

UNIFORM COMPLAINT PROCEDURES

The Governing Board recognizes that the district is responsible for complying with applicable state and federal laws and regulations governing educational programs. The Board encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation. 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)

COMPLAINTS SUBJECT TO UCP

1. Uniform complaint procedures shall be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education, peer assistance and review programs for teachers, 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, State Preschool Programs, English learner programs, federal education programs in Title I-VII, and any other district-implemented program which is listed in Education Code. 64000(a).
2. The district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any student, employee, or other person participating in district programs and activities, including, but not limited to, those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of sex, sexual orientation, gender, gender identity, gender expression, genetic information, ethnic group identification, race or ethnicity, ancestry, nationality, national origin, immigration status, religion, color, or mental or physical disability, or age, marital status, pregnancy, parental status, or any other characteristic identified under Education Code 200 and 220 and Government Code 11135, or Penal Code 422.55, or based on a person's association with a person or group with one or more of these actual or perceived characteristics. (5 CCR 4610)
3. Any complaint alleging district noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student. (Education Code 222)
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5. Any complaint alleging district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities. (5 CCR 4610)
6. Any complaint alleging district noncompliance with legal requirements related to the implementation of the local control and accountability plan. (Education Code 52075)
7. Any complaint, by or on behalf of any student who is a foster youth, alleging district noncompliance with any legal requirement applicable to

the student regarding placement decisions, the responsibilities of the district's educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the grant of an exemption from Board-imposed graduation requirements. (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

8. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student in grades 9-12 to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions. (Education Code 51228.3)
9. Any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in elementary school. (Education Code 51210, 51223)
10. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy.
11. Any other complaint as specified in a district policy.

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is acceptable to all parties. ADR such as mediation may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

The district shall protect all complainants from retaliation. The Board acknowledges and respects every individual's right to privacy. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall protect 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.

The Board prohibits any form of retaliation against any complainant in the complaint, process, including but not limited to the 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.

When an allegation that is not subject to the UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and related requirements, including the steps and timelines specified in this policy and the accompanying administrative regulation.

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints in accordance with applicable law and district policy.

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. The Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulations. In an effort to resolve issues locally as often as possible, if the mediation process does not resolve the problem within the parameters of law or if the complainant is dissatisfied with the compliance officer's decision, the complainant may 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 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.

COMPLIANCE OFFICERS

The Board of Education designates the following compliance officers to receive and investigate complaints and ensure District compliance with law:

Superintendent or Designee

(Compliance officer for students) (818) 952-8387

Executive Director, Personnel Services

(Compliance officer for personnel) (818) 952-8383

NOTIFICATIONS

Annual notifications will be disseminated as follows:

1. Parents/Guardians – Annual Notice of Parent Rights
2. Students – Student Handbook and School Assemblies
3. Employees – Staff Handbooks and Welcome Back Packets
4. District/Site Advisory Committees – Administrator assigned to the committee

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 as required for compliance with the California Code of Regulations. (5 CCR 4630)

STEP 1: FILING OF COMPLAINT

Any individual, public agency or organization may file a written complaint of alleged noncompliance. (5 CCR 4630) Complaint forms may be obtained from either Human Resources or Educational Services.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or disability, District staff shall help him/her to file the complaint. (5 CCR 4600)

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.

STEP 2: MEDIATION

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LA CAÑADA UNIFIED SCHOOL DISTRICT

4490 Cornishon Avenue
La Cañada, CA 91011
(818) 952-8300

*For more information:
Wendy Sinnette
Superintendent*

*Dr. Debra Craddock
Executive Director,
Personnel Services*

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

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 time lines 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/investigator shall gather data and hold an investigative meeting within five (5) 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)

To ensure that all pertinent facts are made available, the compliance officer/investigator will determine appropriate procedures for each investigation that will ensure an unbiased investigation and that all pertinent information is collected. These may include individual interviews or meetings with the complainant, District staff members, students or persons identified as witnesses; joint meetings with relevant persons; review of District documents or documents provided by complainants or other persons.

STEP 4: RESPONSE

Within 60 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 5 below. (5 CCR 4631)

STEP 5: FINAL WRITTEN DECISION

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. (cf. 5145.6 – Parental Notifications) If it is not feasible to write this report in the complainant's primary language, the District will arrange a meeting at which a translator or a community member will interpret it for the complainant. This 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 complainant. (5 CCR 4631)
4. The 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 California Department of Education, 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, 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.

If the complainant is dissatisfied with the compliance officer's decision, the complainant may file his/her complaint in writing with the Governing Board. The Board may consider the matter at its next regular Board meeting or at a special Board meeting, or the Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

APPEALS TO THE CALIFORNIA DEPARTMENT OF EDUCATION

If dissatisfied with the District's decision, the complainant may appeal, in writing, to the California Department of Education, within fifteen (15) days of receiving the investigator's decision. 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 4633)

CIVIL LAW REMEDIES

Nothing in this policy precludes a complainant from pursuing available civil law remedies outside of the District's complaint procedures. Such remedies may include mediation centers, public/private interest attorneys, injunctions, restraining orders, etc. 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. For assistance, you may contact:

Los Angeles County Bar Association (213) 627-2727
Aide Legal (818) 247-9582

REFERRING COMPLAINANTS TO OTHER APPROPRIATE STATE OR FEDERAL AGENCIES

Other state or federal agencies that may receive complaints include:
*Equal Employment Opportunity Commission Office for Civil Rights and
the Department of Fair and Equal Housing.*

BASIS OF DIRECT STATE DEPARTMENT OF EDUCATION INTERVENTION

Anyone who believes that there has been a violation of federal law or regulations may file a complaint with the State Department of Education. Complaints must be written and signed; state that the La Cañada Unified School District has violated a requirement of the laws or regulations; and state the facts on which the allegations are based. Mail complaints to the California State Department of Education, 1430 N. Street, Sacramento, CA 95814. Telephone: (916) 319-0900