifying school personnel to make follow-up inquiries with the targeted student(s), witness(es) and/or their parents.

Time Limits

Allegations of sexual or gender-based harassment shall be reported as soon as reasonably possible after the conduct in question has taken place.

Disciplinary Action

Employees who violate this policy shall be subject to disciplinary action up to and including dismissal. Such disciplinary action will be in accordance with applicable policies, laws, and/or collective bargaining agreements.

When disciplinary action is necessary the Superintendent/or designee will be consulted to determine what course of action is appropriate.

Investigation

The Superintendent/or designee is authorized to develop regulations by which reports of sexual or gender-based harassment shall be addressed. Such process shall include an informal resolution process, an investigation, and issuance of a summary report.

Appeal Procedure

Either the complaining party or the accused may appeal the summary report to the Superintendent/Governing Board of the Marin County Office of Education. Appeals should be made within 10 business days from the date of the issuance of the summary report. Procedures shall be set forth in the Administrative Regulations.

5000 STUDENTS

5200 STUDENT WELFARE

5205 STUDENT SEXUAL AND GENDER-BASED HARASSMENT

Purpose of Policy

It is the policy of the Superintendent/Governing Board of the Marin County Office of Education to provide an educational environment free of sexual or gender-based harassment. To accomplish this purpose, the policy is designed to secure, at the earliest level possible, an appropriate resolution to an allegation of sexual or gender-based harassment.

This policy is intended to supplement, and not replace, any applicable state or federal laws and regulations. Complaints under these laws and regulations shall be processed through the procedures established by the appropriate state and/or federal agencies.

It is the position of this Superintendent/Governing Board that sexual or gender-based harassment is unlawful and will not be tolerated. It is a violation of this policy for any employee, agent, student, or party with which the Marin County Office of Education has a cooperative agreement, to engage in sexual or gender-based harassment.

Definitions of Sexual and Gender-Based Harassment

As it pertains to students, Education Code Section 212.5 defines "sexual harassment" as "unwelcome sexual conduct including advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting.

Gender-based harassment includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex, although they are not necessarily sexual in nature. Prohibited conduct includes harassment of a student for exhibiting what is perceived as a stereotypical characteristic for her or his sex, or for nonconformity with stereotypical notions of masculinity and femininity.

Sexual and/or gender-based harassment denies or limits a student's ability to participate in or benefit from the District's school's program under any of the following conditions:

(a) Submission to the conduct is explicitly or implicitly made a term or condition of an individual's academic status or progress.

(b) Submission to, or rejection of, the conduct by the individual is used as the basis of academic decisions affecting the individual.

(c) The conduct has the purpose or effect of having a negative impact upon the individual's academic performance, or of creating an intimidating, hostile, or offensive educational environment.

(d) Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution."

Specifically, sexual or gender-based harassment may occur as a pattern of degrading sexual speech or actions ranging from verbal or physical annoyances or distractions to deliberate intimidations and frank threats or sexual demands.

Examples of conduct which may constitute sexual harassment include, but are not limited to:

- (1) Suggestive or obscene letters, notes, invitations, derogatory comments, slurs, jokes, epithets, assault, touching, impeding or blocking movement, leering, gestures, display of sexually suggestive objects or pictures, or cartoons, whether conducted in person or through an electronic means.
- (2) Among peers, continuing to show sexual interest after being informed that the interest is unwelcome. (Reciprocal attraction, among peers, is not considered sexual or gender-based harassment.)
- (3) Within the educational environment, implying or actually withholding grades earned or deserved; suggesting a poor performance evaluation will be prepared; or suggesting a scholarship recommendation or college application will be denied as a condition of receiving sexual favors.
- (4) Within the educational environment, engaging in sexual behavior to control influence, or affect the educational opportunities, grades, and/or learning environment of a student.
- (5) Offering favors or education or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.

Any expression of sexual interest between adults and students, regardless of reciprocity is considered inappropriate and shall be subject to discipline under applicable state law.

