

FRESB Administrative Regulation Uniform Complaint Procedures

AR 1312.3(a)

Community Relations

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, including the Local Control Accountability Plan (LCAP), 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. Additionally, a complaint that a school district has not complied with the requirements of Article 4.5 (EC 52060-52076, or EC 47606.5 and 47606.3 may be filed with a school district pursuant to the UCP set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations. cf. 1312.1 Complaints re: Dist. Employees; cf. 1312.2 Complaints re: Inst. Materials cf. 1312.4 Williams UCP; 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 work rooms 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. (EC 234.1, 48985, 52075); cf. 5145.6 Parental Notifications

Compliance Officer: The following officer shall receive and investigate complaints and ensure district compliance with law:

Supt: John Markatos, 30600 Seaview Rd, Cazadero, CA 95421; 707.847.3390

The Superintendent shall ensure employees designated to investigate complaints are knowledgeable about laws, programs for which they are responsible. The Supt. may have access to legal counsel. (cf. 9124 - Attorney)

Notifications: 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. (EC 262.3, 49013, 52075; 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)

UNIFORM COMPLAINT PROCEDURES

AR 1312.3(b)

The notice shall:

1. Identify person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise complainant of civil law remedies available to him/her under state or federal discrimination laws, if applicable
3. Advise complainant of appeal process, including, if applicable, complainant's right to take a complaint directly to the California Department of Education (CDE) or pursue remedies before civil courts or other public agencies
4. Provide information regarding the requirements of Article 4.5 (EC 52060-52076) about the Local Control Accountability plan
5. Include statements that:
 - a. District has primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
 - b. Complaint review be completed within 60 calendar days fr: receipt of complaint unless complainant agrees in writing to extension of the timeline.
 - c. 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. Complainant has a right to appeal district's decision to the CDE by filing a written appeal within 15 calendar days of receiving the district's decision.
 - e. Appeal to the CDE, or State Supt. of Public Instruction must include a copy of the complaint filed with the district and a copy of the district's decision.
 - f. Copies of 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 complaint is filed, when complaint meeting/hearing is scheduled, and when a decision or ruling is made.

Step 1: Filing of Complaint: Any individual, public agency, or organization may file written complaint of district's alleged noncompliance with federal/state laws or regulations governing educational programs. (5 CCR 4630; EC 52075) complaint concerning unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges that he/she personally 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,
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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 law re: the prohibition against requiring students to pay student fees, deposits, charges, or noncompliance with the Local Control and Accountability Plan, may be filed anonymously if the complaint provides information leading to evidence to support an allegation of noncompliance. (EC 49013, 52072) Complaint shall be presented to compliance officer who shall maintain an accurate record of complaints received. 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 filing the complaint. (5 CCR 4600)

Step 2: Investigation of Complaint

Within 14 calendar days of receiving the complaint, the compliance officer shall provide the complainant and/or representative opportunity to present the complaint and information leading to evidence, to support the allegations in the complaint. The officer also shall collect documents and interview witnesses, as officer deems relevant, 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)

The district shall provide investigator with access to records and other information related to the allegation in the complaint and shall not 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 3: Response

Within 30 calendar days of receiving complaint, the officer shall prepare and send to the complainant a written report of the district's investigation, decision and remedy if the district finds merit in the complaint, as described in Step #5 below. If the complainant is dissatisfied with the decision, he/she may, within five business days, file 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.

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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 4: Final Written Decision

District's decision shall be in writing and sent to the complainant. (5 CCR 4631)
The decision shall be written in English and, when required by EC 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 complainant's right to appeal district's decision within 15 calendar days to the CDE and procedures to be followed for such an appeal

Any decision concerning a discrimination, harassment, intimidation, or bullying complaint based on state law 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 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 a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges is found to have merit, 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. (EC 49013)
If a complaint alleging noncompliance with the LCAP is found to have merit, a procedural remedy will be provided.

Appeals to the Calif. Dept. of Ed. or State Superintendent of Public Instruction

If dissatisfied with the district's decision, the complainant may appeal in writing to the CDE (Education Code 49013; 5 CCR 4632), or in the case of an appeal regarding the LCAP, to the State Supt. of Public Instruction (52075).

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The complainant shall file his/her appeal within 15 calendar 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 CDE that complainant has appealed district's decision, the Supt. shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of 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 CDE 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 not limited to, injunctions & 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 CDE 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)

Adopted: 4/7/07; revised 11/20/14