

UNIFORM COMPLAINT PROCEDURES

The Governing Board recognizes that the district is responsible for complying with applicable state and federal laws and regulations governing educational programs. The Uniform Complaint Procedure applies to the filing, investigation and resolution of a complaint regarding an alleged violation by the District of federal law or regulations governing educational programs, including allegations of unlawful discrimination.

The district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination based on age, sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability in any program or activity that receives or benefits from state financial assistance. Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education, consolidated categorical aid programs, migrant education, vocational education, child care and development programs, child nutrition programs, special education programs, and federal school safety planning requirements.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5148 - Child Care and Development)

(cf. 6159 - Individualized Education Program)

(cf. 6171 - Title I Programs)

(cf. 6174 - Education for English Language Learners)

(cf. 6175 - Migrant Education Program)

(cf. 6178 - Vocational Education)

(cf. 6200 - Adult Education)

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

The Board acknowledges and respects every individual's right 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.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

HERMOSA BEACH

City School District

BP 1312.3(b)

UNIFORM COMPLAINT PROCEDURES (continued)

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

The Board recognizes that a neutral mediator can often suggest a 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 mediation. The Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulations.

Legal Reference:

EDUCATION CODE

200-262.3 Prohibition of discrimination
8200-8498 Child care and development programs
8500-8538 Adult basic education
18100-18172 School libraries
32289 School safety plan, uniform complaint procedure
35186 Alternative uniform complaint procedure
48985 Notices in language other than English
49060-49079 Student records
49490-49590 Child nutrition programs
52160-52178 Bilingual education programs
52300-52499.6 Vocational education
52500-52616.24 Adult schools
52800-52870 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
62000-62005.5 Evaluation and sunseting of programs
64000-64001 Consolidated application process

CODE OF REGULATIONS, TITLE 5

3080 Application of section
4600-4671 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs

PENAL CODE

422.6 Interference with constitutional right or privilege

UNITED STATES CODE, TITLE 20

6301-6577 Title I Basic Programs
6601-6777 Title II Preparing and Recruiting High Quality Teachers and Principals
6801-6871 Title III, Language instruction for limited English proficient and immigrant students
7101-7184 Safe and Drug-Free Schools and Communities Act, including
7114 Local educational program, safety plans
7201-7283g Title V Promoting Informed Parental Choice and Innovative Programs
7301- 7372 Title VI Rural and Low-Income School Programs

BP 1312.3(c)

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UNIFORM COMPLAINT PROCEDURES (continued)

Management Resources:

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/offices/OCR>

Policy
adopted: 05/14/08

HERMOSA BEACH CITY ELEMENTARY SCHOOL DISTRICT
Hermosa Beach, California

HERMOSA BEACH

City School District

Community Relations

AR 1312.3(a)

UNIFORM COMPLAINT PROCEDURES

Compliance Officers

The Board of Education designates the following compliance officer(s) or other designee to receive and investigate complaints and to ensure district compliance with law:

Superintendent or School or Designee
Hermosa Beach City School District
1645 Valley Drive
Hermosa Beach, CA 90254
(310) 937-5877

The Superintendent or designee 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.

(cf. 9124 - Attorney)

Notifications

The Superintendent or designee shall meet the notification requirements of 5 CCR 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 Superintendent or designee shall ensure that complainants understand that they may pursue other remedies, including actions before civil courts or other public agencies.

(cf. 5145.6 - Parental Notifications)

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 5 CCR 4632.

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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UNIFORM COMPLAINT PROCEDURES (continued)

Step 1: Filing of Complaint

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

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 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.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other exceptional needs, district staff shall help him/her to file the complaint. (5 CCR 4600)

Step 2: Mediation

Within three days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees 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. (5 CCR 4631)

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UNIFORM COMPLAINT PROCEDURES (continued)

Step 3: Investigation of Complaint

The compliance officer is encouraged to hold an investigative 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. (5 CCR 4631)

Step 4: Response

Within 60 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. (5 CCR 4631)

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 shall be 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. (5 CCR 4631)

Step 5: Final Written Decision

The report of the district's decision shall be in writing and sent to the complainant. (5 CCR 4631)

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 shall arrange a meeting at which a community member will interpret it for the complainant.

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UNIFORM COMPLAINT PROCEDURES (continued)

This report shall include:

1. The findings and disposition of the complaint, including corrective actions, if any (5 CCR 4631)
2. The rationale for the above disposition (5 CCR 4631)
3. Notice of the complainant's right to appeal the decision within 15 days to the California Department of Education, and procedures to be followed for initiating such an appeal (5 CCR 4631, 4652)
4. For discrimination complaints, notice that the 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. This waiting period applies only to claims arising under California law and does not apply to claims arising under Federal law (5 CCR 4631; Education Code 262.3)
5. A detailed statement of all specific issues that were brought up during the investigation and the extent to which these issues were resolved

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 district expectations. The report shall not give any further information as to the nature of the disciplinary action.

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. (5 CCR 4652)

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 filed complaint and the district's decision. (5 CCR 4652)

The California Department of Education may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists. In addition, the California Department of Education may also intervene in those cases where the district has not taken action within 60 calendar days of the date the complaint was filed with the district.

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UNIFORM COMPLAINT PROCEDURES (continued)

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. The sixty (60) day waiting period applies only to claims arising under California law and does not apply to claims arising under Federal law.

Legal Reference:

EDUCATION CODE

- 44810 Willful interference with classroom conduct*
- 44811 Disruption of class work or extracurricular activities; punishment; exemptions*
- 32210 Willful disturbance of public school or meeting; offense*
- 32211 Threatened disruption or interference with classes; offense.*

PENAL CODE

- 241.2 Assault committed on school or park property*
- 241.4 Assault, peace officer of school district*
- 241.6 Assault committed against a school employee*
- 243.2 Battery committed on school property or park property*
- 243.5 Assault or battery on school property*
- 243.6 Battery committed against a school employee*
- 243.8 Battery committed against a sports official*
- 626.4 Notice of withdrawal of consent; action on report, unlawful entry upon campus, punishment*
- 626.6 Committing act, or entry upon campus to commit act; direction to leave, refusal to leave or re-entry, punishment*
- 626.7 Failure to leave campus, wrongful return, penalties, notice, exceptions*
- 626.8 Disruptive presence at schools, specified sex offenders, notification*

HERMOSA BEACH
City School District

HERMOSA BEACH CITY SCHOOL DISTRICT

Uniform Complaint Form

School Name: _____

Name: (optional, but required if response is requested)

Date Submitted: _____

Subject to Complaint:

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

Other (File complaint at district office.)

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

I request a response. Direct response to:

Name: _____

Address: _____

City/State/Zip Code: _____

Telephone: _____

See District Uniform Complaint Procedure for additional information.