Examples of conduct which may constitute gender-based harassment include, but are not limited to:

- (1) Slurs, threats, derogatory comments, unwelcome jokes, or degrading descriptions related to or because of a student's gender or gender identity.
- (2) Harassment of a male student because of his perceived effeminate mannerisms.
- (3) Harassment of a student because of his/her non-traditional choice of extracurricular activities, apparel, and personal grooming choices.
- (4) Disparaging remarks about a student because the student socializes with students of the opposite sex, or is predominately friends with students of the opposite sex;

Definition of Hostile Environment

A hostile environment based on sex or gender has been created where the conduct is sufficiently serious to interfere with or limit a student's ability to participate in or benefit from the school's program. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the harassment is physical.

Remedial and Corrective Actions

Where unlawful sexual or gender-based harassment is found to have occurred, the Marin County Office of Education will take appropriate remedial and/or corrective action(s), including consideration of the following: providing counseling to a targeted student or for student(s) found to have engaged in harassment; limiting the interaction between the targeted student(s) and the harassing student(s); whether remedial measures are necessary to respond to the impact of the harassing conduct on witnesses or bystanders; and whether other schoolwide actions, such as education and training, are appropriate to respond to the harassing conduct and prevent a recurrence.

Training and Curriculum

To implement this policy, the Marin County Office of Education will provide appropriate training programs for staff and students.

Notification

There will be adequate notification of the policy to include permanent posters in public areas, offices, and hallways. The policy will be published in Marin County Office of Education handbooks and other appropriate materials for employees.

Administrative Regulation

The Superintendent/Governing Board shall adopt, and from time to time may revise, further procedures as may be necessary to implement this policy and provide for a means of enforcing this policy. Such further procedures may include the following: posting and other means of distributing the policy; a process under which complaints will be handled, formally or informally, an explanation of possible civil proceedings and potential legal consequences of sexual or gender-based harassment. The Superintendent will initiate training and education programs to enable all persons, and in particular, supervisors, to better understand the problem of sexual or gender-based harassment. In addition, the Superintendent shall designate appropriate employees to enforce or administer this policy within the Marin County Office of Education and shall provide for appropriate training for Principal/Program Managers and other supervisory personnel on an annual basis.

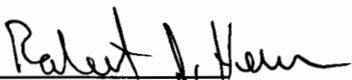
Special Assistance

It is expected that questions may arise concerning the interpretation of the prohibition against sexual or gender-based harassment, the methods and procedures to be following in the investigation of complaints, and the appropriateness of specific solutions in disposition of complaints. For assistance in these matters, individuals may contact the Superintendent or designee.

Current Legal references barring sexual or gender-based harassment in education:

Title VII of the Civil Rights Act – 42 USC Section 2000-e-2(a)(1)
 California Fair Employment & Housing Act – Government Code Section 12940
 Title IX of the Education Amendments of 1972 29 USC Section 1681 et. seq.
 California Education Code, Section 200 et seq.

Approved as to form:


 Robert J. Henry, of Counsel

Approved by Marin County Board of Education: 6/11/13

ADMINISTRATIVE REGULATION 5205 STUDENT SEXUAL AND GENDER-BASED HARASSMENT

Reporting Procedure

Any student who believes he or she has been sexually harassed by an employee, agent, or student of the Marin County Office of Education, should promptly report the facts of the incident(s) and the name of the individual(s) involved to an adult staff member with whom they feel comfortable, and that person shall report the incident to the school site administrator or Superintendent/or designee within 24 hours. A written report of the alleged incident will be developed by the site administrator or Superintendent/or designee. A copy of the report, along with a copy of this policy, shall be mailed to the parent of the student who initiated the complaint.

All staff, upon personal knowledge of an incident of sexual or gender-based harassment or who have received report(s) or information of allegation(s) of sexual or gender-based harassment, whether such incidents are verbal or physical or amount to harassment in other forms are obligated to report it to the school principal or Superintendent.

Students who feel aggrieved because of unwelcome conduct that may constitute sexual or gender-based harassment are not required to inform the person engaging in such conduct that the conduct is unwanted, offensive and must stop, but are encouraged to do so. An aggrieved individual is not required to complain to his or her instructor if that instructor is the individual who is harassing the student. Any individuals making a report may bring an advocate to assist them.

Confidentiality

An allegation of sexual or gender-based harassment and the results of the investigation shall be kept confidential to the extent reasonably possible under the investigative process. Witnesses and those interviewed shall be informed of the confidential nature of the issues and the investigation, and shall be informed that it will be a violation of this administrative regulation to disclose the allegation or the nature of the investigation to others and shall be subject to disciplinary action as defined in this policy.

