

Any person or group with an appropriate interest in the programs and services of the Mendocino County Superintendent of Schools shall have the right to present a request, suggestion, concern or complaint regarding personnel, programs, materials, or operations. It is the intent of the County Board of Education to provide the means for addressing each public concern and complaint in a fair and impartial manner and to seek an appropriate remedy.

The County Board of Education believes that the quality of the Mendocino County Office of Education (MCOE) programs can be improved when the County Superintendent of Schools and staff listen to complaints and opinions, and resolve differences and/or disagreements through an established, objective process.

Individual members of the County Board of Education do not have authority to resolve complaints. If approached directly with a complaint, Board members should refer the complainant to the County Superintendent of Schools or his/her designee so that the issue can receive proper consideration.

The County Superintendent of Schools maintains administrative regulations for handling complaints in a manner that is fair, timely and meets the requirements of state and federal law.

In the event of a conflict between processes, the more specific process will apply. Final determination of the controlling administrative regulation will be made by the County Superintendent of Schools.

The complainant need not use Complaint Forms provided to file a complaint.

COMPLAINTS REGARDING DISCRIMINATION

(BR 1312.01, Uniform Complaint Procedures for Discrimination and State/Federal Regulation Concerns)

Unlawful discrimination against any protected group specified in Education Code sections 200 and 220 and Government Code section 11135, including actual or perceived gender identity, gender expression, sexual orientation, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, or age, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity that receives or benefits from state or federal funding.

COMPLAINTS REGARDING STATE/FEDERAL REGULATION COMPLIANCE

(BR 1312.01, Uniform Complaint Procedures for Discrimination and State/Federal Regulation Concerns)

The County Board of Education recognizes that the County Superintendent of Schools is primarily responsible for ensuring local agency compliance with state and federal laws and regulations governing educational programs and for following Uniform Complaint Procedures to investigate and resolve complaints alleging failure to comply with state or federal laws and regulations, and/or alleging discrimination in consolidated categorical aid programs, migrant education, career technical education, child care and development programs, child nutrition programs, and special education programs, as specified in California Code of Regulations, Title 5, Section 4610, to the extent that such programs are offered by MCOE, and seeks to resolve those complaints in accordance with these Uniform Complaint Procedures.

COMPLAINTS REGARDING SPECIAL EDUCATION PROGRAMS AND SERVICES

(BR 1312.01, Uniform Complaint Procedures for Discrimination and State/Federal Regulation Concerns)

The County Superintendent of Schools maintains administrative regulations for handling complaints regarding special education programs and services as follows:

1. Allegations of violations of state or federal law regarding special education, including unlawful discrimination and/or failure to implement an Individualized Education Program (IEP), shall be addressed in accordance with Uniform Complaint Procedures.
2. Disagreements regarding the identification, assessment, or educational placement of a pupil or the provision of a free appropriate public education shall be addressed in accordance with due process hearing procedures.

COMPLAINTS REGARDING ADOPTED INSTRUCTIONAL MATERIALS

(BR 1312.02, Uniform Complaint Procedures for Instructional Materials, School Facilities, Teacher Certification, and High School Exit Exam - State Standards)

The County Board of Education takes great care in the adoption of instructional materials but recognizes that occasional objections to specific instructional materials may be made. The County Superintendent of Schools maintains an administrative regulation to ensure proper consideration of any complaints regarding the content or use of adopted instructional materials, including textbooks, technology-based materials, other educational materials, and tests.

Complaints concerning access by pupils to required textbooks or instructional materials that are in good and usable condition shall be addressed in accordance with Uniform Complaint Procedures.

**COMPLAINTS REGARDING TEACHER VACANCY OR MISASSIGNMENT,
FACILITIES/SCHOOL SAFETY, AND HIGH SCHOOL EXIT EXAM
INTENSIVE STUDY**

(BR 1312.02, Uniform Complaint Procedures for Instructional Materials, School Facilities, Teacher Certification, and High School Exit Exam - State Standards)

The County Superintendent of Schools will follow Uniform Complaint Procedures to address complaints concerning:

- deficiencies related to teacher vacancies or misassignments.
- deficiencies related to emergency or urgent facilities conditions that pose a threat to health and safety of pupils or staff in schools and programs operated by the County Superintendent of Schools, or failure to comply with federal school safety planning requirements of the No Child Left Behind Act of 2001. (Williams Settlement).
- deficiencies related to the provision of intensive instruction and services after grade 12 to pupils who have not passed one or both parts of the California High School Exit Examination (Valenzuela Settlement).

Legal Reference:

EDUCATION CODE

200 State policy; purpose

220 Extent of prohibition

260 Primary responsibility for ensuring that school district programs are free . . .

262.4 Civil action

1240 County superintendent of schools, duties

17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account

33126 School Accountability Report Card

35186 Alternative uniform complaint procedure

35292.5 Restrooms, maintenance and cleanliness

37254 Supplemental instruction based on failure to pass exit exam by end of grade 12

48985 Notice to parents in language other than English

56346 Parental notice of programs; consent; due process; hearing . . .

56500-56509 Public education agency

60119 Hearing on sufficiency of instructional materials)

GOVERNMENT CODE

11135 Denial of benefits based on ethnic identification, religion, age, sex, color . . .

CODE OF REGULATIONS, TITLE 5

3080 Special Education; procedural safeguards; general provisions

4600-4671 Uniform complaint procedures; especially

4680-4687 Williams complaints

UNITED STATES CODE, TITLE 20

1221 et seq. General Education Provisions Act

1400-1482 Individuals with Disabilities Education Improvement Act of 2004

1681 et seq. Title IX, Education Amendments of 1972

6301 et seq. No Child Left Behind Act of 2001

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

1981 et seq. Title VII, Civil Rights Act of 1964

MENDOCINO COUNTY BOARD OF EDUCATION

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