

COMMUNITY RELATIONS

Uniform Complaint Procedures

The County Board of Education recognizes that the Inyo County Superintendent of Schools' responsibility to comply with applicable state and federal laws and regulations governing educational programs. The County Office shall investigate complaints alleging failure to comply with such laws and/or alleging discrimination and shall seek to resolve those complaints in accordance with the district's uniform complaint procedures. (5 CCR 4620)

The County Office shall use the uniform complaint procedures to resolve any complaint alleging unlawful discrimination in county office programs and activities based on actual race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. (cf. 0410 - Nondiscrimination in County Office Programs and Activities) (cf. 4031 - Complaints Concerning Discrimination in Employment)

Uniform complaint procedures shall also be used to address any complaint alleging the County Office's failure to comply with state and/or federal laws in consolidated categorical aid programs, migrant education, career technical and technical education and career technical and technical training programs, child care and development programs, child nutrition programs, and special education programs.

The Board prohibits any form of retaliation against any complainant in the complaint process. Participation in the complaint process shall not in any way affect the status, grades, or work assignments of the complainant.

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

The Board recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving the problem through mediation, the Superintendent or designee shall initiate that process. The Superintendent or designee shall ensure that the results are consistent with state and federal laws and regulations.

In investigating complaints, the confidentiality of the parties involved and the integrity of the process shall be protected. As appropriate, the Superintendent or designee may keep the identity of a complainant confidential to the extent that the investigation of the complaint is not obstructed. (cf. 5125 - Student Records)

The County Office's Williams uniform complaint procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to the following:

1. Sufficiency of textbooks or instructional materials
2. Emergency or urgent facilities conditions that pose a threat to the health or safety of

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students or staff

3. Teacher vacancies and misassignments
4. Deficiency in the district's provision of instruction and/or services to any student who, by the completion of grade 12, has not passed one or both parts of the high school exit examination (cf. 1312.4 - Williams Uniform Complaint Procedures) (cf. 6162.52 - High School Exit Examination)

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 procedures
- 35186 Williams uniform complaint procedures
- 37254 Intensive instruction and services for students who have not passed exit exam
- 41500-41513 Categorical education block grants
- 48985 Notices in language other than English
- 49060-49079 Student records
- 49490-49590 Child nutrition programs
- 52160-52178 Bilingual education programs
- 52300-52490 Career technical education
- 52500-52616.24 Adult schools
- 52800-52870 School-based program coordination
- 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

GOVERNMENT CODE

- 11135 Nondiscrimination in programs or activities funded by state
- 12900-12996 Fair Employment and Housing Act

PENAL CODE

- 422.6 Interference with constitutional right or privilege

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

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6601-6777 Title II preparing and recruiting high quality teachers and principals
6801-6871 Title III language instruction for limited English proficient and immigrant students
7101-7184 Safe and Drug-Free Schools and Communities Act
7201-7283g Title V promoting informed parental choice and innovative programs
7301-7372 Title V rural and low-income school programs

Management Resources:

WEB SITES

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

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

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

BOARD POLICY:

First Reading: Dec. 20, 1983

Adopted: January 17, 1984

Amended:

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First Reading: September 17, 2002

Second Reading/Adoption: October 15, 2002

First Reading/Adopted: December 14, 2004

Revised: March 14, 2006

Revised: June 12, 2012

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Compliance Officers

The following compliance officer(s) shall receive and investigate complaints and shall ensure County Office compliance with law:

Superintendent of Schools
555 S. Clay Street, Independence, CA 93526
(P.O. Drawer G, Independence, CA 93526)
(760) 878-2426

Deputy Superintendent
555 S. Clay Street, Independence, CA 93526
(P.O. Drawer G, Independence, CA 93526)
(760) 878-2426

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Superintendent or designee. (cf. 9124 - Attorney)

Notifications

The Superintendent or designee shall annually provide written notification of the County Office's uniform complaint procedures to students, employees, parents/guardians, the County Office advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