Retaliation is Prohibited

So long as the allegation is not brought forward in bad faith, the initiation of an allegation of sexual or gender-based harassment, will not cause any reflection on the individual reporting the incident or witnesses nor will it affect such persons' future business dealings with the Marin County Office of Education, his or her employment, compensation or work assignments, or, in the case of students,

grades, class section or other matters pertaining to his or her status as a student of any Marin County Office of Education programs. It shall be a violation of this policy to engage in such retaliation. An allegation of retaliation shall be considered as a separate incident, shall be investigated, and shall be subject to disciplinary action.

Reasonable measures will be taken to prevent retaliation against any target student(s) and/or any other student(s) who provide information as witnesses, including identifying school personnel to make follow-up inquiries with the targeted student(s), witness(es) and/or their parents.

It shall be a violation of this policy to engage in such retaliation. An allegation of retaliation shall be considered as a separate incident, shall be investigated, and shall be subject to disciplinary action as defined in this policy.

Time Limits

Students are encouraged to report allegations of sexual or gender-based harassment to an adult staff member with whom they feel comfortable as soon as reasonably possible after the conduct in question has taken place.

Investigation Guidelines

All investigations of allegations of sexual or gender-based harassment shall be handled promptly, in a serious, sensitive and confidential manner. The Superintendent shall determine in advance which administrative staff positions will be trained to complete these investigations and a trained, qualified administrator at the school site of the reported incident will complete the investigation, unless deemed inappropriate in a specific situation.

All sexual and gender-based harassment investigations at the Marin County Office of Education will be conducted by individual(s) with knowledge of the applicable legal standards and theories of such claims of harassment under Title IX, and the relevant District policies and complaint procedures. The investigator will also be knowledgeable in how to recognize and remedy such harassment. If the targeted student wishes, the targeted student may identify the harassing student(s) and/or witnesses and provide other information in a manner which initially protects the targeted student's confidentiality, to the extent possible; and consistent with statutory and constitutional due process;

If the investigator receives an anonymous complaint or media report about alleged sexual or gender-based harassment, he/she shall consider the specificity and reliability of the information, the seriousness of the alleged incident, and whether any individuals can be identified who were subjected to the alleged harassment in determining whether it is reasonable to pursue an investigation.

Investigation Process

The investigator shall promptly investigate all complaints of sexual or gender-based harassment. In so doing, he/she shall talk individually with:

- (a) The student who is complaining;
- (b) The person accused of harassment;
- (c) Anyone who witnessed the conduct complained of; and
- (d) Anyone mentioned as having material information related to the complaint

The student who is complaining shall have an opportunity to describe the incident, present witnesses and other evidence of the harassment, and put his/her complaint in writing.

The investigator shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the investigator also may discuss the complaint with the following persons:

- (a) The Superintendent or designee or school administration;
- (b) The parent/guardian of the student who complained;
- (c) If the alleged harasser is a student, his/her parent/guardian;
- (d) A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth; and
- (e) Child protective agencies responsible for investigating child abuse reports

When the student who complained and the alleged harasser so agree, the principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree. In reaching a decision about the complaint, the investigator may take into account:

- (a) Statements made by the persons identified above;
- (b) The details and consistency of each person's account ;
- (c) Evidence of how the complaining student reacted to the incident;

- (d) Evidence of any past instances of harassment by the alleged harasser;
and
- (e) Evidence of any past harassment complaints that were found to be untrue.

To judge the severity of the harassment, the investigator may take into consideration:

- (a) How the misconduct affected one or more students' education;
- (b) The type, frequency and duration of the misconduct;
- (c) The number of persons involved;
- (d) The age and gender of the person accused of harassment;
- (e) The subject(s) of harassment;
- (f) The place and situation where the incident occurred; and
- (g) Other incidents at the school, including incidents of harassment that were not related to gender.

Investigation Protocol

The Marin County Office of Education's designated staff member(s) shall memorialize in writing all reports of alleged harassment.

The Marin County Office of Education shall implement appropriate interim measures to prevent further harassment of the targeted student, as well as measures to avoid retaliation against the reporting student, pending the resolution of the complaint.

The Marin County Office of Education shall maintain on-going contact with the targeted student throughout the investigation.

