

UNIFORM COMPLAINT PROCEDURES

Board Policy 1312.3

Student, Parent and Community Complaints against Programs and/or Personnel

The Governing Board recognizes that the district is responsible for ensuring that it complies with state and federal laws and regulations governing educational programs. The district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination based on ethnic group identification, *sexual orientation, race, ancestry, national origin*, religion, age, gender, color, or physical or mental disability in any program or activity that receives or benefits from state financial assistance. The district shall also follow uniform complaint procedures when addressing complaints alleging failure to comply with state or federal law in adult basic education, consolidated categorical aid programs, migrant education, vocational education child care and development programs, child nutrition programs and special education programs.

The Board encourages the early, informal resolution of complaints at the site level whenever possible.

Upon receipt of written complaint from an individual, public agency or organization, uniform complaint procedures shall be initiated. The Superintendent or designee shall distribute full information about these procedures.

The Board recognizes that a neutral mediator can often suggest an early compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving 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 Superintendent or designee shall insure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Such employee may have access to legal counsel as determined by the Superintendent or designee.

The Board acknowledges and respects student 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 or proceedings, as determined by the Superintendent or designee on a case-by-case basis.

The Board prohibits retaliation in any form for the filing of a complaint, the reporting of instances of discrimination, or participation in complaint procedures. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

If remedies provided for here in are not successful the complainant may pursue civil law remedies.

UNIFORM COMPLAINT PROCEDURES

Administration Regulation 1312.3

Student Parent and Community Complaints against Programs and/or Personnel

The Board of Education designates the Superintendent to receive and the following compliance officers to receive and investigate complaints and ensure District compliance with the law.

Assistant Superintendent for Business Services
Assistant Superintendent of Human Resources
Assistant Superintendent of Educational Services & Student Learning
Director of Special Education
Director of Student Services

Notification

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 annual dissemination of the complaint procedures includes students, employees, parents/guardians, district/school advisory committees, and other interested parties.*

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 Code of Regulations, Title 5, and Section 4632.

The District will use its uniform complaint procedures when addressing all complaints regarding sex equity, complaints concerning the schools, complaints concerning instructional materials and complaints concerning categorical programs. For complaints concerning instructional materials, complainants may use Exhibit 1312.2, "*Citizens Request for Reconsideration of Instructional Materials.*"

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

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 Superintendent, who will then give it to the appropriate compliance officer. The Assistant Superintendent of Human Resources, will 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 handicaps, District staff shall help him/her to file the complaint. (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. 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)

Step 2: Mediation

Within three days of receiving 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 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 investigate meeting within five days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meetings 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 information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses. (Title 5, Section 4631)

To ensure that all pertinent acts are made available, the compliance officer and the complainant may ask other individuals to attend this meeting and provide additional information.

Step 4: Response

Within 30 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. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five days, file his/her complaint in writing with the Board of Education. 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.

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 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.
2. The rationale for the above disposition.
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.
4. A detailed statement of all specific issues that were brought up during the investigation and the extent to which these issues were resolved.
5. In a discrimination complaint, notice of right to seek civil law remedies no sooner than sixty days after filing an appeal with CDE.

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 complaint and the District's decision. (Title 5, Section 4652)

Civil Law Remedies

When all administrative remedies are exhausted, the complainant may pursue civil law remedies.

Reference:

Legal Services of Northern California (800) 222-1753
Judge Advocate General, Travis AFB (707) 424-3251
American Civil Liberties Union (415) 621-2488
Solano County District Attorney (707) 421-7210

DISCIPLINE
Board Policy 5144

The Governing Board desires to prepare youth for responsible citizenship by fostering self-discipline and personal responsibility. The Board perceives that good planning, a good understanding of each child, and parent involvement can minimize the need for discipline. Teachers shall use positive conflict resolution techniques and avoid unnecessary confrontations. When misconduct occurs, staff shall make every effort to identify and correct the causes of the student's behavior.

Board policies and regulations shall delineate acceptable student conduct and provide the basis for sound disciplinary practices. Each school shall develop disciplinary rules in accordance with law to meet the school's individual needs. Staff shall enforce disciplinary rules fairly and consistently, without regard to race, creed, color or sex. In order to maintain safe and orderly environments, the Board shall give employees all reasonable support with respect to student discipline. If a disciplinary strategy is ineffective, another strategy shall be employed. Continually disruptive students may be assigned to alternative programs or removed from school.

STUDENT USE OF TECHNOLOGY
Board Policy 6163.4

The Governing Board recognizes that technology provides ways to access the most current and extensive sources of information. Technology also enables students to practice skills and to develop reasoning and problem-solving abilities. Every effort shall be made to provide equal access to technology throughout the district's schools and classes.

On-Line Services/Internet Access

The Board intends that the internet and other on-line resources provided by the district be used to support the instructional program and further student learning.

The Superintendent or designee shall establish regulations governing student access to technology that are age appropriate. These regulations shall prohibit access to harmful matter on the internet which may be obscene or pornographic and preclude other misuses of the system. In addition, these regulations shall establish the fact that users have no expectation of privacy and that district staff may monitor or examine all system activities to ensure proper use of the system. Students who fail to abide by district rules shall be subject to disciplinary action, revocation of the user account and legal action as appropriate.

Because the internet contains an unregulated collection of resources, the district cannot guarantee the accuracy of the information or the appropriateness of any material that a student may encounter. Therefore, before using the district's on-line resources, each student and his/her parent/guardian shall sign and return an Acceptable Use Agreement. This agreement shall specify user obligations and responsibilities and shall indemnify the district for any damages. The parent/guardian shall agree to not hold the district responsible for materials acquired by the student on the system, for violations of copyright restrictions, users' mistakes or negligence or any costs incurred by users.

The Superintendent or designee shall review this agreement at least annually, and changes shall reflect new law, code, and/or legal regulations.

Staff shall supervise students while using on-line services and may ask teacher aides and student aides to assist in this supervision.