

# **Central Union HSD**

## **Administrative Regulation**

### **Uniform Complaint Procedures**

AR 1312.3

#### **Community Relations**

##### Compliance Officer

The Board of Trustees designates the Superintendent as the compliance officer responsible for receiving complaints and ensuring district compliance with the law. The Superintendent 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.

##### Notifications

Notice of the district complaint procedures shall be given annually to students, employees, parents or guardians of students, school and district advisory committees, and other interested parties. Such notice shall be in writing or as necessary in the primary language or mode of communication of the recipient.

Such notice shall include all of the following:

1. Complaints filed pursuant to this procedure shall be directed to the Superintendent
2. Complaints that should be directed to other agencies for investigation;
3. Complaints that would be investigated directly by the state superintendent of public instruction;
4. Complainant's right to appeal to the state superintendent of public instruction, a complaint that has been resolved by the school district;
5. Advise that the complainant should consult with an attorney to determine legal rights that may be pursued by available civil law remedies;
6. The officer of a school district who should be contacted to obtain a copy of the district's complaint procedures.

##### Definition of Terms

As used in these procedures, the definitions of terms are:

1. Appeal - shall mean a request made in writing to the state superintendent of public instruction by a complainant requesting reconsideration or a reinvestigation of the district's decision;
2. Complainant - shall mean any individual including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination in programs and activities funded directly by the state or receiving any financial assistance from the state;
3. Complaint - shall mean a written and signed statement alleging a violation of a federal or state law or regulation, which may include an allegation of unlawful discrimination;
4. Complaint Investigation - shall mean an administrative process used by the district for the purpose of gathering data regarding the complaint;
5. Complaint Procedure - shall mean an internal process used by the district to process and resolve complaints;
6. Compliance Agreement - shall mean an agreement between the department and a district, following a finding of non-compliance by the department, developed by the district, and approved by the department to resolve the noncompliance;
7. Days - shall mean calendar days unless designated otherwise;
8. Department - shall mean the California Department of Education;
9. Direct State Intervention - shall mean the steps taken by the Department to initially investigate complaints or effect compliance;
10. Mediation - shall mean a problem-solving activity whereby a third party assists the parties to a dispute in resolving the problem;
11. State Mediation Agreement - shall mean a written voluntary agreement, approved by the Department, which is developed by the local agency and complainant with assistance from the Department to resolve an allegation of noncompliance.

#### Administration of the Complaint:

Unlawful discrimination complaints shall be initiated not later than six months from the date the alleged discrimination occurred, or the date the complainant first obtained knowledge of the facts of the alleged discrimination, unless the Superintendent of Public Instruction grants extension under 5 CCR 4630 (b). A complaint filed pursuant to this procedure shall be filed with the Superintendent of the district (hereinafter "Superintendent") whose office is located at 351 Ross Avenue in EI Centro. The complainant shall utilize the Complaint Form which is contained in Appendix A.

1. Within five days of receipt of the complaint, the Superintendent shall conduct the local investigation or appoint a designee to conduct the local investigation, except that a complaint regarding child abuse shall be immediately referred to the proper agency.
2. Within five days the Superintendent or the designee shall determine whether the complaint has been filed within six months of the alleged violation that is the basis of the complaint. The Superintendent or designee shall:
  - a. Refer the complainant to the proper agency for filing a complaint that is not covered by this procedure, including a referral to the state superintendent or department of education of any complaints that should properly be filed at that level;
  - b. If the complaint has not been timely filed, the Superintendent or designee shall deny the complaint and notify the complainant of the right to appeal to the state superintendent of public instruction for an extension of time in which to file the complaint;
  - c. Provide the complainant with a copy of district policy and appeal procedures advising complainant of those instances when a complaint can be filed directly with the state superintendent of public instruction;
  - d. If timely filed, the Superintendent or designee shall proceed with the investigation of the complaint;
  - e. Ensure confidentiality of the complainant in instances where disclosure would cause retaliation against the complainant;
  - f. Determine whether the complainant and the district representative will participate in mediation to resolve the complaint prior to a formal investigation;
  - g. Obtain an extension of time, if appropriate, in order to conduct the mediation.

A complainant who makes a verbal complaint shall be referred to the Superintendent whose designee will assist any person who is illiterate or handicapped in the preparation of a written complaint.

#### Resolution of the Complaint:

Each complaint shall be investigated by the Superintendent or the designee of the Superintendent who shall:

1. Provide an opportunity for the complainant or complainant's representative or both and the local educational representative to present information relevant to the complaint either orally or by way of written documents;
2. Obtain statements from other individuals who were witnesses to the alleged violation or

who can provide relevant information concerning the alleged violation;

3. Review documents that may provide information relevant to the alleged violation;
4. Within 60 days of the receipt of the complaint prepare a proposed written decision containing findings and disposition of the complaint; corrective action, if any; rationale for the disposition of the complaint, notice of the complainant's right to appeal the decision to the California Department of Education; procedures to initiate an appeal;

The Superintendent shall:

1. Provide a copy of the proposed decision to the complainant and the district representative;
2. Place the matter of the proposed decision on the agenda of the Board;
3. Notify the complainant and the complainant's representative and the district's representative of the date and time of the meeting of the Board at which the proposed decision shall be reviewed;
4. Advise the complainant that the proposed decision will be heard in closed session unless the complainant or the complainant's representative requests a public hearing before the Board, except that the matter shall not be heard in public if an allegation of discrimination might cause acts of retaliation against the alleged victim(s) or violate the privacy rights of any students or employees involved in the alleged violation;
5. Advise the complainant that the complainant or the complainant's representative may be present at the meeting of the Board to present views before a private deliberation by the Board;
6. Advise the complainant of the right to be present at the public meeting when the Board adopts the proposed decision.

The Board shall:

1. Adopt the proposed decision; or
2. Reject the proposed decision and direct other corrective action; or
3. Reject the proposed decision and direct further mediation as requested by the complainant or the complainant's representative; and
4. Advise the complainant in writing of the decision of the Board;
5. Advise the complainant in writing of the complainant's right to appeal the decision to the state superintendent of public instruction within 15 days of the Board action and that the appeal should include a copy of the original complaint and the district's decision resolving the

complaint.

Each complaint shall be resolved within 60 days of the receipt of the written complaint unless the time lines have been extended in writing by the complainant.

### Appeal

Upon notification by the complainant, state superintendent of public instruction or designee from the California Department of Education of an appeal, the district shall forward a copy of all of the following documents to the state superintendent of public instruction:

1. The original complaint;
2. A copy of the local educational agency decision;
3. A summary of the nature and extent of the investigation conducted by the local agency, if not covered in the local educational agency; decision;
4. A report of any action taken to resolve the complaint;
5. A copy of the local educational agency complaint procedures; and
6. Such other relevant information as the state superintendent of public instruction may require.

### 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 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. (EC Section 262.3)

Regulation: CENTRAL UNION HIGH SCHOOL DISTRICT  
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