



Txuj Cai Ntawm Pej Xeem Zej Zog Cov Kev Sib Raug Zoo

BP 1312.3

COV CAI TXHEEJ TXHEEM YWG TSIS TXAUS SIAB

Lub Governing Board lees paub tias hauv district muaj lub luag haujlwm tseem ceeb ua ntej tshaj plawg los xyuas kom ua raws ntsaim li lub xeev thiab tseem fwv txoj cai lij choj thiab cov cai tswj fwm ntawm cov programs kev kawm ntaub kawm ntawv. Lub Board yeej txhawb kom daws cov kev ywg tsi txaus siab kom ntxov ntxov thaum twg los yeej tau. Yuav kom daws tau cov kev ywg tsis txaus siab uas yog tsis tuaj yeem daws tau los ntawm cov txheej txheem tsis raug kev cai, lub Board yuav tau siv cov txheej txheem kev ywg tsis txaus siab system uas tau teev tseg hauv tsab cai policy ywg tsis txaus siab no thiab cov kev tswj hwm cuam tshuam, raws li 5 CCR 4600-4670.

Tus Neeg Tsav Xwm Kws Saib Xyuas Kev Ua Raws Txuj Cai

Lub district yeej nrhiav tau ntawm tus thawj tib neeg uas yog txheeb xyuas nyob hauv qab nod los ua lub luag haujlwm los lis ntawm lub district's teb rov qab rau cov lus teev rau cov/tus uas ywg tsis txaus siab thiab ua raws li lub xeev thiab tseem fwv cov cai civil rights. Tus tib neeg ntawd los kuj tseem ua haujlwm raws li Tus Thawj Tsaav Saib Xyuas Title IX uas tau teev tseg hauv txoj cai BP 5145.3 - Tsis pub muaj kev ntsub ntshu / thab plaub lub luag haujlwm los daws cov lus ywg tsis txaus siab txog kev ntsub ntshu, kev thab plaub, kev tso hem thawj, lossis siab phem thab plaub thiab hauv BP 5145.7 - Kev thab plaub ntawm kev sib deev rau kev daws cov lus ywg tsis txaus siab txog kev thab plaub txog kev sib deev sexual harassment. Tus txav xwm kws saib xyuas kev ua raws cai yuav tsum tau txais thiab koom tes nrog kev tshawb nrhiav cov lus ywg tsis txaus siab ntawd thiab yuav tsum saib kom district ua raws li txoj cai.

Tus Thajkhu Associate Superintendent Ntawm Personnel Services

444 W. 23rd St.

Merced, CA 95340

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Tus neeg tsav xwm kws saib xyuas kev ua raws cai uas tau txais tsab ntawv tsis txaus siab tej zaum yuav teev assign muab lwm tus neeg los ua tus ceev xwm ua raws li kev soj ntsuam investigate thiab daws ntawm qhov ywg tsis txaus siab ntawd. Tus tseem tseem tsav xwm yuav tsum tau ua raws ntsaim kev cai yuav tsum ceeb toom ceev ceev rau tus neeg ywg tsis txaus siab ntawd thiab teb tam

sim ntawd yog hais tias assigned tso rau lwm tus tib neeg los ua tus ceev xwm rau ntawm qhov ywg tsis txaus siab ntawd.

Cov Txheej Txheem Twg Tsis Txaus Siab Rau Kev Ywg Tsis Txaus Siab (UCP)

Lub district's cov txheej txheem ywg tsis txaus siab yuav tsum raug siv los mus tshawb xyuas nrhiav thiab daws cov lus ywg tsis txaus siab hais txog ntawm cov khob nyob hauv qab no:

- Kev ntxub ntxaug, kev thab plaub, kev thab plaub hais saib tsis taus, lossis kev neeg siab phem thab plaub hauv district cov programs thiab cov activities ua ub no, suav nrog nyob rau hauv cov programs lossis cov activities ua ub no uas tau txais nyiaj ncaj qha los lossis tau txais txiaj ntsig los ntawm ib qho kev pab nyiaj hauv lub xeev financial assistance, raws li ntawm tus tib neeg muaj peev xwm lossis pom tau tias tus cwj pwm ntawm poj niam txiv neej (sex), kev nyiam ntawm poj niam los txiv neej, poj niam los txiv neej, coj xeeb ceem khws li poj niam los txiv neej, qhia tau hais tias yog poj niam yog txiv neej, losyog cov ntaub ntawv information keeb kwm teev qhia hais tias yog poj niam los txiv neej, kev txheeb xyuas tau hais tias yog pab pawg neeg dabtsi, haiv neeg losyog hom neeg dabtsi, poj koob yawm txwv, haiv neeg, nyob lub teb chaws twg tuaj, keeb kwm ntawm kev nkag teb nkag chaws, kev ntseeg, xim tawv nqaij, kev puas siab puas ntsws lossis lub cev tsis taus disability, kev kho mob, hnub nyoog, kev txij nkawm, lub cev xeeb tub, niam txiv muaj los pluag, losyog lwm yam kev coj tus yam ntxwv uas muaj nyob rau hauv Education Code 200 los 220, tsoom fwv Code 111325, los yog Penal Code 422.55, losyog raws li nyob rau hauv lub hauv paus ntawm ib tug neeg txoj kev koom tes nrog ib tug neeg los yog pab pawg neeg twg uas muaj ib tug los yog ntau tshaj ntawm cov tseeb losyog perceived yam ntxwv. (5 CCR 4610)

