

**UNIFORM COMPLAINT PROCEDURES
Annual Notice**

Complaints Alleging Discrimination, Harassment, Intimidation, and Bullying

State and federal law prohibit discrimination in education programs and activities. The District is primarily responsible for compliance with federal and state laws and regulations. (Cal. Code Regs., tit. 5, § 4620.)

Under state law, all pupils have the right to attend classes on school campuses that are safe, secure, and peaceful. (Ed. Code, § 32261.) State law requires school districts to afford all pupils equal rights and opportunities in education, regardless of their actual or perceived characteristics, such as disability (mental and physical), gender (includes gender identity, gender expression, and gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth), nationality (includes citizenship, country of origin and national origin), genetic information, race or ethnicity (includes ancestry, color, ethnic group identification and ethnic background), immigration status, religion (includes all aspects of religious belief, observance and practice, including agnosticism and atheism), sexual orientation (heterosexuality, homosexuality or bisexuality), or association with a person or group with one or more of these actual or perceived characteristics. (Ed. Code, §§ 210-214, 220 et seq., 234 et seq., 66260–66269, Cal. Code Regs., tit. 5, § 4900 et seq., 20 U.S.C. § 1681 et seq., 29 U.S.C. § 794, 42 U.S.C. § 2000d et seq., 42 U.S.C. § 12101 et seq., 34 C.F.R. § 106.9) The District prohibits discrimination, harassment, intimidation, bullying, and retaliation in all acts related to school activity or attendance. In addition to being the subject of a complaint, a pupil engaging in an act of bullying as defined by Education Code section 48900(r) may be suspended from school or recommended for expulsion.

The District has a written complaint procedure which may be used in cases where individuals or a group have suffered discrimination, harassment, intimidation, or bullying. (Cal. Code Regs., tit. 5, §§ 4610, 4630, 4650, Ed. Code, § 234 et seq., 48900(r).)

- a. Any individual, public agency or organization has the right to file a written complaint alleging that he/she has personally suffered unlawful discrimination or that an individual or specific class of individuals has been subjected to unlawful discrimination. (Cal. Code Regs., tit. 5, § 4630(b)(1))
- b. Copies of the District's complaint procedures are available free of charge. (Cal. Code Regs., tit. 5, § 4622)
- c. Complaints must usually be filed with the director/district superintendent/designee of the District. In the following cases, however, complaints may be filed directly with the State Superintendent of Public Instruction: (Cal. Code Regs., tit. 5, §§ 4630(a), 4650)
 - (1) Complaints alleging that the District failed to comply with the complaint procedures described herein.
 - (2) Complaints alleging facts which indicate that complainant will suffer an immediate loss of some benefit such as employment or education.
 - (3) Complaints requesting anonymity, but only where complainant also provides clear and convincing evidence that complainant would be in danger of retaliation if filing complaint at the District level.
 - (4) Complaints alleging that the District failed or refused to implement a final decision regarding a complaint originally filed with the District.
 - (5) Complaints alleging that the District took no action within sixty (60) days regarding a complaint originally filed with the District.
 - (6) The District refuses to respond to the State Superintendent's request for information regarding a complaint originally filed with the District.
- d. Discrimination complaints must be filed within six (6) months of the date the alleged discrimination occurred, or within six (6) months of the date the complainant first obtained knowledge of the facts of the alleged discrimination. Within that six (6) month period, complainant may file a written request with the State Superintendent of Public Instruction for an extension of up to ninety (90) days. Extensions will not be automatically granted, but may be granted for good cause. (Cal. Code Regs., tit. 5, § 4630(b))

Complaints Other Than Discrimination, Harassment, Intimidation, and Bullying:

The District has a written complaint procedure which may be used in cases where any individual, public agency or organization alleges violations of state or federal law, other than those relating to discrimination, harassment, intimidation, and bullying.

- a. Written complaints may be made regarding:
 - (1) Adult Basic Education
 - (2) Consolidated Categorical Aid Programs
 - (3) Migrant Education
 - (4) Vocational Education

