

UNIFORM COMPLAINT PROCEDURES

7703

The Anaheim Union High School District recognizes that the district is primarily responsible for complying with applicable state and federal laws and regulations governing educational programs. The district shall investigate **complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination** and seek to resolve **those** complaints **in accordance with the procedures set out in Sections 4600-4687 of the Title 5 Regulations and in accordance with the policies and procedures of the governing board.** at the local level. ~~Employees are notified annually, in writing, of current **Written** Uniform Complaint procedures **are disseminated annually to** Parents and students, **employees, parents or guardians of students, school and district advisory committees, appropriate private school officials or representatives, and other interested parties.** are notified annually of current Uniform complaint procedures through their Parent Student Handbook, parent meetings, and posted material. The district shall follow Uniform Complaint procedures when addressing complaints alleging harassment and unlawful discrimination or failure to comply with state or federal laws in consolidated categorical aid programs: Adult Education, Career/Technical Education and Training programs, Child Care and Development, Consolidated Categorical Aid (No Child Left Behind), State Compensatory Education, State Program for Students of Limited English Proficiency, School Improvement, Tenth-Grade Counseling, Tobacco-Use Prevention Education, Peer Assistance and Review, School Safety and Violence Prevention Act, Migrant and Indian Education, Nutrition Services, Special Education, Discrimination, Harassment, and Civil Rights Guarantees.~~

The Board prohibits retaliation in any form for the filing of a complaint, the reporting of instances of discrimination or harassment, or for participation in complaint procedures. Such participation shall not in any way affect the status, grades, or work assignments of the complainant. The Board acknowledges and respects student and employee rights to privacy. Civil rights are protected with regard to actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, mental or physical disability, or age, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, or lack of English language skills. All complainants are advised of their right to pursue civil law remedies.

All complaints are to be reported to the Assistant Superintendent of Administrative Services. Unlawful discrimination complaints shall be initiated no later than six months from the date the alleged discrimination occurred, or the date the complainant first obtained knowledge of the facts of the alleged discrimination unless the time for filing is extended by the Superintendent or designee upon written request by the complainant. In a complaint of unlawful discrimination, a complainant has the right to seek civil law remedies after sixty (60) days have elapsed since filing an appeal with the California Department of Education, with the exception of injunctive relief, for which the moratorium does not apply. Discrimination and harassment 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 or proceedings, as determined by the Superintendent or designee on a case-by-case basis.

The Superintendent or designee 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 district will provide an opportunity for complainants and/or representatives to present relevant information. Whenever all parties to a complaint agree to try to resolve their problem through mediation, the Superintendent or designee shall initiate a mediation process before beginning a formal compliance investigation. The Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulations. The complaint process will be concluded within sixty (60) days unless the complainant agrees in writing to an extension of time. The district's decision will be reported in writing, sent to the complainant within sixty (60) calendar days of receipt of the complaint, and contain: **a) findings of fact based on the evidence gathered, b) conclusion of law, c) disposition of the complaint, d) rationale for the findings, e) corrective actions (if any), f) notice of the complainant's right to appeal the district's decision to the California Department of Education within fifteen (15) days of receiving the district's written decision, and g) procedures to be followed for initiating an appeal to the California Department of Education.** ~~and disposition of the complaint, b) corrective actions (if any), c) suggested resolution(s), d) rationale for the findings, e) procedures for initiating an appeal to the California Department of Education within fifteen (15) days of receiving the district's written decision.~~

The California Department of Education may directly intervene in a complaint without waiting for district action under certain circumstances (Code of Regulations, Title 5, Section 4650).

Copies of the district's complaint procedures shall be available free of charge.

~~Williams Settlement complaints regarding instructional materials, emergency or urgent facility conditions that pose a threat to the health and safety of pupils, teacher vacancy or misassignment, and intensive instruction for students who have not passed the high school exit examination by the end of the 12th grade, as specified in Education Code 35186, will be addressed according to Board Policy 7703.01, Williams Uniform Complaint Procedures.~~

Compliance Officers

The Governing Board designates the Assistant Superintendent of Administrative Services and the following compliance officers to receive and investigate complaints and ensure district compliance with the law:

Harassment/Discrimination	Assistant Superintendent /Administrative Services
Disability Issues	Director/Classified or Certificated Human Resources
Special Education	Director/Special Youth Services
Special Programs (Title I, Voc Ed, LEP, Title VI, School Improvement)	Director/Special Programs
10 th Grade Counseling	Director/Instructional Services
Child Nutrition	Director/Food Services
Site Issues	Principals
Other	As Appropriate

The Anaheim Union High School District is primarily responsible for compliance with federal and state laws and regulations. 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 and civil law remedies **under state or federal discrimination laws**. Complainants have a right to pursue available civil remedies, such as mediation centers, public/private interest attorneys, and legal assistance agencies, such as the Orange County Bar Association.

