

**ALL PERSONNEL**

**Uniform Complaint Procedures**

**General Definitions**

As used in this policy, the term:

- (a) “Appeal” means a request made in writing to the next level higher than the original reviewing level by an aggrieved party requesting reconsideration or a reinvestigation of the lower adjudicating body’s decision.
- (b) “Beginning of the year or semester” means the first day classes necessary to serve all the students enrolled are established with a single designated certificated employee assigned for the duration of the class, but not later than 20 working days after the first day students attend classes for that semester.
- (c) “Complainant” means any individual, including a person’s duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination in programs and activities funded directly by the state or receiving any financial assistance from the state.
- (d) “Complaint” means a written and signed statement alleging a violation of a federal or state law or regulation, which may include an allegation of unlawful discrimination. If the complainant is unable to put the complaint in writing, due to conditions such as illiteracy or other handicaps, the public agency shall assist the complainant in the filing of the complaint.
- (e) “Complaint Investigation” means an administrative process used by the Department or County Office for the purpose of gathering data regarding the complaint.
- (f) “Complaint Procedure” means an internal process used by the Department or County Office to process and resolve complaints.
- (g) “Days” means calendar days unless designated otherwise.
- (h) “Department” means the California Department of Education.
- (i) “Direct State Intervention” means the steps taken by the Department to initially investigate complaints or effect compliance.
- (j) “Facilities that pose an emergency or urgent threat to the health or safety of pupils or staff” means a condition as defined in paragraph (1) of subdivision (c) of section 17592.72 and any other emergency conditions the school district determines appropriate.

- (k) “Good repair” means the facility is maintained in a manner that assures that it is clean, safe, and functional as determined pursuant to an interim evaluation instrument developed by the Office of Public School Construction pursuant to Education Code Section 17002(d)(2), and is available from the Department of General Services, Office of Public School Construction.
- (l) “Instructional materials” means all materials that are designed for use by pupils and their teachers as a learning resource and help pupils to acquire facts, skills, or opinions or to develop cognitive processes. Instructional materials may be printed or nonprinted, and may include textbooks, technology-based materials, other educational materials, and tests.
- (m) “Local Agency” means the County Office when receiving direct or indirect funding or any other financial assistance from the state to provide any school programs or activities or special education or related services.
- (n) “Mediation” means a problem-solving activity whereby a third party assists the parties to a dispute in resolving the problem.
- (o) “Misassignment” means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.
- (p) “Sufficient textbooks or instructional materials” means that each pupil, including English learners, has a textbook or instructional materials, or both, to use in class and to take home but does not require two sets of textbooks or instructional materials for each pupil. Sufficient textbooks or instructional materials does not include photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage.
- (q) “State Agency” means the State Departments of Mental Health or Health Services or any other state administrative unit that is or may be required to provide special education or related services to handicapped pupils pursuant to Government Code section 7570 et seq.
- (r) “Superintendent” means the Superintendent of Public Instruction or his or her designee.
- (s) “Teacher vacancy” means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position of which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

### **Purpose and Scope**

- (a) This policy applies to the filing, investigation and resolution of a complaint regarding an alleged violation by the County Office of federal or state law or

regulations governing educational programs, including allegations of unlawful discrimination, in accordance with the provisions of Title 34, CFR, Sections 76.780-783 and 106.8; Title 22, CCR, Sections 98300-98382; and California Education Code Sections 49556 and 8257. The purpose of this policy is to establish a uniform system of complaint processing for specified programs or activities which receive state or federal funding.

- (b) This policy applies to the following programs administered by the Department:
  - (i) Adult Basic Education established pursuant to Education Code sections 8500 through 8538 and 52500 through 52616.5;
  - (ii) Consolidated Categorical Aid Programs as listed in Education Code section 64000(a);
  - (iii) Migrant Education established pursuant to Education Code sections 54440 through 54445;
  - (iv) Child Care and Development programs established pursuant to Education Code sections 8200 through 8493;
  - (v) Child Nutrition programs established pursuant to Education Code sections 49490 through 49560;
  - (vi) Special Education programs established pursuant to Education Code sections 56000 through 56885 and 59000 through 59300;
  - (vii) Federal School Safety Planning requirements.
- (c) This policy also applies to the filing of complaints which allege unlawful discrimination on the basis of ethnic group identification, religion, age, sexual orientation, gender, race, ancestry, national origin, sex, color, or physical or mental disability, in any program or activity conducted by the County Office, which is funded directly by, or that receives or benefits from any state financial assistance.
- (d) Complaints related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that post a threat to the health or safety of students or staff, and teacher vacancies and misassignments shall be investigated pursuant to the County Office's Williams uniform complaint procedure (AR 1020).

### **County Office of Education Responsibilities**

The County Office shall have the primary responsibility to insure compliance with applicable state and federal laws and regulations. The County Office shall investigate complaints alleging failure to comply with such laws and/or alleging discrimination, and shall seek to resolve those complaints in accordance with the procedures set out in County Office uniform complaint procedures.

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

### **Non-Retaliation**

Complainants shall not be subject to any form of retaliation against any complainant in the complaint process, including, but not limited to, a complainant's 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.

### **Confidentiality**

The County Office 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 integrity of the process. This may include keeping the identity of the complainant alleging confidential as appropriate 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.

### **Mediation**

The County Office recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with the uniform complaint procedures, whenever all parties to a complaint agree to try resolving their problems through mediation, the Superintendent or designee shall initiate that process. The Superintendent or designee shall ensure that the results are consistent with state and federal laws and regulations.

### **Notice**

The County Superintendent shall annually notify in writing, as applicable, its students, employees, parents or guardians of its students, the County Office advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties of the County Office complaint procedures, including the opportunity to appeal to the Department and the provisions of this policy. The notice shall include the identity (identities) of the person(s), position(s) or unit(s) responsible for processing complaints. The notice shall also advise the recipient of the notice of any civil law remedies that may be available, and of the appeal and review procedures contained in this policy. This notice shall be in English, and when necessary, in the primary language, pursuant to section 48985 of the Education Code, or mode of communication of the recipient of the notice.

Legal Reference:  
Title 5, CCR, §§ 4600 et seq.