

WOODLAND JOINT UNIFIED SCHOOL DISTRICT

COMMUNITY RELATIONS

Policy No.: 1312

Uniform Complaint Procedure Regarding Student, Parent and Community Complaints Against Programs and/or Personnel – Page 1

Board Adopted: 3-10-05

The Governing Board recognizes that the district is responsible 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 based on *ethnic group identification, sexual orientation, race, ancestry, national origin, religion, age, gender, color, sex or physical or mental disability* in any program or activity that receives or benefits from state financial assistance. The district shall also follow uniform complaint procedures when addressing complaints alleging failure to comply with state or federal law in adult basic education, consolidated categorical aid programs, migrant education, vocational education, child care and development programs, child nutrition programs and special education programs.

The Board encourages the early, informal resolution of complaints at the site level whenever possible.

Upon receipt of a written complaint from an individual, public agency or organization, uniform complaint procedures shall be initiated. The Superintendent or designee shall distribute full information about these procedures.

The Board recognizes that a neutral mediator can often suggest an early compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving their problem through mediation, the Superintendent or designee shall initiate a mediation process before beginning a formal compliance investigation. The Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulations.

The Superintendent or designee shall insure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Such employee may have access to legal counsel as determined by the Superintendent or designee.

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.

The Board prohibits retaliation in any form for the filing of a complaint, the reporting of instances of discrimination, or participation in complaint procedures. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

If remedies provided for herein are not successful the complainant may pursue *civil law remedies*.

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Board Adopted: **3-10-05**

Legal Reference:	Education Code	
	200-262.3	Prohibition of discrimination
	8200-8498	Child care and development programs
	8500-8538	Adult basic education
	18100-18179	School libraries
	35146	Closed sessions
	35160	Authority of governing boards
	44670.144671.5	School personnel staff development and resource centers
	48985	Notices in language other than English
	49060-49079	Student records
	49490-49560	Child nutrition programs
	51513	Personal beliefs
	52000-52049.1	School improvement programs
	52160-52178	Bilingual education programs
	52300-52483	Vocational education
	52500-52616.24	Adult schools
	52800-52863	School-based coordinated programs
	54000-54041	Economic impact aid programs
	54100-54145	Miller-Unruh Basic Reading Act
	54400-54425	Compensatory education programs
	54440-54445	Migrant education
	54460-54529	Compensatory education programs
	56000-56885	Special education programs
	59000-59300	Special schools and centers
	64000	Consolidated application process
	Government Code	
	54957-54957.8	Closed sessions
	Code Of Regulations, Title 5	
	3080	Application of section 4600-4671
	4600-4671	Uniform Complaint Procedures
	United States Code, Title 20	
	1221 et seq.	General Education Provisions Act, especially:
	1221, 1232g	Family Educational and Privacy Rights Act of 1974
	1231g, 1681 et seq.	Title IX, Education Amendments of 1972
	3801 et seq.	Education Consolidation and Improvement Act of 1981
	United States Code, Title 29	
	721, 761	Rehabilitation Act of 1973

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Board Adopted: 3-24-05

Reviewed: 11-4-05

The Board of Education designates the Superintendent to receive and the following compliance officers to receive and investigate complaints and ensure District compliance with the law.

Associate Superintendent of Business Services
Associate Superintendent of Human Resources
Associate Superintendent of Educational Services
Director of Special Education
Director of Student Services

NOTIFICATION

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 available appeals, civil law remedies, and conditions under which a complaint may be taken directly to the California Department of Education. The annual dissemination of the complaint procedures includes students, employees, parents/guardians, district/school advisory committees, and other interested parties. The Superintendent or designee shall ensure that complainants understand that they may pursue other remedies, including actions before civil courts or other public agencies.

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 and subsequent related actions, including all information required for compliance with Code of Regulations, Title 5, and Section 4632.

The District will use its uniform complaint procedures when addressing all complaints regarding sex equity, complaints concerning the schools, complaints concerning instructional materials and complaints concerning categorical programs. For complaints concerning instructional materials, complainants may use Exhibit 1312.2, "Citizens Request for Reconsideration of Instructional Materials."

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.

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Reviewed: 11-4-05

STEP 1: FILING OF COMPLAINT

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

The complaint shall be presented to the Superintendent, who will then give it to the appropriate compliance officer. The Assistant Superintendent of Human Resources, 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, District 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 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.* (Title 5, Section 4630)

STEP 2: MEDIATION

Within three days of receiving the complaint, the compliance officer shall informally discuss with the complainant the possibility of using mediation. If all parties 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 the District'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 investigate meeting within five 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 representative 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. (Title 5, Section 4631)

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Reviewed: 11-4-05

To ensure that all pertinent acts are made available, the compliance officer and the complainant may ask other individuals to attend this meeting and provide additional information.

STEP 4: RESPONSE

Within 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, 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 of Education. The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision is final. If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 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.

STEP 5: FINAL WRITTEN DECISION

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.

This report shall include:

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 right to appeal the decision to the California Department of education and *procedures to be followed for initiating such an appeal.*
4. A detailed statement of all specific issues that were brought up during the investigation and the extent to which these issues were resolved.
5. In a discrimination complaint, notice of right to seek civil law remedies no sooner than sixty days after filing an appeal with CDE.

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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*. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals.

When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the District's decision and must include a copy of the locally complaint and the District's decision. (Title 5, Section 4652)

CIVIL LAW REMEDIES

A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. 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 in accordance with 5 CCR 4622.

Reference:

Legal Services of Northern California	(800) 222-1753
American Civil Liberties Union	(415) 621-2488
Yolo County District Attorney	(530) 666-8180

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Board Adopted: **3-24-05**

Uniform Complaint Form

School Name _____

Name _____
(Optional, but required if response is requested)

Date _____

Subject of Complaint:

- Sufficiency of instructional materials, condition of facility, teacher vacancy or misassignment. (File complaint at school site.)
- Other (File complaint at _____ office.)

Please describe the complaint in detail. Attach additional sheets if necessary.

I request a response. Direct response to:

(See Attached District Uniform Complaint Procedure for additional information)