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.

The district will use its uniform complaint procedures when addressing all complaints regarding sex equity, and the development and adoption of the School Safety Plan.

Investigations of discrimination complaints shall be conducted in a manner that protects confidentially of the parties and the facts (Code of Regulations, Title 5, Section 4630).

Due process hearing procedures will be used for the resolution of issues between a parent/guardian and the district or Special Education Local Placement Agency (SELPA) regarding the identification, assessment, or placement of a special education student.

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 alleged noncompliance.

The complaint shall be presented to the Assistant Superintendent of Administrative Services who will forward it to the appropriate site or district office for processing. The Assistant Superintendent of Administrative Services, as well as each administrator assigned a complaint, will maintain a log of complaints received, providing each with a code number and a date stamp. All written decisions will be copied to the Assistant Superintendent of Administrative Services.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or disabilities, district staff shall help him/her to file the complaint (Code of Regulations, Title 5, Section 4600).

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. In a complaint of unlawful discrimination, a complainant has the right to seek civil law remedies after sixty (60) days have elapsed since filing an appeal with the California Department of Education, with the exception of injunctive relief, for which the moratorium does not apply (Education Code Section 262.3). The complaint must be initiated no later than six **(6)** months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination (Code of Regulations, Title 5, Section 4630).

Step 2: Consideration of Mediation

As an aspect of resolving the complaint, the compliance officer shall informally discuss with the complainant the possibility of using mediation. If all parties agree 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 the 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.

Step 3: Investigation of Complaint

The compliance officer shall hold an investigative meeting after receiving the complaint or after 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 evidence or information relevant to the complaint (Code of Regulations, Title 5, Section 4631). Parties to the dispute may discuss the complaint and question each other and each other's witnesses.

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.

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.

To ensure that all pertinent facts are made available, the compliance officer and the complainant, and/or his/her representative, may ask other individuals to attend this meeting and provide additional information.

Step 4: Response

Within sixty (60) calendar days of the district initially 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. The complainant may choose to extend the response time by submitting his/her their written request to the Superintendent or designee.

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 will arrange a meeting at which a qualified interpreter will be present.

This report shall include:

1. **Findings of fact based on the evidence gathered.** ~~The findings and disposition of the complaint, including corrective actions, if any.~~
2. **Conclusion of law.** ~~Suggested resolutions.~~
3. **Disposition of the complaint.** ~~The rationale for the above disposition.~~
4. **Rationale for the findings.** ~~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.~~
5. **Corrective actions (if any).** ~~A detailed statement of all specific issues that were brought up during the investigation and the extent to which these issues were resolved.~~
6. **Notice of the complainants right to appeal the district's decision to the California Department of Education within fifteen (15) days of receiving the district's written decision.**
7. **Procedures to be followed for initiating an appeal to the California Department of Education.**

If an employee is disciplined as a result of the complaint, the 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 fifteen (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 (Code of Regulations, Title 5, Section 4652).

Cross Reference:

Anaheim Union High School District Board Policy
7703.01 Williams Uniform Complaint Procedures

Legal References:

Education Code

<u>200</u>	Education Equity
212.5	Educational Equity, Sexual Harassment
<u>220</u>	Prohibition of Discrimination
221.5	Sex Equity in Education
231.5	Educational Equity
262.3	Education Equity; Enforcement
35186	Uniform Complaint Process
48980	California School Information Services

Code of Regulations, Title 5

4600	General Definitions
<u>4610</u>	Purpose and Scope
<u>4611</u>	Local Education Agency Responsibilities
4621	District Policies and Procedures
4622	Notice
4630	Filing a Local Complaint
4631	Responsibilities of the Local Education Agency
4632	Appeal of Local Education Agency Decision
4650	Basis of Direct State Intervention
4652	Appealing Local Agency Decisions
4680-4687	Williams Complaints

Penal Code

<u>422.55</u>	Hate Crimes
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Civil Rights Act of 1964

Title IX, Education Amendments of 1972

1681	Sex Discrimination
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Rehabilitation Act of 1973

504	Discrimination Based on Disability
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Improving America's Schools Act of 1994

Americans With Disabilities Act of 1990

United States Code, Title 42
2000 et seq. Public Education Definitions

United States Code, Title 20
1681 Discrimination based on Sex or Blindness

Code of Federal Regulations, Title 34
100.1 Nondiscrimination Under Programs Receiving Federal Assistance
106.1 Nondiscrimination on the Basis of Sex in Education Programs

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