

Madera Unified School District Uniform Complaint Procedure

Community Relations

Uniform Complaint Procedures

Except as the Governing Board may otherwise specifically provide in other Board policies, the uniform complaint procedures shall be used only to investigate and resolve complaints alleging violations of federal or state laws or regulations governing specific educational programs, the prohibition against requiring students to pay fees, deposits, or other charges for participating in educational activities, and unlawful discrimination, harassment, intimidation, or bullying, as specified in accompanying Board policy.

(cf. 1312.1 Complaints Concerning District Employees)
(cf. 1312.2 Complaints Concerning Instructional Materials)
(cf. 1312.4 Williams Uniform Complaint Procedures)
(cf. 4031 Complaints Concerning Discrimination in Employment)

The district's uniform complaint procedures policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning uniform complaint procedures shall be translated into that language. *(Education Code 234.1, 48985)*

(cf. 5145.6 Parental Notification)

The following general principles are to be followed to ensure that complainants are connected with the appropriate District personnel and to ensure that the appropriate procedures are used:

1. Employees or community members shall contact site principals and program managers with concerns of any kind.
2. Employees or community members shall direct complainants to the Chief Academic Officer when complainants register their concerns at the District Office.
3. In all cases in which the Uniform Complaint Procedures are applicable, site principals, program managers, and the Office of the Chief Academic Officer shall take the following actions:
 - a. Advise the complainant of her/his right to invoke the formal Uniform Complaint Procedure, including those instances in which successful resolution at the informal level appears likely.
 - b. Provide complainants with a copy of the Uniform Complaint Procedures form and offer assistance in filling out the form as needed.

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- c. Advise complainants that all Uniform Complaint Procedures forms are submitted to the Office of the Chief Academic Officer.
- 4. The Office of the Chief Academic Officer is responsible for all of the following activities:
 - a. Intake and logging of complaints.
 - b. Assignment of the complaints to the appropriate compliance officer.
 - c. Monitoring cases through their resolution, including any possible appeals.
 - d. Maintenance of all records pertaining to each case.

Compliance Officers

The following compliance officer(s) shall receive and investigate complaints and shall ensure district compliance with law in the following programs/services:

Adult Education

Coordinator of Adult Education/CTE/ROP
1902 Howard Road, Madera, CA 93637
559-675-4500

Consolidated Categorical Aid Programs

Director of Categorical Programs/English Learners
1902 Howard Road, Madera, CA 93637
559-675-4500

Migrant Education

Director of Migrant Education -Merced County Office of Education
632 W. 13th Street, Merced, CA 95340
209-381-6600

Career Technical and Technical Education and Training Programs

Coordinator of Adult Education/CTE/ROP
1902 Howard Road, Madera, CA 93637
559-675-4500

Child Care and Developmental Programs

Director of PreSchool
1902 Howard Road, Madera, CA 93637
559-675-4500

Child Nutrition Programs
Director of Child Nutrition
769 South Pine, Madera CA 93637
559-675-4546

Special Education Programs
Director of Special Services
1902 Howard Road, Madera, CA 93637
559-675-4500

Safety Planning Requirements
Director of Student Services
1902 Howard Road, Madera, CA 93637
559-675-4500

The Governing Board designates the following compliance officer(s) to directly receive or to indirectly receive complaints through the Office of the Chief Academic Officer and to investigate complaints regarding unlawful discrimination:

Incidents Involving Discrimination by Certificated and Classified Staff
Director of Human Resources
1902 Howard Road, Madera, CA 93637
559-675-4500, Ext. 275

Incidents Involving Discrimination by Students
Director of Student Services
1902 Howard Road, Madera, CA 93637
559-675-4500, Ext. 235

Knowledge Regarding Laws and Programs

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

(cf. 9124 Attorney)

Notification

The Superintendent or designee shall annually provide written notification of the district's uniform complaint procedures to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (*Education Code 262.3, 49013; 5 CCR 4622*)

(cf. 0420 School Plans/Site Councils)
(cf. 1220 Citizen Advisory Committees)

(cf. 3260 Fees and Charges)
(cf. 4112.9/4212.9/4312.9 Employee Notifications)
(cf. 5145.6 Parental Notifications)

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints.
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable.
3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies.
4. Include statements that:
 - a. The district has the primarily responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
 - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
 - c. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained-knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying.
 - d. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 days of receiving the district's decision.
 - e. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.
 - f. Copies of the district's uniform complaint procedures are available free of charge.

