

Administrative Regulation

Uniform Complaint Procedures

The uniform complaint procedures apply to the filing, investigation, and resolution of a complaint regarding an alleged violation by the district of federal or state laws or regulations governing specific educational programs. The procedures also apply to complaints which allege unlawful discrimination, harassment, intimidation or bullying against any protected group as identified under Penal Code section 422.55 and Education Code section 220 including actual or perceived characteristics such as age, marital or parental status, sex, sexual orientation, gender, gender identity, gender expression, ethnic group identification, race or ethnicity, ancestry, nationality, national origin, religion, color, or mental or physical disability, immigration status, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any district program or activity that receives or benefits from state or federal financial assistance.

In addition, pursuant to Education Code section 52075, individuals may file a complaint under the district's Uniform Complaint Procedure alleging that the school district has not complied with the LCAP requirements in the Education Code. The complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with laws relating to LCAP requirements. If the complainant is not satisfied with the decision of the school district, the individual may appeal the decision to the State Superintendent of Public Instruction. The State Superintendent of Public Instruction is required to issue a decision on the appeal within 60 days of the Superintendent of Public Instruction's receipt of the appeal.

If the school district finds merit in the complaint or the Superintendent of Public Instruction finds merit in an appeal, the school district will provide a remedy to all affected pupils, parents, and guardians.

In addition, uniform complaint procedures shall be used to address complaints alleging the district's non-compliance with Article 5.5 of Chapter 6 of Part 22 of Division 4 of Title 2 of the Education Code, commencing with Section 49010, governing pupil fees. If a public school finds merit in a pupil fees complaint the public school shall provide a remedy to all affected pupils, parents, and guardians that where applicable includes reasonable efforts by the public school to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board (EC 49013(d)). The LEA will attempt in good faith by engaging in reasonable efforts to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint. (5 CCR § 4600(u)). A pupil fees complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with laws relating to pupil fees. (EC § 49013(b)). A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred. (5 CCR § 4630(c)(2))

Compliance Officer

The following Compliance Officer is to receive and investigate complaints and to ensure district compliance with the law:

Assistant Superintendent of K-12 Educational Services
10331 Stanford Avenue
Garden Grove, CA 92840
(714) 663-6143

The superintendent or designee shall ensure that the employee designated to investigate complaints is knowledgeable about the laws and programs for which he or she is responsible to investigate.

Notifications

There will be an annual dissemination of a written notice of the district complaint procedures to pupils, employees, parents or guardians, school and district advisory committees, appropriate private school officials or representatives, and other interested parties.

Copies of the district uniform complaint procedures shall be made available free of charge and forms created relative to this process will be translated in pursuant to EC 48985.

The district requires that school personnel take immediate steps to intervene when safe to do so when he or she witnesses an act of discrimination, harassment, intimidation, or bullying.

Scope of Complaint Procedures

In addition to the above-noted areas of complaint, these procedures apply to the following programs:

1. Adult Education Programs (EC 8500-8538, 52334.7 and 52500-52616.4)
2. Consolidated Categorical Aid Programs (EC 64000)
3. Migrant Education Programs (EC 54440-54445)
4. Career Technical and Technical Education and Career Technical Training Programs (EC 52300-52840)
5. Child Care and Development Programs (EC 8200-8493)
6. Child Nutrition Programs (EC 49490-49570)
7. Special Education Programs (EC 56000-56885 and 59000-59300)
8. Federal school safety planning requirements (20 USC 7114(d)(7))

In addition, the uniform complaint procedures shall be used to address complaints alleging the district's non-compliance in the following areas:

- Education of foster and homeless youth, including for foster youth, access to programs activities and services, designation of an educational liaison; and for foster and homeless students, the process or outcome of transfer of records, partial credits, notice of and honoring exemptions from local graduation requirements, where applicable; pursuant to Education Code sections 48853, 48853.3, 48863.5, 51225.1, and 51225.2;
- Courses without educational content in grades 9-12 pursuant to Education Code sections 51228.1, 51228.2 and 51228.3;
- Physical education minutes for students in grades 1-8, pursuant to Education Code sections 51220 and 51223;
- Student lactation accommodations, including access to private space and a power source, permission to bring a pump, reasonable time to express milk, and storage of expressed milk pursuant to Education Code section 222;
- Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ) resources provided to certificated school site employees serving students in grades 7-12 pursuant to Education Code section 234.1.

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 specified above or which allege unlawful discrimination, harassment, intimidation, or bullying. The Compliance Officer shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4631 and 4633.

All known complainants and respondents 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 I: Filing of the Complaint

A complaint may be filed by any individual, including a person's duly authorized representative or an interested third party, public agency, or organization. All complaints must be in writing and all relevant facts must be clearly stated. A complainant shall be protected from retaliation as a consequence of filing a complaint.

