

The Governing Board recognizes the District is primarily responsible for complying with applicable state and federal laws and regulations governing educational programs. The District developed the Uniform Complaint Procedures (UCP) process with policies and procedures adopted by our governing board. The District shall investigate complaints specified in this policy and shall seek to resolve those complaints in accordance with the District's UCP.

The District's UCP shall be used to investigate and resolve the following complaints:

1. Any complaint alleging District violation of applicable state or federal law or regulations governing the following programs and activities:

- Adult Education
- After School Education and Safety
- Agricultural Vocational Education
- American Indian Education Centers and Early Childhood Education Program
- Assessments
- Bilingual Education
- California Peer Assistance and Review Programs for Teachers
- Career Technical and Technical Education; Career Technical; Technical Training
- Career Technical Education
- Child Care and Development
- Child Nutrition
- Compensatory Education
- Consolidated Categorical Aid
- Economic Impact Aid
- English Learner Programs
- Every Student Succeeds Act / No Child Left Behind (Titles I-VII)
- Migrant Education
- Regional Occupational Centers and Programs School
- Safety Plans
- Special Education
- State Preschool
- Tobacco-Use Prevention Education

2. Any complaint alleging unlawful discrimination, harassment, intimidation, or bullying against any protected group as identified under Education Code section 200 and 220 and Government Code section 11135, including those with actual or perceived characteristics such as race or ethnicity, color, ancestry, national origin, immigration status, nationality, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information, or perceived characteristics as set forth in Penal Code section 422.55 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 program or activity conducted by the District or that is funded directly by, or that receives or benefits from any state financial assistance.

3. Any complaint regarding Pupil Fees, Local Control and Accountability Plans (LCAP), Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in our school district, Reasonable Accommodations to a Lactating Pupil, Course Periods without Educational Content (grades nine through twelve), and Physical Education Instructional Minutes (grades one through eight). In the case of complaints regarding Course Periods without Educational Content, Reasonable Accommodations to a Lactating Pupil, and Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in our school district, the remedy shall go to the affected pupil. In the case of complaints regarding Pupil Fees, Physical Education Instructional Minutes and LCAP, the remedy shall to go all affected pupils and parents/guardians.

4. Any complaint alleging the District's non-compliance with Article 5.5 of Chapter 6 of Part 27 of Division 4 of Title 2 of the Education Code (commencing with Section 49010) regarding pupil fees. Pupil fees complaints shall be filed no later than one year from the date the alleged violation occurred.

A pupil fees complaint may be filed with the principal of a school or our superintendent or his or her designee.

We ensure an attempt shall be made in good faith to engage in reasonable efforts to identify and fully reimburse all pupils, parents, and guardians who paid a pupil fee within one year prior to the filling of the complaint.

5. Pursuant to Education Code section 52075, any complaint alleging that the school district has not complied with the Local Control and Accountability Plan (LCAP) requirements in the Education Code. A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the requirements of the Education Code. A complainant not satisfied with the decision of a school district may appeal the decision to the Superintendent and shall receive a written appeal decision within 60 days of the Superintendent's receipt of the appeal.

6. Any other complaint as specified in a district policy.

If the school district finds merit in the complaint or the Superintendent finds merit in an appeal, the school district will provide an appropriate remedy.

ALL COMPLAINANTS ARE PROTECTED FROM RETALIATION. The Board prohibits any form of retaliation against any complainant in the complaint process.

The Board encourages the early, informal resolution of complaints at the site level whenever possible. The Board recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever the superintendent or designee deems a complaint to be appropriate for mediation, and when all parties to a complaint agree to try resolving the problem 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.

In investigating complaints, the confidentiality of the parties involved and the integrity of the process shall be protected. As appropriate, the Superintendent or designee may keep the identity of a complainant confidential to the extent that the investigation of the complaint is not obstructed.

When an allegation that is not subject to the UCP is included in a UCP complaint, the District shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and may, if appropriate, resolve the UCP-related allegation(s) through the District's UCP.

Non-UCP Complaints

The following complaints are not subject to the District's UCP but shall be referred to the specified agency:

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging fraud shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education.
4. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the District in accordance with the procedures specified in 6201 – R: Complaints Concerning Discrimination in Employment.

