

Community RelationsComplaints Concerning Discrimination

The Governing Board expects that complaints of alleged discrimination brought by students, employees, parents/guardians or other members of the community shall be resolved in a prompt and equitable manner. Complaints should be resolved informally whenever possible.

The Superintendent or designee shall establish administrative regulations governing discrimination complaint procedures.

The Board designates the following person as Nondiscrimination Coordinator:

Richard Pierucci
6940 Calloway
Bakersfield, CA 93312

The Board prohibits retaliation in any form for the filing of a complaint, the reporting of instances of discrimination, or for participation in the complaint procedures. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

The Superintendent shall ensure that complainants are informed that injunctions, restraining orders and other civil law remedies may also be available to them. This information shall be published with the district's nondiscrimination complaint procedures and included in any related notices. (Education Code 265)

Legal Reference:

EDUCATION CODE

200-262 Prohibition of discrimination
44100-44105 Affirmative action employment

TITLE VI, CIVIL RIGHTS ACT OF 1964TITLE VII, CIVIL RIGHTS ACT OF 1964TITLE IX, EDUCATION AMENDMENTS OF 1972SECTION 504, REHABILITATION ACT OF 1973AGE DISCRIMINATION ACT OF 1975CODE OF REGULATIONS, TITLE 5

30-31 Affirmative Action Employment Programs

90-101 Plans to alleviate racial and ethnic segregation of minority students

GOVERNMENT CODE

12920-12921 Nondiscrimination

12940-12948 Discrimination prohibited; unlawful practices, generally

Community Relations

Complaints Concerning Discrimination

When a student, parent/guardian, employee or community member has a complaint alleging that a specific action, policy, procedure or practice is discriminatory, the following procedures shall be followed.

The complaint must be initiated within 60 days after a complainant knew, or should have known, of the alleged discrimination.

All parties involved in allegations of discrimination shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made. The complainant also shall be notified of his/her right to appeal the decision to the next level.

When a complaint is brought against the individual responsible for the complaint process at any level, the complainant may address the complaint directly to the next appropriate level.

Level I

The complainant will first meet informally with the principal. If the complainant's concerns are not clear or cannot be resolved through informal discussion, the principal shall prepare, within ten working days, a written summary of his/her meeting(s) with the complainant. This report shall be available when requested by the nondiscrimination coordinator.

Level II

If a complaint cannot be satisfactorily resolved at Level I, the complainant may meet with the district nondiscrimination coordinator and present his/her complaint in writing, describing specifically the time, place, nature and participants of the alleged discriminatory acts or policies. The coordinator shall assign a staff member to assist the complainant with this writing if such help is needed. The coordinator will respond to the complainant in writing within ten working days.

The coordinator shall conduct any investigation necessary to respond to the complaint, including discussion with the complainant, person(s) involved, appropriate staff members and students, and review of the principal's report and all other relevant documents. If a response from third parties is necessary, the coordinator may designate up to ten additional working days for investigation of the complaint. With the complainant's consent, an additional period of time may be

Complaints Concerning Discrimination (continued)

allowed for resolution of the complaint. Every reasonable effort will be made to resolve the problem in a manner acceptable to all parties.

Level III

If the problem cannot be resolved at the second level, the complainant shall have the right to present the complaint to the Superintendent, following the same procedures as in Level II.

Level IV

If the matter cannot be resolved at the third level, the complainant may request a hearing before the Governing Board. Any such request must be made in writing within 20 working days after receiving the Superintendent's decision. The Board shall grant the hearing request for the next regular Board meeting for which it can be placed on the agenda. The Board shall hear all information relevant to the complaint and shall render its decision within ten working days.

Alternate Steps

The existence of this complaint procedure does not affect the right of any individual or group to file a complaint with the Office for Civil Rights, U.S. Department of Education. Moreover, California's Education Code 262.3 states that complainants may appeal the Board's action to the State Department of Education. Injunctions, restraining orders and other civil law remedies also may be available to complainants.