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

(cf. 5145.3 – Nondiscrimination/Harassment)

(cf. 5145.7 – Sexual Harassment)

(cf. 5145.71 – Title IX Sexual Harassment Complaint Procedures)

- Cov kev ywg tsis txaus siab hais txog ntawm cov programs kev kawm rau cov neeg laus, kev kawm rau after school education thiab cov safety programs, cov consolidated categorical aid programs, compensatory

Merced City School District

education, migrant education, career hauj lwm technical thiab technical education thiab career hauj lwm technical thiab technical training programs, cov lus qhia txog lub cev, physical education instructional minutes, qhia kawm txog kev ua liaj ua teb, tub ntxhais kawm ntawv cov nqi fees, lub xeev cov preschool programs, cov programs uas zov me nyuam thiab kev loj hlob development, kev pab rau cov tub ntxhais kawm ntawv uas yog lub cev xeeb tub thiab yog ib tus menyuam niam menyuam txiv, thiab kev pab tsim nyog rau cov tub ntxhais kawm lactating ua muaj kua mis.

(cf. 3260 – Fees and charges)

(cf. 5146 – Married/Pregnant/Parenting Students)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 – Before/After School Programs)

(cf. 5148.3 – Preschool/Early Childhood Education)

(cf. 6142.7 – Physical Education and Activity)

(cf. 6171 - Title I Programs)

(cf. 6175 - Migrant Education Program)

(cf. 6178 - Career Technical Education)

(cf. 6178.1 – Work-Based Learning)

(cf. 6200 – Adult Education)

- Kev ywg tsis txaus siab txog kev kawm ntaub kawm ntawv thiab kev kawm requirements rau graduation rau cov menyuam kawm ntawv hauv foster kev tu menyuam, cov tub ntxhais kawm ntawv homeless uas yog tsis muaj vaj tse nyob, cov tub ntxhais kawm ntawv uas yog los ntawm tsev neeg ua tub rog, cov tub ntxhais kawm ntawv uas yog yav dhau los nyob hauv tsev loj cuj hais plaub hauv menyuam yaus tawm los, cov tub ntxhais kawm ntawv tsiv teb tsaws tsaws chaw, thiab cov tub ntxhais kawm ntawv nkag teb nkag chaws tuaj tshiab newcomer tuaj koom rau hauv qhov program. (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)

(cf. 6173 – Education for Homeless Children)

(cf. 6173.1 – Education for Foster Youth)

(cf. 6173.2 – Education for Children of Military Families)

(cf. 6173.3 – Education for Juvenile Court School Students)

- Kev Ywg Tsis Txaus Siab Txog Ntawm Txhua Tus Tub Kawm Ntawv Succeeds Vam Meej Txoj Cai (Education Code 52059; 20 USC 6301 et seq.), local control thiab accountability plan (Education Code 52075), tsev kawm ntawv kev nyaab xeeb safety plans (Education Code 32280-32289), thiab tsev kawm ntawv cov kev vas rau cov tub ntxhais kawm ntawv kawm tau ua tiav

Merced City School District

thiab tsev kawm ntawv cov councils yuav tsum tau sab laj raws li qhov yuav tsum tau ua rau daim ntawv thov application uas yog sib sau ua ke rau specified tsoomfwv thiab/lossis lub xeev categorical cov pob nyiaj txiag (Education Codes 64001 thiab 65000).

cf. 0420 – School Plans/Site Councils)

cf. 0450 – Comprehensive Safety Plan)

cf. 0460 – Local Control and Accountability Plan)

- Ib qho kev ywg tsis txaus siab uas tau hais ua pauj rov qab rau tus tib neeg ywg tsis txaus siab ntawd lossis lwm tus neeg koom nrog hauv cov txheej txheem ywg tsis txaus siab lossis ib tus neeg uas tau ua los nthuav tawm lossis qhia txog kev ua txhaum cai raws li txoj cai policy no.
- Lwm lub xeev lossis tseemfwv txoj haujlwm kev kawm ntawv Tus Thawj Thajkhu Superintendent ntawm Public Instruction ntawd los tus tib neeg sawv cev pom zoo uas kom tsaug kev cai raws qhov uas yog yog (deems appropriate).

