

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 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)*

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

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>

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.

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)

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.

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 (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.

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.

Civility Procedures

The purpose of these procedures is to promote mutual respect, civility, and orderly conduct among District employees, parents, and the public. The District is committed to keeping schools and offices free from disruptions and preventing unauthorized persons from entering school or District grounds and/or disrupting school activities. These procedures are intended to maintain, to the extent possible and reasonable, a safe and harassment-free work place for staff, students, and parents. The Hermosa Beach City School District expects positive and civil communication between staff, students, parents, and the community, and discourages volatile, hostile, or aggressive behaviors that cause fear, intimidation, and/or disruptions.

Disruptions

1. The use of profanity or obscene, threatening or demeaning language or loud and inflammatory language which may reasonably cause disruption or violent reaction is prohibited between staff, parents, students, and community while on school grounds or during school activities. This prohibition includes phone conversations, letters, memoranda, or emails.
2. Any individual who disrupts or threatens to disrupt school/office operations; threatens the health or safety of students or staff; willfully causes property damage; uses loud and/or inflammatory or demeaning language which can reasonably be expected to lead to substantial disruption or provoke a violent reaction; shall be directed to leave the District property or activity promptly by the site administrator or his/her designee.
3. Employees are directed to end all conversations, whether by phone, in writing, or email with individual(s) who continue to violate these procedures after the employee notifies the individual(s) of the violation. The employee shall provide a written report of the incident to the administrator in charge of the site or activity, or his or her designee.

UNIFORM COMPLAINT PROCEDURES (continued)

Safety and Security

4. The Superintendent or designee will ensure that a safety and/or crisis intervention techniques program is provided in order to raise awareness about how to deal with these situations if and when they occur.
5. When violence is directed against an employee, or theft against property, employees shall promptly report the occurrence to their principal or supervisor and complete an Incident Report. Employees and supervisors should complete the Incident report and report to law enforcement any attack, assault, or threat made against them on school/District premises or at school/District-sponsored activities. If at any time an employee feels physically threatened, communication should stop and 911 should be called.
6. An employee, whose person or property is injured or damaged by willful misconduct of a student, may ask the District to pursue legal action against the student or the student's parent/guardian.

Documentation

7. When it is determined by staff that a member of the public is in the process of violating the provisions of these procedures, an effort should be made by staff to provide a written copy of these procedures, including applicable code provisions, at the time of occurrence. The employee will immediately notify his/her supervisor and provide a written report of the incident. The administrator will then take appropriate action.

California Education Code Section 44811, in part (a) Any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties materially disrupts class work or extracurricular activities or involves substantial disorder is guilty of a misdemeanor. (b) A violation of subdivision (a) shall be punished as follows:

- (1) Upon the first conviction by a fine of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000), or by imprisonment in a county jail for not more than one year, or by both the fine and imprisonment.
- (2) Upon a second conviction, by imprisonment in a county jail for a period of not less than 10 days, and not more than one year, or by both imprisonment and a fine not exceeding one thousand dollars (\$1,000). The defendant shall not be released on probation, or for any other basis until he or she has served not less than 10 days in a county jail.

UNIFORM COMPLAINT PROCEDURES (continued)

- (3) Upon a third or subsequent conviction, by imprisonment in a county jail for a period of not less than 90 days, and not more than one year, or by both imprisonment and a fine not exceeding one thousand dollars (\$1,000). The defendant shall not be released on probation, or for any other basis until he or she has served not less than 90 days in a county jail.

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

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: _____