The District's Williams uniform complaint procedures, BP 7703.01, shall be used to investigate and resolve any complaint related to the following:

1. Textbooks or Instructional Materials
2. Facility Conditions
3. Teacher Vacancies or Misassignments
4. High School Exit Examination

EDUCATION CODE

200-262.4	Prohibition of discrimination
8200-8498	Child care and development programs
8500-8538	Adult basic education
18100-18203	School libraries
32289	School safety plan, uniform complaint procedures
35186	Williams uniform complaint procedures
37254	Intensive instruction and services for students who have not passed exit exam
41500-41513	Categorical education block grants
48985	Notices in language other than English
49060-49079	Student records
49490-49590	Child nutrition programs
52160-52178	Bilingual education programs
52300-52490	Career technical education
52500-52616.24	Adult schools
52800-52870	School-based program coordination
54000-54028	Economic impact aid programs Miller-
54100-54145	Unruh Basic Reading Act
54400-54425	Compensatory education programs
54440-54445	Migrant education
54460-54529	Compensatory education programs
56000-56867	Special education programs
59000-59300	Special schools and centers
64000-64001	Consolidated application process

GOVERNMENT CODE

11135	Nondiscrimination in programs or activities funded by state
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PENAL CODE

422.6	Interference with constitutional right or privilege
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CODE OF REGULATIONS, TITLE 5

3080	Application of section
4600-4687	Uniform complaint procedures
4900-4965	Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

- 6301-6577 Title I basic programs
- 6601-6777 Title II preparing and recruiting high quality teachers and principals
- 6801-6871 Title III language instruction for limited English proficient and immigrant students
- 7101-7184 Safe and Drug-Free Schools and Communities Act
- 7201-7283g Title V promoting informed parental choice and innovative programs
- 7301-7372 Title V rural and low-income school programs

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- Reviewed: April 1986
- Revised: March 1993
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- Revised: May 2004
- Revised: September 2007
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- Revised: July 2008
- Revised: March 2013
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Compliance Officers

The Board designates the Assistant Superintendent of Human Resources as the Compliance Officer designated to receive and investigate complaints and ensure District compliance with the law. The Compliance Officer may designate another District administrator to investigate complaints.

Assistant Superintendent, Human Resources
501 Crescent Way / P.O. Box 3520
Anaheim, CA 92803
Phone: 714 999-1512

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

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. (5 CCR 4622)

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints.
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable.
3. Advise the complainant of the appeal process pursuant to Education Code sections 262.3 and 49013(c), including the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies.
4. Include statements that:
 - a. The District is primarily responsible for compliance with state and federal laws and regulations.
 - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.

- c. An unlawful discrimination, harassment, intimidation or bullying complaint must be filed not later than six months from the date the alleged discrimination harassment, intimidation, or bullying occurs, or six months from the date the complainant first obtains knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying.
- d. The complainant has a right to appeal the District's decision to the CDE by filing a written appeal within 15 days of receiving the District's decision.
- e. The appeal to the CDE must include a copy of the complaint filed with the District and a copy of the District's decision.
- f. Copies of the District's uniform complaint procedures are available free of charge.
- g. 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 Local Control and Accountability Plan (LCAP) requirements in the Education Code. A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the requirements of the Education Code. A complainant not satisfied with the decision of a school district may appeal the decision to the Superintendent and shall receive a written appeal decision within 60 days of the Superintendent's receipt of the appeal. If the school district finds merit in the complaint or the Superintendent finds merit in an appeal, the school district will provide a remedy to all affected pupils, parents, and guardians.

Procedures

The following procedures shall be used to address all complaints subject to the District's UCP.

All complaints shall be investigated and resolved within 60 days of the receipt of the complaint. 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. The Complainant may consent in writing to an extension of the 60-day period.

Complainants and respondents involved in allegations shall be notified, as appropriate, 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 the District's alleged noncompliance with federal or state laws or regulations governing educational programs. (5 CCR 4630)

A 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 unlawful discrimination, harassment, intimidation, or bullying. 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, upon written request by the complainant, the Superintendent or designee may extend the filing period for up to 90 days. (5 CCR 4630)

A complaint alleging non-compliance with the law regarding student fees and charges (Education Code section 49010 et seq.) 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 Assistant Superintendent of Human Resources 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 a disability or illiteracy, District staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

Step 2: Mediation

The Compliance Officer may informally discuss with all the parties the possibility of using mediation. If the 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 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. (5 CCR 4631)

Step 3: Investigation of Complaint

Within a reasonable time of receiving the complaint, the Compliance Officer shall provide the complainant (if known) and/or his/her representative an opportunity to present the complaint and any evidence, or information leading to evidence, to support the allegations in the complaint. The Compliance Officer also shall collect all documents and interview all witnesses 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) 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.

District personnel shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of district personnel 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 4: Response

Unless extended by written agreement with the complainant, 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, within 60 days of the District's receipt of the complaint. (5 CCR 4631)

Step 5: Final Written Decision

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

In addition, any decision concerning a complaint of discrimination, harassment, intimidation, or bullying based on state law shall include a notice that the complainant must wait until 60 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.

Appeals to the California Department of Education

If dissatisfied with the District's decision, the complainant may appeal in writing to the CDE within 15 days of receiving the District's decision. When appealing to the CDE, the complainant 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 the CDE that the complainant has appealed the District's decision, the Superintendent or designee 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 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 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 cases in which the District has not taken action within 60 days of the date the complaint was filed with the District.

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. 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 complaints of discrimination, harassment, intimidation, or bullying based on state law, a complainant shall wait until 60 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 complaints of discrimination, harassment, intimidation, or bullying based on federal law.

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