



UNIFORM COMPLAINT PROCEDURES

The Board of Education recognizes that the district has primary responsibility for ensuring that it complies with applicable state and federal laws and regulations governing educational programs. The district shall investigate and seek to resolve complaints at the local level. The district shall follow the Uniform Complaint Procedures (UCP) when addressing complaints alleging:

Unlawful discrimination, harassment, intimidation, and bullying in all district educational programs, activities, or employment on the basis and/ or association with a person or group with one or more of these actual or perceived characteristics of age, ancestry, color, disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sex, sexual orientation, parental, pregnancy, family or marital status; or failure to comply with state and/or federal laws in adult education, consolidated categorical programs, vocational education, and special education programs. The District's policy of nondiscrimination applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the District, and to all acts of the Governing Board and the Superintendent in enacting policies and procedures that govern the District.

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 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.

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. (5 CCR 4630)

The superintendent 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.

VUSD Compliance Officers

The Board of Education designates the superintendent or designee to receive and investigate complaints and ensure district compliance with law. If parents or community members have a concern or would like to file a complaint, please contact the following staff in the area of concern:

5000 West Cypress Ave,
Visalia, CA 93277 | (559) 730-7300

- Visalia Adult School, Assistant Principal
- Visalia Adult School, Principal
- Assistant Superintendent, Educational Services (Adult Basic Education, Consolidated Categorical Aid Programs, Migrant Education, Career Technical Education)
- Chief Operations Officer (Child Nutrition Programs)
- Assistant Superintendent, Human Resources (Personnel)
- Administrator, Equity and Student Services (Title X Coordinator)
- Administrator, Special Education (Special Education)

NOTIFICATIONS

Students and parents or guardians will receive their annual UCP notice through distribution of our district's annual notification of District Information Directory, and through a UCP flier that will be translated into appropriate second language groups.

Certificated and classified employees will receive their annual notification through their respective handbooks that are reviewed at the first staff meeting of the year. Copies of the local educational agency complaint procedures shall be available free of charge.

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 as required for compliance with the California Code of Regulations, Title 5, Section 4632.

STEP 1: FILING OF COMPLAINT

Any individual, public agency, or organization may file a written complaint of alleged noncompliance by the district. (See complaint form on the following Page) 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.

STEP 2: MEDIATION

The Board recognizes that a neutral mediator can often suggest an early compromise that is agreeable to all parties in a dispute. The superintendent shall ensure that the mediation results are consistent with state and federal law regulations. The use of mediation shall not extend the district's time lines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time (5 CCR 4631)

STEP 3: INVESTIGATION OF COMPLAINT

The compliance officer shall hold an investigative meeting within 10 business 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 representatives to repeat the complaint orally. The complainant and/or his/her representative 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)

STEP 4: DISTRICT RESPONSE

Within 60 calendar days of receiving the complaint, the compliance officer shall prepare and send the complainant a written report of the District's investigation and decision as described in Step 5 below. If the complainant is dissatisfied with the compliance officer's decision, he/ she may, within five days, file his/her complaint in writing with the Board. If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar 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. (5CCR 4631)

STEP 5: FINAL WRITTEN DECISION

Complainant will receive the final written decision within 60 days of filing the complaint. The report shall include notice of the complainant's right to appeal, within 30 calendar days, the decision to the California Department of Education, and procedures to be followed for initiating such an appeal. (5 CCR 4631)

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 days of receiving the district's decision and must include a copy of the locally filed complaint and a copy of the district decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. (5 CCR 4652)

CIVIL REMEDIES

Nothing in this policy precludes a complainant from pursuing available civil law remedies outside of the district's complaint procedures. Such remedies may include mediation centers, public/private interest attorneys, injunctions, restraining orders, etc. For discrimination complaints, however, a 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. 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. For assistance, you may contact:

Tulare County Office of Education
Legal Services Department
UCP Specialist - (559) 733-6306
Legal Aid - (559) 733-8770

REFERRING COMPLAINTS TO OTHER APPROPRIATE STATE OR FEDERAL AGENCIES

The following complaints shall be referred to the specific agencies for appropriate resolution and are not subject to local and Department complaint procedures set forth unless these procedures are made applicable by separate interagency agreements:

American Civil Liberties Act 504: Office for Civil Rights

Child Abuse: Department of Social Services, Protective Services Division, or Sheriff's Department

Health and Safety/Child Development: Department of Social Services

General Education: Visalia Unified School District

Discrimination/Nutrition Services: U.S. Secretary of Agriculture, U.S. Department of Agriculture,
Western Region Employment Discrimination: Department of Fair Employment and Housing

Fraud: California Department of Education Directors of Legal Counsel

BASIS FOR DIRECT STATE DEPARTMENT OF EDUCATION INTERVENTION

1. The Superintendent of Public Instruction shall directly intervene when:
2. The local agency fails to comply with complaint procedures;
3. Discrimination is alleged and/or there is indication of immediate loss of benefits such as education or employment for students;
4. The complainant requests anonymity and has proven retaliation;

5. The local agency fails to implement the final decision resulting from a local investigative or meditative process;
6. The local agency fails to respond to the complaint within 60 days;
7. For special education issues:
 - a) The public agency (other than the LEA)
 - i. Fails/refuses to follow provisions for free, appropriate public education
 - ii. Fails to comply with due process procedures
 - b) The complainant alleges that a student is not receiving services specified in the student's IEP
 - c) Violation of federal law governing Special Education

I have read and reviewed the Uniform Complaint Procedures. By checking the box on the registration screen and/or signing below. You confirm that you have read this Uniform Complaint Procedures.

Print Student Name: _____

Student Signature: _____

Today's Date: _____