

UNIFORM COMPLAINT PROCEDURES

The Board of Education recognizes that the district has primary responsibility for ensuring that it complies with applicable state and federal laws and regulations governing educational programs. The district shall investigate and seek to resolve complaints at the local level. The district shall follow the Uniform Complaint Procedures (UCP) when addressing complaints alleging:

Unlawful discrimination based on ethnicity, religion, age, gender, sexual orientation, color or physical or mental disability, or failure to comply with state and/or federal laws in consolidated categorical aid programs, development programs, child nutrition programs, and special education programs.

The Board acknowledges and respects students and employee rights 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, as determined by the Superintendent or designee on a case-by-case basis.

The Superintendent 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.

The Board recognizes that a neutral mediator can often suggest an early compromise that is agreeable to all parties in a dispute. The Superintendent shall ensure that the mediation results are consistent with state and federal laws and regulations.

COMPLIANCE OFFICER

The Board of Education designates the following compliance officer to receive and investigate complaints and ensure district compliance with law:

Yvette Maier
Executive Director of Human Resources and
Student Services
2001 Tavern Rd., Alpine, CA 91901
Phone (619) 445-0802; Fax (619) 445-7045

NOTIFICATIONS

The Superintendent or designee shall meet the

notification requirements of the Code of Regulations, Title 5, Section 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. 5154.6 – Parental Notification)

The above notification shall state that complainants may seek help from agencies such as legal assistance agencies, local mediation centers or the county office of education. Local resources include: San Diego County Office of Education.

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 the Code of Regulations, Title 5, Section 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.

Step 1: Filing of a 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 (Title 5, Section 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 disabilities, district staff shall help him/her to file the complaint (Title 5, Section 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 complainant.

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 (Title 5, Section 4631).

Step 3: Investigation of Complaint

The compliance officer shall 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 and question each other or each other's witnesses (Title 5, Section 4631).

Step 4: District 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 (Title 5, Section 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 is 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 (Title 5, Section 4631).

Step 5: Final Written Decision

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.

This report shall include:

1. The findings and disposition of the complaint, including corrective actions, if any (Title 5, Section 4631)
2. The rationale for the above disposition (Title 5, Section 4631)
3. Notice of the complainant's right to appeal the decision to the California Department of Education, and procedures to be followed for initiating such an appeal (Title 5, Section 4631)
4. 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.

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 (Title 5, Section 4652).

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 (EC 262.3).

UNIFORM COMPLAINT PROCEDURES



ALPINE UNION SCHOOL DISTRICT

**2001 Tavern Rd.
Alpine, CA 91901
(619) 445-3236**

For more information, contact:
Richard Newman, Ed.D. Superintendent

Revised 09/01/21

UNIFORM COMPLAINT PROCEDURES

These procedures are available for use as described below:

Uniform Complaint Procedures were developed and established to handle complaints against the district that involve specific educational programs which are conducted with state or federal funds or that regard charges that the district has unlawfully discriminated against someone. (Procedures established in accordance with state law Title 5, California Code of Regulations, Sections 4600-4671).

These same complaint procedures may be used to file complaints against the district which allege unlawful discrimination under the following federal laws: Section 504 or the Americans with Disabilities Act (discrimination based on physical or mental disability); Title IX (discrimination based on gender, including sexual harassment); and Title VI (discrimination based on race, color or national origin). Discrimination complaints must be filed within 6 months of last occurrence or when knowledge was first obtained.

What Programs are Covered?

These complaint procedures cover the following educational programs:

1. Consolidated categorical aid programs
2. Child Care and Development
3. Child Nutrition
4. Special Education
5. Any other program benefiting from state or federal funds in which discrimination occur based on ethnicity, ancestry, religion, age, gender (including sexual harassment), sexual orientation, color, physical or mental disability, medical condition or political belief or affiliation.

How to Submit a Complaint

Any person, organization or public agency concerned about a violation of state or federal regulations governing an educational program listed in this brochure is to submit a written complaint to the office of the District Superintendent. This office will provide assistance to those who cannot complete a written complaint.

The district assures confidentiality of the facts to the maximum extent possible. The district prohibits retaliation against anyone who participates in the complaint investigation process

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 (CDE) 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 (EC 262.3)

How a Complaint is Investigated and Answered

Each complaint is investigated by the district office which must do the following within 60 days:

1. Provide an opportunity for the person or organization complaining and district personnel to present information related to the complaint.
2. Obtain specific information from other persons familiar with events and locations related to the complaint.
3. Review related documents.
4. Prepare a written report (in English and in the language of the complainant) on findings and recommended solutions.
5. Notify the person or organization of appeal procedures.

Complaints about special education programs and services may also be referred by the district or the complainant may file the complaint with the California Department of Education, Special Education Division. To file a special education complaint directly with the CDE, you may write to the CDE at the address listed under the section entitled "How to Appeal".

How to Appeal

Persons or organizations disagreeing with the district decision have fifteen days after receipt of the decisions to file an appeal. The appeal must be in writing and must include a copy of the original complaint, as well as a copy of the local site decision provided to them.

If the original complaint involved one of the educational programs (listed 1-5), the appeal should be sent to:

State of California Department of Education
State Superintendent of Public Instruction
P O Box 944272
Sacramento, CA 94244-2710

Appeals of local site decisions involving Title IX or Title VI may also be directed to the Department of Education (see address above) for resolution.

<p>Only complaints with the original signature will be accepted. The 60-day time line shall begin when the complaint is received.</p>
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ALPINE UNION SCHOOL DISTRICT

Uniform Complaint Form

(Reference: District Policy No. 1312.3)

TO: Office of the Assistant Superintendent of Human Resources and Student Services
2001 Tavern Rd
Alpine, CA 91901

FROM: Name(s) _____
Address _____
City _____ Zip _____
Home Phone _____ Work Phone _____

PROGRAM(S) CONCERNED

1. A violation of federal or state law or regulation governing the following program(s):

(Please check below):

- ☐ Child Nutrition (Education Code Sections 49490-49560)
☐ Child Care and Development (Education Code Sections 8200-8493)
☐ Consolidated Categorical Aid (Education Code Sections 64000(a))
☐ Special Education (Education Code Sections 56000-56885; 59000, 59300)

OR

2. Discrimination in programs receiving state financial assistance based on one of the following:

(Please check below):

- ☐ _____ Ethnic group identification
☐ _____ Religion
☐ _____ Age
☐ _____ Sex
☐ _____ Color
☐ _____ Physical or mental disability

NATURE OF COMPLAINT (Please describe in your own words the grounds of your complaint, including all names, dates, and places necessary for a complete understanding of the complaint.)

NOTE: You may use additional pages to describe your complaint more fully if you so desire.

Have you spoken with any District personnel regarding this complaint? ____yes ____no

If so, what are their names? _____

What was the result of the discussion? _____

Signature _____

Date _____