The Superintendent or designee shall make available copies of the County Office's uniform complaint procedures free of charge. (5 CCR 4622) (cf. 4112.9/4212.9/4312.9 - Employee Notifications) (cf. 5145.6 - Parental Notifications)

The notice shall:

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. Advise the complainant of the appeal process pursuant to Education Code 262.3, including the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies
4. Include statements that:

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- a. The Inyo County Superintendent of Schools is primarily responsible for compliance with state and federal laws and regulations
- 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 complaint must be filed not later than six months from the date the alleged discrimination occurs, or six months from the date the complainant first obtains knowledge of the facts of the alleged discrimination
- d. The complainant has a right to appeal the County Office's decision to the CDE by filing a written appeal within 15 days of receiving the County Office's decision
- e. The appeal to the CDE must include a copy of the complaint filed with the County Office and a copy of the County Office's decision
- f. Copies of the district's uniform complaint procedures are available free of charge.

Procedures

The following procedures shall be used to address all complaints which allege that the County Office has violated federal or state laws or regulations governing educational programs or has committed unlawful discrimination.

All complaints shall be investigated and resolved within 60 days of the receipt of the complaint. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

Step 1: Filing of Complaint

Any individual, public agency, or organization may file a written complaint of the County Office's alleged noncompliance with federal or state laws or regulations governing educational programs. (5 CCR 4630)

A complaint concerning unlawful discrimination may be filed only by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint shall be initiated no later than six months from the date when the alleged discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination. However, upon written request by the complainant, the Superintendent or designee may extend the filing period for up to 90 days. (5

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CCR 4630)

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

If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, County Office staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

Step 2: Mediation

Within three days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a discrimination complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.

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 the County Office's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (5 CCR 4631)

Step 3: Investigation of Complaint

Within 5 days of receiving the complaint, the compliance officer shall provide the complainant and/or his/her representative an opportunity to present the complaint and any evidence, or information leading to evidence, to support the allegations in the complaint. The compliance officer also shall collect all documents and interview all witnesses with information pertinent to the complaint.

A complainant's refusal to provide the County Office'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, the district shall provide the investigator with access to records and/or other information related to the allegation in the complaint. (5 CCR 4631)

Step 4: Response

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report of the County Office's investigation and decision, as described in Step #5 below, within 60 days of the County Office's receipt of the complaint. (5

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CCR 4631)

Step 5: Final Written Decision

The County Office's decision shall be in writing and sent to the complainant. (5 CCR 4631)

The County Offices decision shall be written in English, when required by Education Code 48985, in the complainant's primary language.

For all complaints, the decision shall include:

1. The findings of fact based on the evidence gathered
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition
5. Corrective actions, if any are warranted
6. Notice of the complainant's right to appeal the County Office's decision within 15 days to the CDE and procedures to be followed for initiating such an appeal

In addition, any decision concerning a discrimination complaint based on state law shall include a notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. (Education Code 262.3)

If investigation of a complaint results in discipline to a student or an employee, the decision shall simply state that effective action was taken and that the student or employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action.

Appeals to the California Department of Education

If dissatisfied with the County Office's decision, the complainant may appeal in writing to the CDE within 15 days of receiving the County Office's decision. When appealing to the CDE, 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 the County Office's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant has appealed the County Office's decision, the 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 the County Office, if not covered by the decision
4. A copy of the investigation file including, but not limited to, all notes, interviews, and

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- 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 the County Office's uniform complaint procedures
 7. Other relevant information requested by the CDE

The CDE may directly intervene in a complaint without waiting for action by the County Office when one of the conditions listed in 5 CCR 4650 exists, including cases in which the County Office has not taken action within 60 days of the date the complaint was filed with the County Office.

Civil Law Remedies

A complainant may pursue available civil law remedies outside of the County Office's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders.

For discrimination complaints based on state law, a complainant shall wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies, provided the County office has appropriately and in a timely manner apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622. The moratorium does not apply to injunctive relief and to discrimination complaints based on federal law.

ADMINISTRATIVE REGULATION:

First Reading:	<u>September 17, 2002</u>
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