

CAMBRIAN SCHOOL DISTRICT

Board Policy

Policy 1312.3

Adopted: September 25, 2001

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COMMUNITY

Public Complaints about Federal or State Laws or Regulations

UNIFORM COMPLAINT POLICY

I. District Unified Complaint Policy

- A. The Governing Board recognizes that the district has primary responsibility 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 or failure to comply with state or federal law in consolidated categorical aid programs, child nutrition programs and special education programs. Categorical aid programs through which the Cambrian School District receives funds are covered by this policy. Those programs are Chapter 1, Chapter 2, School Improvement School based programs, Economic Impact Aid (EIA), and Special Education.
- B. The Governing Board prohibits retaliation in any form for the filing of a complaint, the reporting of instances of discrimination or for the participation in complaint procedures. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.
- C. The Governing 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 and the facts. 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.
- D. The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Superintendent or designee.
- E. In the event that a complaint appears to be covered by a separate and specific complaint procedure set out in another Policy, the specific procedure shall apply. The Assistant Superintendent, **Student Services** shall review the various alternatives with the

complainant. Questions regarding proper filing procedures shall be referred to District legal counsel.

- F. The following complaints shall be referred to the specified agencies for appropriate resolution and are not subject to the complaint procedures set forth in this policy:
1. Allegations of child abuse shall be referred to the applicable County Department of Social services (DSS), Protective Services Division or appropriate law enforcement agency.
 2. Health and safety complaints regarding a Child Development Program shall be referred to Department of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.
 3. Discrimination issues involving Child Nutrition Programs or Title IX of the Educational Amendments of 1972 shall be referred to the U.S. Office of Civil Rights (OCR). Title IX complainants will only be referred to the OCR if there is no state discriminating law or regulation at issue. Unless otherwise negotiated through a memorandum of understanding /agreement, a preliminary inquiry and/or investigation concerning these complaints will be conducted by OCR. The complainants shall be notified by certified mail if his or her complaint is transferred to OCR by the State Superintendent of Education.
 4. Employment discrimination complaints shall be sent to the State Department of Fair Employment and Housing (DFEH) pursuant to Title 22, CCR, Section 98410. The complainant shall be notified by certified mail of any DFEH transferal.
 5. Allegations of fraud shall be referred to the responsible California Department of Education Division Director and the Department's Legal Office.