

COMMUNITY RELATIONS
1312.4(a)

Administrative Regulation

UNIFORM COMPLAINT PROCEDURES

Compliance Officer

The School Board designates the following Compliance Officer to receive and investigate complaints and ensure compliance with law:

Bridgeville Elementary School District Superintendent
P.O. Box 98, Bridgeville, CA 95526
(707) 777-3311

Notifications

The Superintendent or designee shall meet the notification requirements of the Code of Regulations, Title 5, Section 4622, by annually disseminating notice of the 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 notice (Exhibit A) shall be distributed to students, parents or guardians of students, employees, Office of Education advisory committees, appropriate private school officials/representatives, and other interested parties.

Procedures

The following procedures shall be used to address all complaints which allege that the Bridgeville Elementary School District (BESD) has violated federal or state laws or regulations governing educational programs. The BESD 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 BESD will use its uniform complaint procedures when addressing all complaints regarding sex equity.

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 of Complaint

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

b) The complaint shall be presented to the Superintendent or designee, who will then give it to the appropriate Compliance Officer, who shall maintain a log of complaints received. If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other handicaps, BESD staff shall help him/her to file the complaint (Title 5, Section 4600).

c) 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.

d) 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)

e) Extensions to the filing period may be granted by the Superintendent of Public Instruction in accordance with Title 5 Regulations.

Step 2: Investigation

a) Within 60 days from receipt of the complaint, the Superintendent/designee shall complete the investigation of the complaint in accordance with the local procedures developed pursuant to Section 4621 and prepare a written Local Education Agency Decision. This time period may be extended by written agreement of the complainant.

b) The investigation shall provide an opportunity for the complainant or the complainant's representative, or both, and BESD representatives to present information relevant to the complaint. At the discretion of the compliance officer, the investigation may include an opportunity for the parties of the dispute to meet to discuss the complaint or to question each other or each other's witnesses.

c) The Local Education Agency Decision (the Decision) shall be in writing and sent to the complainant within sixty (60) days from receipt of the complaint by the local agency unless a continuance has been agreed to in writing by the complainant.

d) As part of the investigation process, the Compliance Officer may decide to refer the matter to mediation. Conducting local mediation shall not extend the local time lines for investigating and resolving complaints at the local level unless the complainant agrees, in writing, to the extension of the time line. In no event shall mediation be mandatory in resolving complaints.

1) If mediation is used and before initiating the mediation process, the Compliance Officer shall ensure that all parties agree to make the mediator a party to related confidential information.

2) If the mediation process does not resolve the problem within the parameters of law, the Compliance Officer shall precede with his/her investigation of the complaint of all unresolved issues subject of this complaint process.

e) A complainant's refusal to provide the investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5CCR 4631)

f) The BESD refusal to provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or

its engagement in any other obstruction of the investigation, may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complainant. (5CCR 4631)

Step 3: Final Written Decision

a) The report of the BESD 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 office will arrange a meeting at which a community member will interpret it for the complainant.

b) This report shall include:

1. The findings of fact based on the evidence gathered.
2. The conclusion(s) of law
3. Disposition of the complaint
4. The rationale for the above disposition
5. Corrective actions, if any are warranted
6. Notice of the complainant's right to appeal the decision within 15 days to the

California

appeal

days have

remedies

Department of Education, and procedures to be followed for initiating such an

7. For discrimination complaints, notice that the complainant must wait until 60

elapsed from the filing of an appeal with the CDE before pursuing civil law

c) 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 BESD expectations. The report shall not give any further information as to the nature of the disciplinary action, which shall be conducted in accordance with applicable laws, rules, regulations, and collective bargaining agreements.

Step 4: Appeals to the California Department of Education

a) Upon notification by the State Superintendent of Public Instruction that the decision has been appealed to the state level pursuant to Section 4652, the office shall forward the following to the California Department of Education:

1. The original complaint;
2. A copy of the decision;
3. A summary of the nature and extent of the investigation conducted by the office if

not covered

in the decision;

and documents

4. A copy of the investigation file, including but not limited to all notes interviews,

submitted by the parties and gathered by the investigator.

5. A report of any action taken to resolve the complaint;

6. A copy of the Office of Education's complaint procedures; and

7. Such other relevant information as the California Department of Education may require.

Civil Law Remedies

A complainant may pursue available civil law remedies outside of the BESD 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 BESD has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with the California Code of Regulations, Title 4622.

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Bridgeville Elementary School District

Adopted 6/13/2005

Reviewed: 11/2/2009