The identity of a complainant alleging discrimination, harassment, intimidation, or bullying shall remain confidential, as appropriate. Nothing in this regulation precludes a complainant from pursuing other available remedies such as: local mediation centers, private or public attorneys, and injunctions or restraining orders. For other than discrimination, harassment, intimidation, or bullying complaints, any individual, public agency, or organization shall file a written complaint within 20 calendar days of the alleged incident with the Compliance Officer or state superintendent, alleging a matter which, if true, would constitute a violation by the district of a federal or state law or regulation governing any of the programs listed above.

A complaint alleging unlawful discrimination, harassment, intimidation, or bullying 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. A complaint shall be filed by a person who alleges that he or 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 unlawful discrimination, harassment, intimidation, or bullying. (5 CCR 4630)

Upon written request by the complainant, the superintendent or the designee may extend, for good cause, the six-month filing period by up to 90 days. (5 CCR 4630)

A complaint alleging non-compliance with the law regarding pupil fees and charges (Education Code section 49010 et seq.) may be filed with the principal of a school, or the agency superintendent, or his or her designee. Complaints may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of non-compliance.

The complaint shall be presented to the Compliance Officer who shall maintain a log of complaints received and subsequent related actions, including all information required for compliance. 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 or her to file the complaint. (5 CCR 4600)

Step II: District Investigation

The investigation shall provide an opportunity for the complainant, or the complainant's representative, or both, and district representatives to present information relevant to the complaint.

The Compliance Officer shall be encouraged to hold an investigative meeting with the complainant (if known) within 10 days of receiving the complaint. This meeting shall provide an opportunity for the complainant and/or his or her representative to repeat the

complaint orally and provide additional information.

The investigation shall include an opportunity for the complainant, or the complainant's representative, or both, to present the complaint(s) and evidence or information leading to evidence to support the allegations. (5 CCR 4631)

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations. This provision shall not apply to anonymous complaints alleging non-compliance with the laws regarding student fees and charges (Education Code section 49010 et seq.) if the complaint provides evidence or information leading to evidence to support an allegation of non-compliance.

Refusal by the district to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

Within 60 calendar days of receipt of the complaint (this time may be extended by written agreement of the complainant), the Compliance Officer shall complete an investigation of the complaint and prepare a written district decision which must be sent to the complainant. 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 translator will interpret the report for the complainant.

The written decision shall include:

1. The findings of fact based on the evidence gathered.
2. The conclusion(s) of law (a finding by the district whether a violation of law has occurred).
3. Disposition of the complaint.
4. Rationale for such disposition.
5. Corrective actions, if any are warranted. If a complaint alleging non-compliance with the laws regarding student fees and charges is found to have merit, the district shall provide a remedy to all affected pupils, parents, and guardians that, where applicable, includes reasonable efforts by the district to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state

Board of Education.

6. Notice of the complainant's right to appeal the district's decision within 15 days to the California State Department of Education and procedures to be followed for initiating such an appeal.
7. For discrimination, harassment, intimidation, or bullying 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. (Education Code 262.3)

Step III: Appeal to California State Department of Education

Any complainant(s) may appeal a district decision to the California State Department of Education by filing a written appeal within 15 calendar days of receiving the district decision. When appealing the decision, the complainant must specify the basis for the appeal and whether the facts are incorrect and/or the law has been misapplied. (5 CCR 4632)

The appeal shall include the following:

1. A copy of the complaint.
2. A copy of the district decision.

Upon notification by the California State Department of Education that the district decision has been appealed, the Compliance Officer shall forward the following to the California State Department of Education:

1. A copy of the original complaint.
2. A copy of the district decision.
3. A summary of the nature and extent of the investigation conducted by the district, if not covered in the decision.
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 complaint procedures.
7. Such other relevant information as the department may require.

Civil Law Remedies

Civil law remedies may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable. In appropriate cases, an appeal may be filed pursuant to Education Code section 262.3. A complainant may pursue available civil law remedies outside of the district's complaint procedures. Civil law remedies include, but are not limited to, restraining orders and injunctions. Complainants may seek assistance from mediation centers or public/private interest attorneys. In a complaint of unlawful discrimination, harassment, intimidation, or bullying, a complainant has a right to seek civil law remedies based on state law no sooner than sixty days have elapsed since filing an appeal with CDE. The moratorium does not apply to injunctive relief or to complaints of discrimination, harassment, intimidation, or bullying based on federal law, 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. (5 CCR 4622)

Ref: EC Sections 200, 220, 222, 260, 35186, 48853, 48853.5, 48985, 49010-49013, 51210, 51223, 51225.1-51225.3, 51228.1-51228.3, 52075, 52334.7.

Government Code Sections 11135, 11138, 12920

Penal Code Section 422.55

CCR, Title 5, Sections 4600-4687

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