

PHILOSOPHY, GOALS, OBJECTIVES, AND COMPREHENSIVE PLANS

ADMINISTRATIVE REGULATION – NONDISCRIMINATION IN COUNTY OFFICE PROGRAMS AND ACTIVITIES

AR 0410

The following procedures shall be followed when a student, parent/guardian, community member or employee has a complaint alleging that a specific action, policy, procedure or practice discriminates against him/her on any basis specified in the County Education Office's nondiscrimination or affirmative action policies. These procedures shall not apply to complaints regarding denial of benefits/discrimination under Special Education laws.

1. Any complaint must be initiated within thirty (30) working days after a complainant knew, or should have known, of the alleged discrimination.
2. 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.
3. 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.
4. Meetings related to a complaint shall be held at times the County Education Office determines as least likely to interfere with program schedules and operations.
5. For the protection of the complainant and the County Education Office, complaint proceedings shall be kept confidential insofar as appropriate.
6. All documents, communications and records dealing with the complaint shall be placed in a complaint file maintained by the County Education Office.
7. Time limits specified in these procedures may be revised only by written mutual agreement of all parties involved. If the County Education Office fails to respond within a specified or adjusted time limit, a complainant may proceed to the next level. If a complainant fails to take the complaint to the next step within the prescribed time, the complaint shall be considered settled at the preceding step.

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Procedure

All complaints brought by students, parents/guardians, community members, or employees shall be handled in the following manner:

LEVEL I

Within twenty (20) working days of the time that the complainant knew, or reasonably should have known, of the complaint, the complainant shall meet informally with the program director (if the complainant is a student, parent/guardian, or community member), or with the immediate supervisor (if the complainant is an employee). If the complainant's concerns are not clear or cannot be resolved through informal discussion, the program director or immediate supervisor shall prepare, within ten (10) working days, a summary of his/her meeting(s) with the complainant. This report shall be available when requested by the Nondiscrimination Coordinator.

LEVEL II

1. In the event the complainant is not satisfied with the decision at Level I, s/he may submit the written complaint to the appropriate Nondiscrimination Coordinator within five (5) working days of receiving the Level I response.
2. The Nondiscrimination Coordinator shall conduct any investigation necessary to resolve the complaint, including interviews with the parties involved and appropriate witnesses, and a review of all relevant documents.
3. Within ten (10) working days of receiving the written complaint, the Nondiscrimination Coordinator will respond to the complainant in writing. In the event that a response from third parties is necessary, the Coordinator may designate up to ten (10) additional working days for investigation. Additional time may be allowed for resolution with the complainant's consent.

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LEVEL III

If the complaint cannot be resolved at Level II, the complainant may present the complaint to the County Superintendent or designee, who shall review the Level II investigation file, including the written complaint and all responses from staff members. The County Superintendent/designee shall respond to the complainant in writing within ten (10) working days after his/her receipt of the investigation file.

If the County Superintendent/designee finds it necessary to conduct further investigation, s/he may designate up to ten (10) additional working days for such investigation and shall respond to the complainant in writing within ten (10) working days of completing the investigation.

In lieu of personally reviewing the complaint, the Superintendent may elect to appoint a hearing panel to review the complaint and previous decisions and make recommendations to him/her. The panel shall hear the appeal and render its recommendation to the County Superintendent within ten (10) working days.

Other Remedies

Complainants shall be informed in writing that injunctions, restraining orders and other civil law remedies may also be available to them.

Reference: Title VII of Civil Rights Act of 1964
Title IX of Education Amendments of 1972
Section 504 of the Rehabilitation Act of 1973
and the Age Discrimination Act of 1975

APPROVED BY COUNTY SUPERINTENDENT: November 1, 1984
REVISED: February 7, 1991
April 7, 1994