

ACUSD/ACOE
Uniform Complaint Procedures



I. PURPOSE OF UNIFORM COMPLAINT PROCEDURES

The Governing Board recognizes that the Amador District Unified School District ("District") has the primary responsibility to insure it is complying with applicable state and federal laws and regulations governing educational programs. The District 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 District's uniform complaint procedures. (5 CCR § 4620).

The purpose of this policy is to establish a uniform system of complaint processing for specified programs or activities that receive state or federal funding. This system of complaint procedures applies to the filing, investigation, and resolution of a complaint regarding an alleged violation by the District of federal or state law or regulations governing educational programs, including allegations of unlawful discrimination. (5 CCR § 4620).

II. COMPLAINTS SUBJECT TO DISTRICT'S UNIFORM COMPLAINT PROCEDURES

A. Complaints of Discrimination

The District shall follow Uniform Complaint Procedures when addressing complaints alleging unlawful discrimination against any protected group as identified under Education Code section 200 and 220 and Government Code section 11135, including actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or 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, in any District program or which is funded directly by, or that receives or benefits from any state financial assistance. (5 CCR § 4610).

B. Other Areas Subject to Uniform Complaint Procedures

The District's Uniform Complaint Procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, vocational education, preschool and early childhood education, child nutrition programs, and special education programs. Nothing in this policy shall prevent the District from using its Uniform Complaint Procedure to address complaints not listed in this section. (5 CCR § 4610).

C. Complaints Subject to Williams Uniform Complaint Procedures

Complaints regarding sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, and teacher vacancies and misassignments shall be investigated pursuant to the District's Williams complaint procedure. (5 CCR § 4680)

D. Complaints Subject to Referral to Other Agencies

The following complaints shall be referred to the specified agencies for appropriate resolution and are not subject to the District or CDE complaint procedures unless these procedures are made applicable by separate interagency agreements:

1. Allegations of child abuse shall be referred to the applicable County Department of Social Services (DSS), Protective Services Division or appropriate law enforcement agency. However, nothing in this section relieves the Department from investigating complaints pursuant to section 4650(a)(8)(C) herein.
2. Health and safety complaints regarding a Child Development Program shall be referred to Department of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.
3. Employment discrimination complaints shall be sent to the State Department of Fair Employment and Housing (DFEH) pursuant to Title 22 CCR section 98410. The complainant shall be notified by first class mail of any DFEH transferral.
4. Allegations of fraud shall be referred to the responsible Department Division Director who may consult with the Department's Legal and Audits Branch.

(5 CCR § 4611)

III. UNIFORM COMPLAINT PROCEDURES

A. Privacy

Discrimination complaints shall be investigated in a manner that protects the confidentiality of the complainant, as appropriate, and to the extent necessary to effectively carry out the investigation or proceedings, as determined by the District on a case-by-case basis. (5 CCR § 4621)

B. Policy Prohibiting Retaliation

The District prohibits any form of retaliation against any complainant in the complaint process, including but not limited to the complainant's filing of a complaint or the reporting of instances of discrimination. (5 CCR § 4631).

IV. COMPLIANCE OFFICERS

The District designates the following compliance officer(s) to receive and investigate complaints and to ensure District compliance with law:

Director of Personnel or the Assistant Superintendent of Curriculum and Instruction

217 Rex Avenue

Jackson, CA 95642

(209) 257-5331 or (209) 257-5334

The District shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are assigned to investigate. (5 CCR § 4621).

V. NOTIFICATIONS

The District 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 District shall make available copies of the District's Uniform Complaint Procedures free of charge. (5 CCR § 4622).

The annual notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for processing complaints;
2. Advise the recipient of any civil law remedies that may be available under state or federal discrimination laws, if applicable;
3. Advise the recipient of the appeal process pursuant to Education Code Section 262.3, including the complainant's right to take a complaint directly to the California Department of Education (CDE); and
4. Be provided 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.

(5 CCR § 4622).

VI. PROCEDURES

The following procedures shall be used to address all complaints alleging that the District has violated federal or state laws or regulations governing educational programs as specified in Section II of the District's Uniform Complaint Procedures.

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

Parties Who May File a Complaint

Any individual, public agency, or organization may file a written complaint of alleged noncompliance by the District with any federal or state law or regulation governing a program listed in Title 5 California Code of Regulations section 4610(b). (5 CCR § 4630).

A complaint 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. (5 CCR § 4630).

Time Period for Filing Complaint Alleging Unlawful Discrimination

A complaint alleging unlawful discrimination shall be initiated no later than six months from the date when the alleged discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination. (5 CCR § 4630).

