

**UNIFORM COMPLAINT PROCEDURES**

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

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

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

- (cf. 0410 - Nondiscrimination in District Programs and Activities)*
- (cf. 1312.1 - Complaints Concerning District Employees)*
- (cf. 1312.2 - Complaints Concerning Instructional Materials)*
- (cf. 3553 - Free and Reduced Price Meals)*
- (cf. 4031 - Complaints Concerning Discrimination in Employment)*
- (cf. 5141.4 - Child Abuse Prevention and Reporting)*
- (cf. 5148 - Child Care and Development)*
- (cf. 6159 - Individualized Education Program)*
- (cf. 6171 - Title I Programs)*
- (cf. 6174 - Education for English Language Learners)*
- (cf. 6175 - Migrant Education Program)*
- (cf. 6178 - Career Technical Education)*
- (cf. 6200 - Adult Education)*

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

- (cf. 1312.4 – Williams Uniform Complaint Procedures)*

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

**UNIFORM COMPLAINT PROCEDURES** (continued)

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

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

*(cf. 5125 - Student Records)*

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

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

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

*Legal Reference: (see next page)*

## UNIFORM COMPLAINT PROCEDURES (continued)

### *Legal Reference:*

#### EDUCATION CODE

200-262.3 *Prohibition of discrimination*  
8200-8498 *Child care and development programs*  
8500-8538 *Adult basic education*  
18100-18179 *School libraries*  
32289 *School safety plan, uniform complaint procedure*  
35186 *Williams uniform complaint procedure*  
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 coordinated programs*  
54000-54028 *Economic impact aid programs*  
54100-54145 *Miller-Unruh Basic Reading Act*  
54400-54425 *Compensatory education programs*  
54440-54445 *Migrant education*  
54460-54529 *Compensatory education programs*  
56000-56867 *Special education programs*  
59000-59300 *Special schools and centers*  
64000-64001 *Consolidated application process*

#### CODE OF REGULATIONS, TITLE 5

3080 *Application of section 4600-4671*  
4600-4671 *Uniform complaint procedures*  
4900-4965 *Nondiscrimination in elementary and secondary education programs*

#### PENAL CODE

422.6 *Interference with constitutional right or privilege*

#### UNITED STATES CODE, TITLE 20

6301-6577 *Title I Basic Programs*  
6601-6777 *Title II Preparing and Recruiting High Quality Teachers and Principals*  
6801-6871 *Title III, Language instruction for limited English proficient and immigrant students*  
7101-7184 *Safe and Drug-Free Schools and Communities Act*  
7201-7283g *Title V Promoting Informed Parental Choice and Innovative Programs*  
7301-7372 *Title VI Rural and Low-Income School Programs*

### *Management Resources:*

#### WEB SITES

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

**UNIFORM COMPLAINT PROCEDURES**

**Compliance Officers**

The Governing Board designates the following compliance officer(s) to receive and investigate complaints and to ensure district compliance with law:

*Assistant Superintendent Education Services/Assistant Superintendent Personnel  
3537 Johnson Avenue, El Monte, CA 91731  
(626) 444-9005*

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 district's uniform complaint procedures to students, employees, parents/guardians, the district 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 district's uniform complaint procedures free of charge. (5 CCR 4622)

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil rights 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

**UNIFORM COMPLAINT PROCEDURES** (continued)

4. Include statements that:
  - a. The district 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 to the district's decision to the CDE by filing a written appeal within 15 days of receiving the district's decision
  - e. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision

*(cf. 5145.6 - Parental Notifications)*

**Procedures**

Note: 5 CCR 4621 mandates district procedures consistent with the uniform procedures of 5 CCR 4600-4687. 5 CCR 4631 requires that all complaints be investigated and completed within 60 days of the receipt of the complaint. The sample timelines in Steps #1-3 below are suggestions and should be revised to reflect district practice, but they must be designed to ensure that the district's investigation is completed and its written report sent to the complainant within 60 days of receiving the complaint. Pursuant to 5 CCR 4640, as amended by Register 2005, No. 52, when a complaint is erroneously sent to the CDE without first being filed with the district, and then forwarded by the CDE back to the district, this 60-day period begins whenever the district receives the complaint.

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

## **UNIFORM COMPLAINT PROCEDURES (continued)**

### **Step 1: Filing of Complaint**

Any individual, public agency or organization may file a written complaint of alleged noncompliance by the district. (5 CCR 4630)

A complaint alleging unlawful discrimination 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. A complaint may be filed 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. (5 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 disability or illiteracy, district staff shall help him/her in the filing of the complaint. (5 CCR 4600)

### **Step 2: Investigation of Complaint**

The compliance officer is encouraged to hold an investigative meeting within five days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

The complainant and/or his/her representative shall have an opportunity to present the complaint and evidence or information leading to evidence to support the allegations in the complaint. (5 CCR 4631)

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her 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)

The district's refusal to provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement in any other obstruction of the investigation, may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complaint. (5 CCR 4631)

## **UNIFORM COMPLAINT PROCEDURES (continued)**

### **Step 3: Response**

Within 30 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in Step #4 below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five days, file his/her complaint in writing with the Board.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 days of the district's initial receipt the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

### **Step 4: Final Written Decision**

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

The district's decision shall be written in English and in the language of the complainant whenever feasible or as required by law.

The decision shall include:

1. The findings of fact based on the evidence gathered (5 CCR 4631)
2. The conclusion(s) of law (5 CCR 4631)
3. Disposition of the complaint (5 CCR 4631)
4. Rationale for such disposition (5 CCR 4631)
5. Corrective actions, if any are warranted (5 CCR 4631)
6. Notice of the complainant's right to appeal the district's decision within 15 days to the CDE and procedures to be followed for initiating such an appeal (5 CCR 4631)
7. For discrimination complaints, 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 an employee is disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action.

**UNIFORM COMPLAINT PROCEDURES** (continued)**Appeals to the California Department of Education**

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

Upon notification by the CDE that the complainant has appealed the district'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 district, 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 the district's complaint procedures
7. Other relevant information requested by the CDE

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

**Civil Law Remedies**

A complainant may pursue available civil law remedies outside of the district'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, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the district has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.