Procedures

All complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint. *(5 CCR 4631)*

Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4631 and 4633.

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

Any individual, public agency or organization may file a written complaint of the district's alleged noncompliance with federal or state laws or regulations governing educational programs. (5 CCR 4630)

A complaint concerning unlawful discrimination, harassment, intimidation, or bullying, may be filed only by a person who alleges that he/she person suffered unlawful discrimination, harassment, intimidation, or bullying or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged discrimination, harassment, intimidation, or bullying occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying. However, upon written request by the complainant, the Superintendent or designee may extend the filing period for up to 90 calendar days. (5 CCR 4630)

A complaint alleging noncompliance with the law regarding the prohibition against requiring students to pay student fees, deposits, and charges may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. (Education Code 49013)

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 a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

Step 2: Mediation

Within three business days of receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging discrimination, harassment, intimidation, or bullying, 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)

Step 3: Investigation of Complaint

Within 10 calendar days of receiving the complaint, the compliance officer shall provide the complainant and/or his/her representative an opportunity to present the complaint and any

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evidence, or information leading to evidence, to support the allegations in the complaint. The compliance officer also shall collect all documents and interview all witnesses with information pertinent to the complaint.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation or 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.
(5 CCR 4631)

In accordance with law, the district shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

Step 4: Response

Within 30 calendar 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 business days, file his/her complaint in writing with the Board.

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 calendar days of the district's initial receipt of 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 district's decision shall be in writing and sent to the complainant. (5 CCR 4631)

The district's decision shall be written in English and, when required by Education Code 48985, in the complainant's primary language.

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered
2. The conclusion(s) of law

3. Disposition of the complaint
4. Rationale for such disposition
5. Corrective actions, if any are warranted
6. Notice of the complainant's right to appeal the district's decision within 15 calendar days to the California Department of Education and procedures to be followed for initiating such an appeal.

In addition, any decision concerning a discrimination, harassment, intimidation, or bullying complaint based on state laws shall include a notice that the complainant must wait until 60 calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. (*Education Code 262.3*)

If an investigation of a complaint results in discipline to a student or an employee, the decision shall simply state that effective action was taken and that the student or employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action.

If the complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges is found to have merit, the district shall provide a remedy to all affected students and parents/guardians, which, where applicable, shall include reasonable efforts to ensure full reimbursement to them. (*Education Code 49013*)

Appeals to the California Department of Education

If dissatisfied with the district's decision, the complainant may appeal in writing to the CDE. (*Education Code 49012; 5 CCR 4632*)

The complainant shall file his/her appeal within 15 days of receiving the district's decision and the appeal shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (*5 CCR 4632*)

Upon notification by the CDE that the complainant has appealed the district's decision, the Superintendent or designee shall forward the following documents to the CDE: (*5 CCR 4633*)

1. A copy of the original complaint.
2. A copy of the district's decision.
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision.

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4. A copy of the investigation file, including but not limited to, all notes, interviews, and documents 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 district's uniform complaint procedures.
7. Other relevant information requested by the CDE.

The California Department of Education may directly intervene in a complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists, including when the District has not taken action within 60 calendar days of the date the complaint was filed with the district. (*5 CCR 4650*)

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 complaints alleging discrimination, harassment, intimidation, and bullying based on state law, a complainant shall wait until 60 calendar days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies, provided 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 moratorium does not apply to injunctive relief and to discrimination complaints based on federal law. (*Education Code 262.3*)

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