Tsis Yog (Non)-UCP Kev Iab Liam thiab Ywg Tsis Txaus Siab

Thaum ib qho kev iab liam (allegation) uas tsis raug rau UCP suav nrog hauv UCP qhov kev ywg tsis txaus siab, lub district yuav tsum tau xa (refer) cov lus sib liam uas tsis yog UCP mus rau cov staff neeg ua haujlwm tsim nyog lossis lub agency rau txheej txheem kev ua haujlwm ntxiv mus tom ntej.

Ntawm cov kev ywg tsis txaus siab hauv qab no yuav tsis raug rau hauv district's qhov UCP, tab sis yuav tsum tau muab investigated tshawb xyuas thiab muab daws los ntawm ib lub specified agency chaw haujlwm tshwj xeeb lossis los ntawm lwm txoj kev:

- Cov kev iab liam ntawm kev tsim txom menyuam yaus yuav tsum raug referred xa mus rau County Department of Social Services, Protective Services Division lossis qhov chaw kom yog yog uas saib xyuas raws li txoj cai lij choj agency law enforcement.
- Kev ywg tsis txaus siab txog ntawm child development program yuav tsum tau referred xa mus rau ntawm Department of Social Services rau cov vaj tse ua yog muaj licensed.

Merced City School District

- Kev ywg tsis txaus siab hais txog kev ntub ntxaug tsis raug cai, kev thab plaub sexual harassment losyog lwm yam kev ua pauj hauv qhov chaw ua haujlwm yuav tsum ua tiav raws li Board Policy Txoj Cai 4030 - Kev tsis sib haum xeeb hauv Kev Ua Haujlwm thiab Board Policy thiab Cov Cai Tswjfwam 4119.11 - Kev Sexual Harassment thab plaub.

Cov kev ywg tsis txaus siab hais txog kev txaum ntawm cov phau ntawv kawm lossis cov ntaub ntawv qhia, cov xwm txheej kub ntshov lossis ceev ceev uas ua rau muaj kev hem thawj rau kev noj qab haus huv lossis kev nyab xeeb ntawm cov tub ntshais kawm ntawv lossis cov neeg ua haujlwm, thiab cov kws qhia ntawv tsis txaus thiab kev ua haujlwm tsis raug cai yuav raug investigate tshawb xyuas thiab daws raws li txoj cai AR 1312.4 - Williams cov kev cai txheej txheem ywg tsis txaus siab. (Education Code 35186)

- Cov lus ywg tsis txaus siab hais txog kev tshwj xeeb kawm special education, daim ntawv settlement agreement kev cog lus sib pom zoo hais txog ntawm kev muab kev kawm zoo txaus tsim nyog pub dawb rau public education, lossis daim ntawv txiav txim plaub ntug yuav tsum raug xa mus rau ntawm California Department of Education raws ntsaim li txoj cai AR 6159.1 - Txheej Txheem Kev Cai Tiv Thaiv kws yog Procedural Safeguards thiab Ywg Tsis Txaus Siab rau Special Education. (5 CCR 3200-3205)
- Cov lus ywg tsis txaus siab hais txog cov kev pabcuam rau khoom noj khoom haus rau menyuam yaus yuav tsum raug xa referred mus rau lossis xa mus rau ntawm California Department of Education raws ntsaim li txoj cai BP 3555 - Kev Ua Raws Ntsaim Li Lub Program Txoj Haujlwm Khoom Noj Haus. (5 CCR 15580-15584)

Lub district yuav tsum tiv thaiv txhua tus neeg ywg tsis txaus siab los ntawm kev ua pauj. Hauv kev investigating tshawb nrhiav cov lus ywg tsis txaus siab, kev tsis pub lwm tus paub ntawm ob tog koom nrog yuav tsum raug tiv thaiv raws li txoj cai lij choj. Rau txhua txhua ib qho kev ywg tsis txaus siab hais txog kev ua pauj lossis kev ntub ntxaug tsis raug cai (xws li kev ntub ntxaug, kev tso hem thawj, lossis kev thab plaub), ntawm tus Thawj Thajkhu Superintendent lossis tus neeg sawv cev yuav tsum khaws cov ntaub ntawv ywg tsis txaus siab, thiab / lossis cov ntsiab lus ntawm qhov kev ywg tsis txaus siab yog tias txawv ntawm tus neeg ywg tsis txaus siab, tsis pub lwm tus paub thaum tsim nyog thiab ntev npaum li qhov kev ncaj ncees ntawm cov txheej txheem ywg tsis txaus siab raug tswj xyuas. (5 CCR 4621)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

