

**CAMBRIAN SCHOOL DISTRICT
Board Policy**

Procedure 1312.3
Adopted: September 25, 2001
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COMMUNITY

Public Complaints about Federal or State Laws or Regulations

UNIFORM COMPLAINT PROCEDURES

I. Purpose

To ensure successful implementation of the processing and resolution of complaints related to state and federally funded education programs.

II. Legal and Policy Basis

- A. Reference: Board Policy 1312.
- B. California Code of Regulations, Title 5, Sections 4600-4671 - Uniform Complaint Procedures.

III. General

- A. Compliance Officers: The Governing Board designates the following compliance officer to receive and investigate complaints and ensure district compliance with law:

Assistant Superintendent, Students Services
Cambrian School District
4115 Jackson Drive
San Jose, CA 95124
(408) 377-2103

- B. Notifications: The Superintendent or designee shall meet the notification requirements of the Code of Regulations, Title 5, Section 4622, including the annual dissemination of district complaint procedures and information about the available appeals, civil law remedies, and conditions under which a complaint may be taken directly to the California Department of Education.
- C. Days: All days referred to in these procedures are *calendar days*.

IV. 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:

- A. Compliance Officer(s) shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with the Code of Regulations, Title 5, Section 4632.
- B. The district will use the uniform complaint procedures when addressing all complaints regarding sex equity.
- C. Investigations of discrimination complaints shall be conducted in a manner that protects confidentiality of the parties and facts.
- D. 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.

V. Filing of Complaint

- A. Any individual, public agency or organization may file a written complaint of alleged noncompliance with the appropriate officer named in these guidelines.
- B. If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other handicaps, district staff shall help the complainant to file the complaint.
- C. Once a complaint is filed, no new material may be added by the complainant. If the complainant has new evidence, he/she may file a new, and separate complaint.
- D. 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 specific 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.
- E. All complaints other than discrimination shall be filed within sixty (60) days from the date the complainant knew, or should have known, of the alleged act.

VI. Investigation of Complaint

The assigned compliance officer shall hold an investigation meeting within five (5) days of receiving the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

VII. Investigation of Complaint

To ensure that all pertinent facts are made available, the compliance officer and the complainant may ask other individuals to attend their meeting and provide additional information, either verbal or written.

VIII. Response

- A. Within thirty (30) 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. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five (5) days, file his/her complaint in writing with the Governing Board.
- B. The Governing Board may consider the matter at its next regular board meeting or at a special board meeting convened in order to meet the sixty (60) day time limit within which the complaint must be answered.
- C. The Governing Board may decide not to hear the complaint, in which case, the compliance officer's decision is final. If the Governing Board hears the complaint, the compliance officer shall send the Governing Board's decision to the complainant within sixty (60) days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant.

IX. Final Written Decision

- A. The report of the district's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the district will arrange a meeting at which a community member will interpret it for the complainant.
- B. The written report shall be sent to the complainant within thirty (30) days of the filing of the complaint and shall include the following:
 - 1. The findings and disposition of the complaint, including corrective actions, if any.
 - 2. The rationale for the above disposition.
 - 3. Notice of the complainant's rights to appeal the decision to the California Department of Education and procedures to be followed for initiating such an appeal within 15 days (See Appendix A).

4. 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.

X. Appeals to the California Department of Education

- A. If dissatisfied with the district's decision, the complainant may appeal in writing to the California Department of Education within fifteen (15) days of receiving the district's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals (See Appendix A).
- B. When appealing to the California Department of Education, the complainant must specify the reason(s) for the appealing of the district's decision and must include a copy of the locally filed complaint and the district's decision.
- C. Notwithstanding the procedures of complaint and appeal in this regulation, the complainant and the district may resolve the issue(s) at any time.

APPENDIX A

NOTICE OF UNIFORM COMPLAINT PROCEDURES

Cambrian School District has a complaint procedure that you may use if you believe that the District is not in compliance with any state or federal law or regulation. It is the intention of the Cambrian School District to comply with all applicable state and federal laws and regulations, however, if you believe a violation has occurred, you are encouraged to file a complaint with the District's compliance officer:

Assistant Superintendent, Student Services
Cambrian School District
4115 Jackson Drive
San Jose, CA 95124
(408) 377-2103

No retaliation or adverse action will result from filing a complaint.

In some instances, complaints may be filed directly with the State Department of Education. Most often, this occurs if the District fails to comply with its own complaint procedure, the facts suggest complainant will suffer an immediate loss of benefits without state intervention, the District indicates that it will retaliate against the complainant or the District takes no action on a complaint within sixty (60) days. Direct state intervention is also available for some types of complaints relating to special education. Refer to 5 C.C.R. 4650 for a complete listing of conditions allowing direct filing with the State Department of Education.

The District's decision may be appealed by filing a written appeal with the Superintendent of Public Instruction within 15 days of receiving the District's decision.

In addition to the complaint procedures mentioned above, civil remedies may be available, but not limited to, injunctive relief, writ of mandate or prohibition, other equitable relief and/or damages. For information about these remedies, you should consult an attorney.