- (5) Child Care and Development
 - (6) Child Nutrition
 - (7) Special Education
 - (8) "Williams Complaints"
 - (9) Pupil Fees
 - (10) Federal School Safety Plan Compliance
 - (11) Local Control Accountability Plan Non-Compliance
 - (12) Rights of Homeless Students and Students in Foster Care
 - (13) Elementary School Physical Education Instructional Minutes
 - (14) Deficiencies related to preschool health and safety issues for California state preschool programs
(Cal. Code Regs., tit. 5, §§ 4610(b), 4630, Ed. Code, §§ 221.51, 32286, 32289, 35186, 46015, 49013, 52075, 20 USC § 7114(d)(7))
- b. Complaints must usually be filed with the administrator/superintendent of the District. However, complaints may be filed directly with the State Superintendent of Public Instruction in the following cases:
- (1) Complaints alleging that the District failed to comply with the complaint procedures described herein.
 - (2) Complaints regarding Child Development and Child Nutrition programs not administered by the District.
 - (3) Complaints alleging that the District failed to comply with Federal School Safety Plan requirements.
 - (4) Complaints requesting anonymity, but only where complainant also provides clear and convincing evidence that complainant would be in danger of retaliation if filing complaint at District level.
 - (5) Complaints alleging that the District failed or refused to implement a final decision regarding a complaint originally filed with the District.
 - (6) Complaints alleging that the District took no action within sixty (60) days regarding a complaint originally filed with the District.
 - (7) Complaints relating to Special Education, but only if:
 - (a) District unlawfully refuses to provide a free appropriate public education to handicapped students; or
 - (b) District refuses to comply with due process procedures or fails to implement due process hearing order; or
 - (c) Children may be in immediate physical danger, or their health, safety or welfare is threatened; or
 - (d) A handicapped pupil is not receiving the services specified in his/her Individual Educational Program (IEP); or
 - (e) The complaint involves a violation of federal law.
 - (8) The District refuses to respond to the State Superintendent's request for information regarding a complaint originally filed with the District.
(Cal. Code Regs., tit. 5, §§ 4630, 4650)
- c. Williams Complaints: Complaints, including anonymous complaints, may be made and addressed on a shortened time line for the following areas: (Ed. Code, § 35186)
- (1) Insufficient textbooks and instructional materials;
 - (2) Emergency or urgent school facilities conditions that pose a threat to the health and safety of pupils;
 - (3) Teacher vacancy or misassignment; or
 - (4) A complainant not satisfied with the resolution of a Williams Complaint has further rights under Education Code Section 35186.
- d. Pupil Fees Complaints: A complaint of noncompliance with Education Code section 49010 et seq. may be filed with the school principal under the Uniform Complaint Procedures. A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.
- (1) A complainant not satisfied with the decision of the school may appeal to the California Department of Education and will receive a written appeal decision within 60 days of the department's receipt of the appeal.
 - (2) If the school finds merit in a complaint, or the California Department of Education finds merit in an appeal, the school must provide a remedy to all affected pupils, parents, and guardians that, where applicable, includes reasonable efforts by the school to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.
- e. Local Control Accountability Plan Noncompliance: School districts, charter schools and county offices of education are required to adopt and annually update their LCAPs. LCAP non-compliance complaints may be filed under the District's Uniform Complaint Procedures and may be filed anonymously. If a complainant

is not satisfied with the District's decision, the complainant may appeal to the California Department of Education and receive a written decision within 60 days. (Ed. Code, § 52075.)

f. Uniform Complaints – Rights of Homeless Students and Students in Foster Care:

The district's uniform complaint procedures cover complaints pertaining to the education of homeless students and students in foster care, including, but not limited to, a school district's failure to:

1. Allow a foster child to remain in his/her school of origin while resolution of a school placement dispute is pending;
2. Place a foster child in the least restrictive educational programs and provide access to academic resources and services, and extracurricular and enrichment activities available to all students and make educational and school placement decisions based on the best interests of the child;
3. Provide educational services for foster children living in emergency shelters;
4. Designate a staff person as the educational liaison for foster children. The educational liaison must ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of foster children, and assist foster children when transferring from one school or district to another by ensuring the proper transfer of credits, records and grades;
5. Compile and transfer the complete educational record, including full or partial credits earned and the current classes and grades, of a transferring foster child to the next educational placement;
6. Ensure the proper and timely transfer between schools of students in foster care;
7. Within two business days of receipt of a transfer request or notification of enrollment from the new local educational agency, transfer the student and deliver the student's complete educational information and records to the next educational placement;
8. Ensure that no lowering of grades will occur as a result of a foster student's absence due to a change in placement by a court or placing agency, or due to a verified court appearance or related court activity; and
9. Accept coursework satisfactorily completed by a homeless student or student in foster care while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school or agency, even if the student did not complete the entire course; and for failing to issue full or partial credit for the coursework completed.

A complainant not satisfied with the district's decision may appeal to the CDE and receive a written decision from the CDE within 60 days. (Ed. Code, §§ 48853, 49069.5, 51225.1, 51225.2.)

g. Uniform Complaints – Elementary School Physical Education Instructional Minutes:

Students in elementary schools maintaining grades 1-6 and 1-8 are required to receive at minimum, 200 minutes of physical education instruction each 10 school days, exclusive of recesses and lunch periods. Complaints regarding a school district's failure to comply with these physical education instructional minute requirements may be filed under the District's Uniform Complaint Procedures. Complainants not satisfied with the District's decision may appeal to the California Department of Education (CDE) and receive a written decision from the CDE within 60 days. (Ed. Code, §§ 51210 and 51223.)

Responsible Official: The District official responsible for processing complaints is listed below at the following address:

Michelle Bush, Assistant Superintendent Human Resources
1401 Broadway Avenue
Atwater, CA 95301

Appeals:

a. Except for Williams Complaints, if a complaint is denied, in full or in part, by the District, the complainant may appeal to the California Department of Education. (Ed. Code, § 262.3(a), Cal. Code Regs., tit. 5, § 4632)

- (1) Appeals must be filed within fifteen (15) days of receiving the District decision.
Complainant may, within that fifteen (15) day period, file a written request for an extension. Extensions will not be automatically granted, but may be granted for good cause.
- (2) Appeals must be in writing.
- (3) Appeals must specify the reason(s) for appealing the District decision.
- (4) Appeals must include a copy of the original complaint and a copy of the District decision.

