

## Community Relations

### UNIFORM COMPLAINT PROCEDURES

SR 1312.01

**Purpose:**To provide a consistent and fair process to address and respond to complaints against the County Office of Education

**Timeline:**As needed

#### Procedures

The following procedures shall be used to address all complaints that allege that the County Office has violated federal or state laws or regulations governing educational programs. The Compliance Officer 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.

The County Office will use its uniform complaint procedures when addressing all complaints regarding sex equity (Title 5, Section 490C, et seq.).

Investigations of discrimination complaints shall be conducted in a manner that protects confidentiality of the parties and the facts. (Title 5, Section 4630)

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.

#### Step 1: Filing a Complaint

Any individual, public agency or organization may file a written complaint of alleged noncompliance.

The complaint shall be presented to the appropriate Compliance Officer for investigation. The appropriate Compliance Officer will maintain a log of complaints received, providing each with a code number and a date stamp.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other handicaps, County Office staff shall help him/her to file the complaint. (Title 5, Section 4600)

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 by filing a complaint no later than six (6) months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination. (Title 5, Section 4630)

#### Step 2: Mediation

Within three (3) days of receiving the complaint, the Compliance Officer shall informally discuss with the complainant the possibility of using mediation. If all parties (complainant and County Office representative) agree to mediation, the Compliance Officer shall make all arrangements for this process.

Before initiating the mediation of a discrimination complaint, the Compliance Officer shall ensure that all parties agree to make the mediator a party to related confidential information.

If the mediation process does not resolve the problem within the parameters of law, the Compliance Officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend to the County Office's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time.

### **Step 3: Investigation of Complaint**

The Compliance Officer shall hold an investigation meeting with the complainant. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

The complainant and/or his/her representative shall also have an opportunity to present information relevant to the complaint. (Title 5, Section 4631) The Compliance Officer shall conduct interviews with any other individuals he/she deems necessary to fully investigate the complaint.

To ensure that all pertinent facts are made available, the complainant may request that other individuals be interviewed and asked to provide additional information regarding the complaint.

### **Step 4: Response**

Within sixty (60) calendar days after the County Office's receipt of the complaint, the Compliance Officer shall prepare and send to the complainant a written report of the County Office'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 (5) calendar days, file his/her complaint in writing with the California Department of Education (CDE).

### **Step 5: Final Written Decision**

The report of the County Office's decision shall be written in English and in the language of the complainant whenever feasible or required by law. The report shall include:

1. A statement of the complaint.
2. A detailed statement of all specific issues that were brought up during the investigation related to the complaint and the extent to which the issues were resolved.
3. The findings and disposition of the complaint, including corrective actions, if any.
4. The rationale for the disposition.
5. Notice of the complainant's right to appeal the decision to the CDE and procedures to be followed for initiating such an appeal.

### **Appeal to the California Department of Education**

If dissatisfied with the County Office's decision, the complainant may appeal in writing to the CDE within fifteen (15) calendar days of receiving the County Office's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals.

When appealing to the CDE, the complainant must specify the reason(s) for appealing the County Office's decision and must include a copy of the locally filed complaint and a copy of the County Office's decision. (Title 5, Section 4652).

### **Civil Law Remedies**

Civil law remedies may be pursued through local, state or federal aid agencies, offices or private/public interest attorneys. Such may result in civil court remedies or agreements rather than the administrative remedies from the County Office or the CDE process.

The County Office's Uniform Complaint Procedures will be distributed to all interested audiences in the following manner:

- To parents and guardians through the parent handbook (or other publication) given to all parents/guardians at the beginning of each school year and for families new to the district, at the time of student enrollment.
- To students through the student handbook (or other publication) at the beginning of each school year.
- To employees with the first pay voucher of each year.
- To each school site council member and members of other advisory committees at the first meeting of each school year.

### **Annual Notification**

In accordance with Title 5 of the California Administrative Code Sections 4600 and following, this is a notification that you have a right to file a written complaint in the event that you believe that the County Office is in violation of any state or federal laws in any of the following programs: consolidated categorical aid programs,

court/community school programs, vocational education and special education programs. You also have the right to file a written complaint pursuant to these procedures if you believe there has been unlawful discrimination by the County Office on the basis of ethnicity, religion, age, sex, color, sexual orientation or mental or physical disability.

The County Superintendent or designee will serve as the responsible party for receiving and responding to all written complaints. Following an investigation, a written response to the complaint will be conveyed to the person filing the complaint within sixty (60) days. In accordance with Section 4630, complaints of possible discrimination must be initiated within six (6) months of the time of the alleged event or when knowledge was first obtained.

In the event that a complaint is filed with the County Office and a decision is issued, this is to notify you further of your right to appeal a decision by the County Superintendent to the State Superintendent of Schools. An appeal must be filed within fifteen (15) days of the receipt of the County Office's response. In accordance with law, you are also notified that you may have local civil law remedies in addition to remedies through this complaint procedure. In addition to the complaint process set forth in the County Office's policy regarding uniform complaint procedures, you may also have the right to have the California Department of Education directly intervene under certain circumstances, which are set forth in [Section 4650](#). Should you have any questions concerning the complaint process and your rights to file a complaint, you may contact the County Superintendent or designee.

## MENDOCINO COUNTY OFFICE OF EDUCATION

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**Date Adopted:** 05/29/2001

**Date Revised:**