Cov coj ntawm lub Board yeej lees paub tias kev daws teeb meem kev tsis sib haum xeeb tuaj yeem, nyob ntawm qhov xwm txheej ntawm qhov kev iab liam, muab cov txheej txheem los daws qhov kev ywg tsis txaus siab raws li qhov pom zoo rau txhua tog. Lwm txoj kev daws teeb meem kev tsis sib haum xeeb xws li kev kho kom haum xeeb tuaj yeem muab los daws cov kev ywg tsis txaus siab uas muaj ntau dua ib tus menyuam kawm ntawv thiab tsi muaj neeg laus. Txawm li cas los xij, kev kho kom haum xeeb yuav tsum tsis pub losyog siv los daws cov kev ywg tsis txaus siab uas muaj kev sib deev sexual assault lossis qhov muaj kev pheej hmoo tsim nyog uas ib tog neeg rau kev sib kho yuav xav tias yuav tsum koom nrog. Tus Thawj Thajkhu Superintendent lossis tus neeg sawv cev tsav xwm yuav tsum xyuas kom meej tias kev siv lwm txoj kev daws teeb meem ywg tsis sib haum raws li lub xeev thiab tsoomfwv cov cai thiab cov cai tswj fwm regulations. (5 CCR 4631)

Cov Kev Cai Lij Choj Tswj Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18203 School libraries

32289 School safety plan, uniform complaint procedure

35186 Williams uniform complaint procedures

46015 Parental leave for students

48853-48853.5 Foster youth

49010-49014 Student fees

49060-49079 Student records

49490-49590 Child nutrition programs

49701 Interstate Compact on Educational Opportunity for Military Children

51223 Physical education, elementary schools

51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, military-connected students, migrant students, and newly arrived immigrant students; course credits; graduation requirements

52059.5 Statewide system of support

52060-52077 Local control and accountability plan

52300-52462 Career technical education

52500-52616.24 Adult schools

54400-54425 Compensatory education programs

54440-54445 Migrant education

54460-54529 Compensatory education programs

Merced City School District

59000-59300 *Special schools and centers*

64000-64001 Consolidated application progress; school plan for student achievement

64000-64001 Consolidated application process

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

12900-12996 Fair Employment and Housing Act

HEALTH AND SAFETY CODE

1596.792 California Child Day Care Act; general provisions and definitions

1596.7925 California Child Day Care Act; health and safety regulations

PENAL CODE

422.55 Hate crime; definition

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

3200-3205 *Special education compliance complaints*

4600-4670 *Uniform complaint procedures*

4680-4687 *Williams uniform complaint procedures*

4690-4694 *Complaints regarding health and safety issues in license-exempt preschool programs*

4900-4965 *Nondiscrimination in elementary and secondary education programs*

15580-15584 *Child nutrition programs complaint procedures*

UNITED STATES CODE, TITLE 20

1221 *Application of laws*

1232g *Family Educational Rights and Privacy Act*

1681-1688 *Title IX of the Education Amendments of 1972*

6301-6576 *Title I Improving the Academic Achievement of the Disadvantaged*

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*

UNITED STATES CODE, TITLE 29

794 *Section 504 of Rehabilitation Act of 1973*

UNITED STATES CODE, TITLE 42

2000d-2000e-17 *Title VI and Title VII Civil Rights Act of 1964, as amended*

2000h-2-2000h-6 *Title IX of the Civil Rights Act of 1964*

6101-6107 *Age Discrimination Act of 1975*

11431-11435 *McKinney-Vento Homeless Assistance Act*

12101-12213 *Title II equal opportunity for individuals with disabilities*

Merced City School District

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy Act

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.1-106.82 Nondiscrimination on the basis of sex in education programs, especially:

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

110.25 Notification of nondiscrimination on the basis of age

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Uniform Complaint Procedure 2020-21 Program Instrument

Sample UCP Board Policies and Procedures

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter, September 22, 2017

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014

Dear Colleague Letter: Harassment and Bullying, October 2010

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/offices/OCR>

Student Privacy Policy Office:

<http://www2.ed.gov/about/offices/list/oepdp/sppo>

U.S. Department of Justice: <http://www.justice.gov>

Policy tau muab kho: 1/15/2013

Policy tau muab kho: 10/26/2021