

Santa Maria-Bonita SD

Administrative Regulation

Uniform Complaint Procedures

AR 1312.3

Community Relations

Compliance Officers

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

Director of Pupil Personnel Services
708 South Miller
Santa Maria, CA 93454
(805) 361-8151

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.

(cf. 9124 - Attorney)

Notifications

The Superintendent or designee shall annually provide written notification of the district's UCP, including information regarding unlawful student fees, local control and accountability plan (LCAP) requirements, and requirements related to the educational rights of foster youth and homeless students, to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 48853, 48853.5, 49013, 49069.5, 51225.1, 51225.2, 52075; 5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)
(cf. 0460 - Local Control and Accountability Plan)
(cf. 1220 - Citizen Advisory Committees)
(cf. 3260 - Fees and Charges)
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 5145.6 - Parental Notifications)
(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)

The Superintendent or designee shall make available copies of the districts uniform complaint procedures free of charge. (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
4. Include statements that:
 - a. The district is primarily responsible for compliance with state and federal laws and regulations
 - 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. An unlawful discrimination complaint must be filed not later than six months from the date the alleged discrimination occurs, or six months from the date the complainant first obtains knowledge of the facts of the alleged discrimination
 - d. 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
 - e. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.
 - f. The Board is required to adopt and annually update 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.
 - g. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.
 - h. The Board is required to adopt and annually update 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.
 - i. 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 to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades when he/she transfers between schools or between the district and another district.

j. A foster youth or homeless student who transfers into a district high school or between district high schools shall be notified of the district's responsibility to:

(1) Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework completed

(2) Not require the student to retake any course or a portion of a course which he/she has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency

(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 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: Informal Procedures

In order to promote fair and constructive communication, the following procedures are encouraged prior to filing a written complaint.

1. It is recommended that the complainant contact the employees most directly involved to discuss the complaint.
2. It is recommended that the principal or coordinator to be contacted so that they are aware of the situation and may assist in the solution.
3. The principal and appropriate program coordinator may meet to review the complaint.

Every effort should be made to resolve a complaint at the earliest possible stage.

Step 2: Filing of Complaint

Any individual, public agency or organization may file a written complaint of alleged noncompliance by the district. (5 CCR 4630)

A complaint alleging unlawful discrimination shall be initiated no later than six months from the date when the alleged discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination. A complaint 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. (5 CCR 4630)

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes for students in elementary schools, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51223, 52075)

For complaints alleging noncompliance with the laws regarding student fees, the district shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

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 3: Investigation of Complaint

The compliance officer is encouraged to hold an investigative meeting within 20 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 shall have an opportunity to present the complaint and evidence or information leading to evidence to support the allegations in the complaint. (5 CCR 4631)

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her 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)

The district's refusal to provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement in any other obstruction of the investigation, may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in

favor of the complainant. (5 CCR 4631)

Step 4: Response

Within 20 days of receiving the complaint, a meeting will be held between the complainant and the administrator(s) conducting the investigation to review the findings and possible remedies. The administrator responsible for the investigation shall provide the complainant a written report of findings and possible remedies if possible.

Step 5: Committee Level

1. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five days, file his/her complaint in writing to the Director of Student Services. The Director of Student Services shall convene a committee.
2. The committee shall be composed of:
 - a. The Assistant Superintendent of Instructional Services or designee (Chairperson);
 - b. A program coordinator, other than the program coordinator who is involved in the investigation;
 - c. A school site principal, from a school other than the one involved in the complaint.
3. The committee shall conduct a review of the complaint and investigation at Step 2. An opportunity will be provided for the complainant or the complainant's representative or both to be present evidence relevant to the complaint and to question parties involved. (5 CCR 4631)
4. Within five calendar days of the date of the hearing the Chair of the Committee shall prepare and send to the complainant a written report of the District's investigation and decision, including:
 - a. Findings and disposition of the complaint including corrective actions if any (5 CCR 4631)
 - b. The rationale for the above disposition (5 CCR 4631)
 - c. Notice of complainant's right to appeal the decision to the Board of Education and the California Department of Education (5 CCR 4631, 4652)
 - d. 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 (Education Code 262.3; 5 CCR 4631)
 - e. 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.

5. The report of the district's decision will be in English and in the language of the complainant when required by law (Education Code 48985)

Step 6: Appeal to the Board

If a complainant is dissatisfied with the committee's decision, he/she may, within five calendar days, file his/her complaint in writing to 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 days of the district's initial receipt the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

Step 7: Final Written Decision

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

The district's decision shall be written in English and in the language of the complainant whenever feasible or as required by law.

The 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 complaint (5 CCR 4631)
4. 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 CDE 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, the decision 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 allegation(s) includes retaliation or unlawful discrimination (such as discriminatory harassment, intimidation or bullying) and the investigation reveals the discrimination has occurred, the district will take steps to prevent recurrence of the discrimination, and correct its discriminatory effects on the complainant, and others, if appropriate.

In any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation or bullying), the respondent shall also have a right to file an appeal with the CDE in the same manner as complainant, if he/she is dissatisfied with the district's decision.

The compliance officer shall keep all complaints of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation or bullying) confidential except when disclosure is necessary to carry out the investigation, take corrective action, conduct ongoing monitoring and maintain integrity of the process.

For complaints alleging unlawful discrimination (such as discriminatory harassment, intimidation or bullying), the disposition of the complaint shall include a determination for each allegation as to whether the retaliation or unlawful discrimination has occurred.

For complaints alleging unlawful discrimination (such as discriminatory harassment, intimidation or bullying), the decision shall also include notice to the complainant that:

1. He or she may pursue civil law remedies outside of the district's complaint procedures, including seeking help from mediation centers or legal counsel, 60 days after filing the appeal with the CDE. (Education Code 262.3)
2. The 60 day moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on Federal law. (Education Code 262.3).
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

Appeals to the California Department of Education

If dissatisfied with the district's decision, the complainant may appeal in writing to the CDE within 15 days of receiving the district's decision. When appealing to the CDE, the complainant must 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 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 complaint procedures
7. Other relevant information requested by the CDE

The CDE may directly intervene in the 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 complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE 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.

Regulation SANTA MARIA-BONITA SCHOOL DISTRICT
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