- b. If a complaint is denied, in full or in part, by the Department of Education, the complainant may request reconsideration by the State Superintendent of Public Instruction. (Cal. Code Regs., tit. 5, § 4665)
 - (1) Reconsideration must be requested within thirty-five (35) days of receiving the Department of Education report.
 - (2) The original decision denying the complaint will remain in effect and enforceable unless and until the State Superintendent of Public Instruction modifies that decision.

Civil Law Remedies:

In addition to the above-described complaint procedure, or upon completion of that procedure, complainants may have civil law remedies. These civil law remedies can include, but are not limited to, injunctions and restraining orders. These civil law remedies are granted by a court of law and may be used, in part, to prevent the District from acting in an unlawful manner. Delay in pursuing civil law remedies before a court of law may result in loss of rights to those remedies. Any questions regarding civil law remedies should be directed to an attorney. (Ed. Code, § 262.3(b), Cal. Code Regs., tit. 5, § 4622)

Copies of the District complaint procedures shall be available free of charge by contacting the school or District Office.

UNIFORM COMPLAINT PROCEDURES - COMMUNITY RELATIONS BOARD POLICY 1312.3

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The district shall investigate and seek to resolve any complaints alleging failure to comply with such laws and/or alleging unlawful discrimination, harassment, intimidation, or bullying in accordance with the uniform complaint procedures.

The district shall use the uniform complaint procedures to resolve any complaint alleging unlawful discrimination, harassment, intimidation, or bullying in district programs and activities based on actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, immigration status, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Penal Code 422.55, or Government Code 11135, or based on association with a person or group with one or more of these actual or perceived characteristics.

Uniform complaint procedures shall also be used to address any complaint alleging the district's failure to comply with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities, the requirements for the development and adoption of a school safety plan, and state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, preschool health and safety 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 whenever possible and appropriate.

The Board recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with the 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 required by law. As appropriate for any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of a complainant and/or the subject of the complaint, confidential to the extent that the investigation of the complaint is not obstructed.

The district'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 students or staff
3. Teacher vacancies and misassignments

UNIFORM COMPLAINT PROCEDURES - COMMUNITY RELATIONS ADMINISTRATIVE REGULATION 1312.3

Compliance Officers

The following compliance officers shall receive and investigate complaints and shall ensure district compliance with law:

**Assistant Superintendent, Human Resources
Assistant Superintendent, Educational Services
1401 Broadway Avenue
Atwater, CA 95301
(209) 357-6100**

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.

Notifications

The Superintendent or designee shall annually provide written notification of the district's Uniform Complaint Procedures to students, employees, parents/guardians of district students, district advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties.

(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 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, such as the U.S. Department of Education's Office for Civil Rights (OCR)
4. Include statements that:
 - a. The district is primarily responsible for compliance with state and federal laws and regulations governing educational programs.
 - 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. A complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination.
 - d. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an education activity that constitutes an integral fundamental part of the district's educational program.
 - e. The Board is required to adopt and annually updated the LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.
 - f. A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the district

- liaison for foster youth.
- g. A foster youth, homeless student, former juvenile court school student, migratory and newly arrived immigrant student participating in a “Newcomer Program,” or a child of a military family who transfers into a district high school or between district high schools as applicable shall be notified of the district’s responsibilities pertaining to graduation and coursework requirements.
 - h. The complainant has a right to appeal the district’s decision to the CDE by filing a written appeal within 15 days of receiving the district’s decision.
 - i. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district’s decision.
 - j. 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 district has violated federal or state laws or regulations governing educational programs or has committed unlawful discrimination.

All UCP-related 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 district'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 unlawful discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. However, upon written request by the complainant, the Superintendent or designee may extend the filing period for up to 90 days. (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 a disability or illiteracy, district 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 all the parties 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 complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to relevant 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

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within three business days of initiating the investigation, the compliance officer shall provide the complainant and/or his/her representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or his/her representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

A complainant's refusal to provide the district'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 other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

Step 4: Response

Unless extended by written agreement with the complainant, a final decision shall be sent to the complainant within 60 calendar days of the district's receipt of the complaint. Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Final Written Decision" below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five business 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 calendar days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

Step 5: Final Written Decision

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

In consultation with district legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the decision or are affected by the complaint, as long as the privacy of the parties is protected.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved attends a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For all complaints, the decision shall include: (5 CCR 4631)

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 district's decision within 15 calendar days to the CDE and procedures to be followed for initiating such an appeal

In addition, any decision concerning a discrimination, harassment, intimidation, or bullying 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)

Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's final written decision may file an appeal in writing with the CDE within 15 calendar days of receiving the district's decision. 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 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 written 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 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 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, harassment, intimidation, or bullying 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 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. The moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)