

**UNIFORM COMPLAINT PROCEDURES**

The district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination based on age, sex, sexual orientation, gender, ethnic group identification, religion, race, ancestry, national origin, color, or mental or physical disability in any program or activity that receives or benefits from state financial assistance. Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal law in adult basic education, consolidated categorical aid programs, migrant education, vocational education, child care and development programs, child nutrition programs and special education programs.

- (cf. 0410 - Nondiscrimination in District Programs and Activities)
- (cf. 0420.1 - School-Based Coordinated Program)
- (cf. 0420.2 - School Improvement Program)
- (cf. 0430 - Comprehensive Local Plan for Special Education)
- (cf. 3553 - Free and Reduced Price Meals)
- (cf. 5148 - Child Care and Development)
- (cf. 6171 - Title I Programs)
- (cf. 6174 - Education for English Language Learners)
- (cf. 6175 - Migrant Education Program)
- (cf. 6178 - Vocational Education)

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

The Board acknowledges and respects student and employee rights to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. This includes keeping the identity of the complainant confidential 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 retaliation in any form for the filing of a complaint, the reporting of instances of discrimination or participation in complaint procedures. 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 an early 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 a mediation process before beginning a formal compliance investigation. The Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulations.

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

## UNIFORM COMPLAINT PROCEDURES (continued)

BP 1312.3(b)

### Legal References Continued:

48431.6 Academic progress and counseling review program

48985 Notices in language other than English

49060-49079 Student records

49490-49560 Child nutrition programs

52000-52049.1 School improvement programs

52160-52178 Bilingual education programs

52300-52483 Vocational education

52500-52616.24 Adult schools

52800-52863 School-based coordinated programs

54000-54041 Economic impact aid programs

54100-54145 Miller-Unruh Basic Reading Act

54400-54425 Compensatory education programs

54440-54445 Migrant education

54460-54529 Compensatory education programs

56000-56885 Special education programs

59000-59300 Special schools and centers

62000-62008 Evaluation and sunseting of programs

64000 Consolidated application process

CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600 - 4671 Uniform Complaint Procedures

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

PENAL CODE

422.6 Interference with constitutional right or privilege

Management Resources:

WEB SITES

CDE: <http://www.cde.ca.gov>

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

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11/18/99 (first reading)

12/09/99 (final adoption)

## **Community Relations**

AR 1312.3(a)

### **UNIFORM COMPLAINT PROCEDURES**

The Governing Board designates the following compliance officers to receive and investigate complaints and ensure district compliance with law:

District Superintendent  
400 Grand Avenue, Oroville, CA 95965  
530-538-2900 ext. 219

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

(cf. 9124 - Attorney)

#### **Notifications**

The Superintendent or designee shall meet the notification requirements of 5 CCR 4622, including the annual dissemination of district complaint procedures and information about available appeals, civil law remedies and conditions under which a complaint may be taken directly to the California Department of Education. The Superintendent or designee shall ensure that complainants understand that they may pursue other remedies, including actions before civil courts or other public agencies.

(cf. 5145.6 - Parental Notifications)

#### **Procedures**

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 4632.

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 alleged noncompliance by the district.

Complaints alleging unlawful discrimination 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. The complaint must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged 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 illiteracy or other disabilities, district staff shall help him/her to file 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 complainant agrees to mediation, the compliance officer shall make 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 district'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

The compliance officer shall 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 and the District's representatives shall also have an opportunity to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses. (5 CCR 4631)

Step 4: Response

Within 30 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report (in the complainant's primary language) of the district's investigation and decision, as described in Step #5 below. (5 CCR 4631) 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.

Step 5: Final Written Decision

The report of the district's decision shall be in writing and sent to the complainant (5 CCR 4631)  
The report of the district's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the district shall arrange a meeting at which a community member will interpret it for the complainant.

This report shall include:

1. The findings and disposition of the complaint, including corrective actions, if any (CCR 4631)
2. The rationale for the above disposition (5 CCR 4631)
3. Notice of the complainant's right to appeal the decision within 15 days to the California Department of Education, and procedures to be followed for initiating such an appeal (5 CCR 4631, 4652)

## Community Relations (continued)

AR 1312.3(c)

4. For discrimination complaints, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies (5 CR 4631; Education Code 262.3)

5. A detailed statement of all specific issues that were brought up during the investigation and the extent to which these issues were resolved. The report shall be written in English and in the primary language of the complainant.

If an employee is disciplined as a result of the complaint, this report 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.

### Appeals to the California Department of Education

If dissatisfied with the district's action, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the District's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. (5 CCR 4652)

When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the district's decision and must include a copy of the locally filed complaint and the district's decision. (5 CCR 4652)

The California Department of Education may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists. In addition, the California Department of Education may also intervene in those cases when the district has not taken action within 60 calendar 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 discriminating complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education 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.

Board Adopted: 06/13/02 and 02/22/01 (Revisions)  
01/25/01 and 10/26/00 (Revisions)  
03/23/00 (final adoption)  
03/09/00 (first reading)