The Marin County Office of Education shall make reasonable efforts to identify the harassing student(s) and/or witnesses if the targeted student is unaware of their identities or names (e.g. interviewing other students and/or staff who were present during the incident).

The Marin County Office of Education shall refer the matter to law enforcement authorities where appropriate.

The Marin County Office of Education shall interview all relevant student and staff witnesses, and review all relevant documents and physical evidence.

Subject to applicable evidentiary privileges and/or privacy rights, the Marin County Office of Education shall maintain documentation of all investigative steps, including statements provided by targeted student, his/her parents, and any other witnesses or reporting parties, the evidence reviewed, any remedial actions taken, and a copy of the letter of finding issued at the conclusion of the investigation; and

The Marin County Office of Education shall contact the targeted student within a reasonable period of time following the conclusion of the investigation to assess whether there are new allegations of on-going harassment or retaliation, and to determine whether additional supportive measures are needed.

The designated investigator shall, as soon as reasonably possible after the incident has been reported, inform the student, employee, or other person accused of sexual or gender-based harassment of the allegation, and they will be given an opportunity to respond. The person accused shall not be given a copy of the complaint but shall be informed of the allegations. The name of complaint party shall remain confidential to the extent possible.

All parties, specifically including complainants, and witnesses, will be promptly and fully informed of their rights pursuant to this policy, including the fact that complainant and witnesses will not be retaliated against and the confidential nature of the allegation and investigation.

Investigation Results

A written report of the investigation findings shall be filed by the investigator with the Superintendent's office within twenty (20) school days of the date the student filed the incident report. Subject to applicable evidentiary privileges and/or privacy rights, the final written report will describe the steps taken in the investigation and the facts gathered, whether or not the alleged sexual and/or gender-based harassment occurred, and explaining the basis for the Marin County Office of Education's conclusion.

Subject to applicable evidentiary privileges and/or privacy rights, the Marin County Office of Education shall provide written notification to the parents/guardians of the targeted student generally explaining the Marin County Office of Education's investigative process, its factual findings, its determination as to whether harassment occurred, the reasons for the decision, and the appeal procedures within thirty (30) school days. The Marin County Office of Education may also provide a summary of its findings to the accused student's parents

The Superintendent may extend the timeline depending on the nature of the investigation. If an extension is needed, the Marin County Office of Education will notify the targeted student and the student's parent/guardian (if the parent/guardian made the complaint), and explain the reasons for the extension.

The name or title and contact information for the Marin County Office of Education employee(s) responsible for receiving and/or investigating reports of alleged harassment, including the investigatory report is:

Name Marin County Office of Education
 Title Attn: Deputy Superintendent
 Contact Information 1111 Las Gallinas Avenue/P.O. Box 4925
 San Rafael, CA 94913-4925
 (415) 499-5866

Steps to Remedy Harassment and Prevent Recurrence

The Marin County Office of Education will, as appropriate, offer counseling to students found to have engaged in harassment in order to ensure that they understand what constitutes harassment, the consequences for engaging in harassment and the effects harassment can have on others, and limiting the interaction between the harassing student(s) and the targeted student;

The Marin County Office of Education will offer counseling services and may consider providing academic support services to any student found to have been subjected to unlawful harassment, as appropriate.

The Marin County Office of Education will also consider whether remedial measures are necessary to respond to the impact of the harassing conduct on witnesses or bystanders and whether other schoolwide actions, such as education and training, are appropriate to respond to the harassing conduct and prevent a recurrence.

The Marin County Office of Education will take measures to prevent retaliation against targeted students and/or any other students who provided information as witnesses. The measures may include, for example, school personnel making follow-up inquiries with the targeted student and/or witness students and/or their parents to see if there have been incidents of retaliation, and to advise them that they should report any such incidents if they occur.

Disciplinary Action

When an allegation of sexual or gender-based harassment is supported by the investigation and disciplinary action is necessary, the Superintendent will determine what course of action is appropriate, depending upon whether the

harasser is a student, staff member, agent or guest/vendor of the Marin County Office of Education.

Students who violate this policy may be subject to discipline up to and including expulsion. Such disciplinary action shall be in accordance with board policy and state law.

Students who are found to have engaged in harassment shall be offered training/counseling by the Marin County Office of Education. Training/counseling will focus on assisting students understand what constitutes harassment, the consequences for engaging in harassment, and the effects harassment can have on others.

