

UNIFORM COMPLAINT PROCEDURES

The Governing Board recognizes that the district is responsible for ensuring that it complies with state and federal laws and regulations governing educational programs. The district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination based on ethnic group identification, religion, age, gender, sexual orientation, color, or physical or mental disability in any program or activity that receives or benefits from state financial assistance. The District shall also follow uniform complaint procedures when addressing complaints alleging failure to comply with state or federal law in consolidated categorical aid programs and special education programs, or with the school safety planning requirements of the No Child Left Behind Act.

Complaints related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, and teacher vacancies and misassignments shall be investigated pursuant to the District's Williams uniform complaint procedure (AR 1312.4).

The Board encourages the early, informal resolution of complaints at the site level whenever possible.

Upon receipt of a written complaint from an individual, public agency or organization, uniform complaint procedures shall be initiated. The Superintendent or designee shall distribute full information about these procedures.

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 to resolve the problem through mediation, the Superintendent or designee may initiate a mediation process before beginning a formal compliance investigation. The Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulations. 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.

The Board acknowledges and respects student and employee rights to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties, the facts of the case, and the integrity of the process. This includes keeping the identity of the complainant confidential 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 retaliation in any form for the filing of a complaint, the reporting of instances of discrimination or participation in complaint procedures. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

Legal Reference: (see next page)

UNIFORM COMPLAINT PROCEDURES (continued)

Legal Reference:

EDUCATION CODE

200-262.4 *Prohibition of discrimination*
8200-8498 *Child care and development programs*
8500-8538 *Adult basic education*
18100-18172 *School libraries*
32289 *School safety plan, uniform complaint procedure*
35186 *Alternative uniform complaint procedure*
41500-41513 *Categorical Educational Block Grant Funding*
48985 *Notices in language other than English*
49060-49079 *Student records*
49490-49590 *Child nutrition programs*
52160-52178 *Bilingual education programs*
52300-52499.6 *Vocational education*
52500-52616.24 *Adult schools*
52800-52870 *School-based coordinated programs*
54000-54041 *Economic impact aid programs*
54100-54145 *Miller-Unruh Basic Reading Act*
54400-54425 *Compensatory education programs*
54440-54445 *Migrant education*
54460-54529 *Compensatory education programs*
56000-56885 *Special education programs*
59000-59300 *Special schools and centers*
64000-64001 *Consolidated application process*

CODE OF REGULATIONS, TITLE 5

3080 *Application of section*
4600-4671 *Uniform complaint procedures*
4900-4965 *Nondiscrimination in elementary and secondary education programs*

PENAL CODE

422.6 *Interference with constitutional right or privilege*

UNITED STATES CODE, TITLE 20

6301-6577 *Title I Basic Programs*
6601-6777 *Title II Preparing and Recruiting High Quality Teachers and Principals*
6801-6871 *Title III, Language instruction for limited English proficient and immigrant students*
7101-7184 *Safe and Drug-Free Schools and Communities Act, including*
7114 *Local educational program, safety plans*
7201-7283g *Title V Promoting Informed Parental Choice and Innovative Programs*
7301- 7372 *Title VI Rural and Low-Income School Programs*

Management Resources:

WEB SITES

California Department of Education: <http://www.cde.ca.gov>
U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/offices/OCR>

MENLO PARK CITY SCHOOL DISTRICT

Policy adopted: November 15, 2001

Atherton, California

Policy revised: March 10, 2005 and June 21, 2006

UNIFORM COMPLAINT PROCEDURES

Compliance Officers

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

Special Education; Section 504

Director of Student Services
181 Encinal Avenue
Atherton, CA 94027
(650) 321-7140

Consolidated Categorical Aid Programs; Discrimination

Assistant Superintendent for Curriculum and Instruction
181 Encinal Avenue, Atherton, CA 94027
Menlo Park, CA 94025
(650) 321-7140

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the law and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Superintendent or designee.

Notifications

The Superintendent or designee shall meet the notification requirements of 5 CCR 4622, including the annual dissemination of district uniform complaint procedures and information to students, parents/guardians, school advisory committees, appropriate private school officials or representatives, and other interested parties about available appeals, civil law remedies, and conditions under which a complaint may be taken directly to the California Department of Education. The Superintendent or designee shall ensure that complainants understand that they may pursue other remedies, including actions before civil courts or other public agencies.

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 4632.

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.

UNIFORM COMPLAINT PROCEDURES (continued)**Step 1: Filing of Complaint**

Any individual, public agency or organization may file a written complaint of alleged noncompliance by the district.

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

Step 2: Investigation of Complaint

The compliance officer shall hold an investigative meeting within five workdays of receiving the complaint (or within five workdays of an unsuccessful attempt to resolve the complaint informally). This meeting shall provide an opportunity for the complainant to repeat/discuss the complaint orally.

The complainant 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)

A complainants' 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)

UNIFORM COMPLAINT PROCEDURES (continued)**Step 3: Response**

Within 30 calendar 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 4 below. If the complainant is dissatisfied with the compliance officer's decision, he/she may within five calendar days, file his/her complaint in writing with the Board.

The Governing Board may consider the matter at its next regular 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 is 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 initially receiving the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

Step 4: Final Written Decision

The report of the district's decision shall be written in English (and in the language of the complainant whenever 15% or more of the students enrolled at the school in question speak a single primary language other than English) and sent to the complainant.

This report shall include:

1. The findings based on the evidence gathered, the conclusion(s) of law, and disposition of the complaint, including corrective actions, if any. (5 CCR 4631)
2. The rationale for the above disposition. (5 CCR 4631)
3. Notice of the complainant's right to appeal the decision within 15 days to the California Department of Education, and procedures to be followed for initiating such an appeal. (5 CCR 4631)
4. A statement of all specific issues that were raised during the investigation and the extent to which these issues were resolved.
5. For discrimination complains, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with CDE before pursuing civil law remedies (Education Code 262.3).

UNIFORM COMPLAINT PROCEDURES (continued)

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 additional information as to the nature of the disciplinary action.

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 15 calendar days of receiving the district's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. (5 CCR 4632)

When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing and district's decision and whether the facts are incorrect and/or the law has been is applied. The appeal shall be accompanied by the locally filed complaint and 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 extend 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.

UNIFORM COMPLAINT PROCEDURES (continued)

Notification of Time Line

In discrimination complaints, the district must notify the complainant that they may not seek civil law remedies sooner than 60 days after filing an appeal with the Department of Education (Education Code 262.3)

Regulation
Approved: November 15, 2001
Revised: June 21, 2006

MENLO PARK CITY SCHOOL DISTRICT
Atherton, California