Requests for Extension of Time to File Discrimination Complaint

The time for filing a complaint alleging unlawful discrimination may be extended by the District, upon written request by the complainant setting forth the reasons for the extension. The District shall respond immediately upon a receipt of a request for extension. If the District determines that there is good cause to grant an extension, he or she may extend complainant's time for following for a period not to exceed 90 days following the expiration of the six months time period. Any extension granted by the District shall be made in writing. (5 CCR § 4630).

Complaint to be Filed With Compliance Officer(s)

The complaint shall be filed with the compliance officer(s) in accordance with the District's Uniform Complaint Procedures. The Compliance officer(s) shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with Title 5 California Code of Regulations Sections 4631 and 4633. (5 CCR § 4630).

Assistance with Filing Complaint

If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, District staff shall help him/her in filing the complaint (5 CCR § 4600).

Step 2: Early Resolution of Complaints

Nothing in the District's Uniform Complaint Procedures shall prohibit the parties from utilizing alternative methods to resolve the allegations in the complaint, including, but not limited to, mediation. (5 CCR § 4631).

Nothing in the District's Uniform Complaint Procedures shall prohibit the District from resolving complaints prior to the formal filing of a written complaint. (5 CCR § 4631).

Step 3: Investigation of Complaint

Within 60 days from the date of the receipt of the complaint, the District shall conduct and complete an investigation of the complaint in accordance with the District's procedures and prepare the District's written decision. The 60-day time period may be extended by written agreement of the complainant. (5 CCR § 4631)

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

The Complainant's refusal to provide the District's investigator with access to records or other evidence related to the allegations in the complaint, or his or her failure or refusal to cooperate in the investigation or engaging 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).

The District's refusal to provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or engaging 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. (5 CCR § 4631).

An investigation of a discrimination complaint shall be conducted in a manner that protects confidentiality of the parties and maintains the integrity of the process. (5 CCR § 4630).

Step 4: Final Written Decision

Unless extended by written agreement with the complainant, the District shall prepare and send to the complainant a written report of the District's investigation and decision, within 60 calendar days of receiving the complaint. (5 CCR § 4631).

The District's decision shall be written in English and in the language of the complainant whenever feasible or required by law. (5 CCR § 4631).

The District's decision shall include the following:

1. The findings of fact based on the evidence gathered. (5 CCR § 4631).
2. The conclusion(s) of law. (5 CCR § 4631).
3. Disposition of the complaint. (5 CCR § 4631).
4. The rationale for such disposition. (5 CCR § 4631).
5. Corrective actions, if any are warranted. (5 CCR § 4631).
6. Notice of the complainant's right to appeal the District's decision within 15 days to the CDE and the procedures to be followed for initiating such an appeal. (5 CCR § 4631).
7. For discrimination complaints, 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. (Educ. Code § 262.3.)

VII. 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 ("CDE") within 15 days of receiving the District's decision. When appealing to the CDE, the complainant must 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 District shall forward the following documents to the CDE:

1. A copy of the original complaint.
2. A copy of the District's 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 or gathered by the investigator.
5. A report of any action taken to resolve the complaint.
6. A copy of the District's complaint procedures.
7. Other relevant information requested by the CDE.

(5 CCR § 4633)

VIII. BASIS OF DIRECT STATE INTERVENTION

CDE may directly intervene in the complaint without waiting for action by the District when one of the conditions listed in Title 5 California Code of Regulations Section 4650 exists, including cases in which the District has not taken action within 60 calendar days of the date the complaint was filed with the District. (5 CCR § 4650).

CDE may not directly intervene in complaints brought under Title 5 California Code of Regulations sections 4680, 4681, 4682, and 4683 regarding instructional materials, teacher vacancies or misassignments, and the condition of a facility. (5 CCR § 4650).

ACUSD/ACOE Complaint Form

Complaint against a District Employee

If you are unable to complete this form and would like assistance, contact the Assistant Superintendent of Curriculum and Instruction at (209) 257-5334.

Name of Employee Involved: _____

Brief but specific summary of the complaint and facts surrounding it: _____

Specific description of any prior attempts to discuss the complaint with the employee and failure to resolve the matter: _____

Signature of Person Filing Complaint

_____ Date: _____

Signature of Person Receiving This Form

_____ Date: _____

This form is to be forwarded to the immediate supervisor of the individual against whom the complaint has been filed. This complaint will be investigated and/or resolved using Amador County COE/USD Board Policy and Procedures 1312.1.