The Marin County Office of Education shall limit the interaction between the harassing student(s) and the targeted student to the extent possible.

Employees who violate this policy may be subject to discipline up to and including dismissal. Such disciplinary action shall be in accordance with applicable policies, laws, and/or collective bargaining agreements.

Agents, guests or vendors of the Marin County Office of Education who violate this policy may be subject to penalties and sanctions as may be available to the Marin County Office of Education, including termination of business relationships and contracts.

Appeal Procedures

Either the complaining party or the accused may appeal the findings of an investigation to the Superintendent/Governing Board of the Marin County Office of Education. Appeals shall be made in writing within ten (10) business days from the date a written finding is issued.

Filing Complaints with State and Federal Agencies

Aggrieved parties may wish to file complaints with other appropriate state and federal agencies, including:

U.S. Department of Education
Office for Civil Rights
50 Beale Street, Suite 7200
San Francisco, CA 94105-1813
Telephone: (415) 486-5555
www.ed.gov/ocr

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3300 FACILITIES

3301 INTEGRATED PEST MANAGEMENT

The Marin County Board of Education recognizes that maintenance of a safe, clean and healthful environment for students and staff is essential to learning. It is the goal of the Marin County Board of Education to provide for the safest and lowest risk approach to control pest problems while protecting students, staff, the environment and the property of the Marin County Office of Education.

The Marin County Board of Education adopts a least-toxic Integrated Pest Management (IPM) Policy. Under this policy, pests and weeds will be controlled to protect the health and safety of students and staff; to maintain a productive learning environment; and to maintain the integrity of school and office buildings and grounds. Further, it is the policy of the Marin County Board of Education to focus on long-term pest prevention and give non-chemical methods first consideration when selecting appropriate control techniques. The full range of alternatives will be considered, giving preference to non-chemical use and then chemicals that pose the least possible hazard to people and the environment.

The least-toxic Integrated Pest Management plan for the Marin County Office of Education will contain the following elements:

- A. Monitoring to determine pest population levels and identify decisions and practices that could affect pest populations.
- B. Setting of injury and action levels to determine when vegetation or a pest population at a specific site causes unacceptable economic or medical damage wherein corrective action should be taken.
- C. Modification of pest habitats to deter pest populations and minimize pest infestations.
- D. Consideration of a range of potential treatments for the pest problem, including prevention, mechanical, cultural and biological methods of pest control, using synthetic chemical controls only as a last resort and only those chemicals that pose the least possible hazard to people and the environment. The Marin County Office of Education will not use any Toxicity Category I or Toxicity Category II pesticide product, any pesticide product containing an ingredient known to the state of California

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3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3300 FACILITIES

3301 INTEGRATED PEST MANAGEMENT

to cause cancer, developmental toxicity or reproductive toxicity pursuant to the California Safe Drinking Water and Toxic Enforcement Act of 1986 or any pesticide product containing an ingredient classified by the United States Environmental Protection Agency as known, possible or probable human carcinogen, possible human carcinogen, reproductive toxin or developmental toxin.

- E. The Marin County Office of Education will establish a committee to provide guidance, education and advice regarding IPM procedures. The committee will review the annual plan and make recommendations to the IPM coordinator. Members of the committee will be appointed by the Superintendent and may include the following: superintendent or designee, board member, IPM coordinator, parent, certificated staff member, classified staff member and one community member-at-large.

The superintendent shall designate a staff person to coordinate the IPM program. The IPM coordinator shall be responsible to provide a status report and recommended plan annually to the Superintendent/Governing Board. Included in this plan will be administrative regulations for:

- Overall management and facilities plan listing all proposed products and methods proposed for use
- Procedures for notification to parents, staff and students
- Record-keeping guidelines for any chemical pesticide application
- Education and training for Marin County Office of Education personnel
- Approved use, limited use and banned use products lists
- Emergency exemption process

The IPM coordinator shall oversee the implementation of the program consistent with this policy, track all pesticide use and insure that records of pesticide use are available to the public upon request.

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3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS
3300 FACILITIES
3301 INTEGRATED PEST MANAGEMENT

References: The Healthy Schools Act of 2000
Education Code: 17608-17613, 48980.3

Food and Agriculture Code 13180 - 13188

Approved as to form:

Alexis McBride
Deputy County Counsel

Approved by the Marin County Board of Education: March 13, 2001