

**UNIFORM COMPLAINT PROCEDURES**

The Governing Board recognizes that the district is responsible for complying with applicable state and federal laws and regulations governing educational programs, and local agency 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. (5CCR 4620)

The district shall follow complaint procedures when addressing complaints alleging unlawful discrimination based on actual or perceived age, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, mental or physical disability, 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 that receives or benefits from state financial assistance. Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education, consolidated categorical aid programs, migrant education, vocational education, child care and development programs, child nutrition programs, special education programs, and federal school safety planning requirements.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 1312.1 - Complaints Concerning District Employees)*

*(cf. 1312.2 - Complaints Concerning Instructional Materials)*

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

*(cf. 3553 - Free and Reduced Price Meals)*

*(cf. 4031 - Complaints Concerning Discrimination in Employment)*

*(cf. 5141.4 - Child Abuse Reporting Procedures)*

*(cf. 5148 - Child Care and Development)*

*(cf. 6159 - Individualized Education Program)*

*(cf. 6171 - Title I Programs)*

*(cf. 6174 - Education for English Language Learners)*

*(cf. 6175 - Migrant Education Program)*

*(cf. 6178 - Vocational Education)*

*(cf. 6200 - Adult Education)*

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

The Board acknowledges and respects every individual's right 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.

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*

*(cf. 5125 - Student Records)*

*(cf. 9011 - Disclosure of Confidential/Privileged Information)*

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

BP 1312.3(b)

## **UNIFORM COMPLAINT PROCEDURES (continued)**

### *Legal Reference:*

#### EDUCATION CODE

200-262.3 *Prohibition of discrimination*

8200-8498 *Child care and development programs*

8500-8538 *Adult basic education*

18100-18172 *School libraries*

32289 *School safety plan, uniform complaint procedure*

35186 *Alternative uniform complaint procedure*

48985 *Notices in language other than English*

49060-49079 *Student records*

49490-49590 *Child nutrition programs*

52160-52178 *Bilingual education programs*

52300-52499.6 *Vocational education*

52500-52616.24 *Adult schools*

52800-52870 *School-based coordinated programs*

54000-54041 *Economic impact aid programs*

54100-54145 *Miller-Unruh Basic Reading Act*

54400-54425 *Compensatory education programs*

54440-54445 *Migrant education*

54460-54529 *Compensatory education programs*

56000-56885 *Special education programs*

59000-59300 *Special schools and centers*

62000-62005.5 *Evaluation and sunseting of programs*

64000-64001 *Consolidated application process*

#### CODE OF REGULATIONS, TITLE 5

3080 *Application of section*

4600-4671 *Uniform complaint procedures*

4900-4965 *Nondiscrimination in elementary and secondary education programs*

#### PENAL CODE

422.6 *Interference with constitutional right or privilege*

#### 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, including*

7114 *Local educational program, safety plans*

7201-7283g *Title V Promoting Informed Parental Choice and Innovative Programs*

7301- 7372 *Title VI Rural and Low-Income School Programs*

### *Management Resources:*

#### WEB SITES

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/offices/OCR>

Policy  
adopted: 6/8/06

**MT. DIABLO UNIFIED SCHOOL DISTRICT**  
Concord, California

**UNIFORM COMPLAINT PROCEDURES**

**Compliance Officers**

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

Elementary Education

Rose Lock , Assistant Superintendent  
1936 Carlotta Drive  
Concord, California 94519  
Phone: (925) 682-8000 X4015  
Fax: (925) 689-1466  
Email: [lockr@mdusd.k12.ca.us](mailto:lockr@mdusd.k12.ca.us)

Secondary Education

Dr. Alan Young, Associate Superintendent  
1936 Carlotta Drive  
Concord, California 94519  
Phone: (925) 682-8000 X4011  
Fax: (925) 691-1649  
Email: [younga@mdusd.k12.ca.us](mailto:younga@mdusd.k12.ca.us)

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.

(cf. 9124 - Attorney)

**Notifications**

The Superintendent or designee shall meet the notification requirements of 5 CCR 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. An annual written notice of the LEA’s complaint procedures shall be sent to students, employees, parents or guardians of its students, school and district advisory committees, appropriate private school officials or representatives, and other interested parties. The Superintendent or designee shall ensure that complainants understand that they may pursue other remedies, including actions before civil courts of other public agencies.

(cf. 5145.6 – Parental Notifications)

**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 5 CCR 4632.

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 by the district.

### **Community Relations**

AR 1312.3(b)

#### **UNIFORM COMPLAINT PROCEDURES** (continued)

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. (5CCR 4630)

The complainant shall be presented to the compliance officer 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 illiteracy or other disabilities, district staff shall help him/her to file the complaint. (5 CCR 4600)

## Step 2: Investigation of Complaint

The compliance officer is encouraged to hold an investigative meeting within five days of receiving 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 information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses. (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.*

*Refusal by the LEA to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail to refuse or cooperate in the investigation or engage in any other obstruction of the investigation, may result in the imposition of a remedy in favor of the complainant.*

## Step 3: 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 #4

below. (5 CCR 4631) 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.

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 shall be final.

## **Community Relations**

AR 1312.3(c)

### **UNIFORM COMPLAINT PROCEDURES (continued)**

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. (5 CCR 4631)

#### **Step 4: Final Written Decision**

The report of the district's decision shall be in writing and sent to the complainant. (5 CCR 4631)

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 the report in the complainant's primary language, the district shall 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 (5 CCR 4631)
2. The rationale for the above disposition (5CCR 4631)
3. Notice of the complainant's right to appeal the decision within 15 days to the California Department of Education, and procedures to be followed for initiating such an appeal (5 CCR 4631, 4652)
4. For discrimination 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 (5 CCR 4631; Education Code 262.3)
5. A detailed statement of all specific issues that were brought up during the investigation and the extent to which these issues were resolved

If an employee is disciplined as a result of the complaint, this 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 15 days of receiving the district's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. (5 CCR 4652)

When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the district's decision and include a copy of the locally filed complaint and the district's decision.

## **Community Relations**

AR 1312.3(d)

## **UNIFORM COMPLAINT PROCEDURES (continued)**

*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.*

*If the Department determines the appeal raises issues not contained in the local complaint, the Department will refer those new issues back to the local educational agency for resolution as a new complaint under section 4630 or 4631.*

The California Department of Education may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists.

In addition, The California Department of Education may also intervene in those cases where the district has not taken action within 60 calendar days for the date the complaint was filed with the district.

### *Department Resolution Procedures.*

*(a) When the Department determines that direct State intervention is warranted pursuant to any provision of section 4650, the following procedures shall be used to resolve the issues of the complaint:*

*(1) The Department shall consider alternative methods to resolve the allegations in the complaint.*

*(2) If both parties request mediation, the Department shall offer to mediate the dispute which may lead to a state mediation agreement.*

*(3) The Department shall conduct an investigation, including an on-site investigation if necessary, into the allegation in the complaint unless a settlement agreement has been reached between the parties that disposes of all the issues in the complaint.*

## **Civil Law Remedies**

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 discrimination complaints, however, a 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. The moratorium does not apply to injunctive relief 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 in accordance with 5 CCR 4622.

Rule  
adopted: 6/8/06

**MT. DIABLO UNIFIED SCHOOL DISTRICT**  
Concord, California

UNIFORM COMPLAINT PROCEDURES

Direct to appropriate Uniform Complaint Officer:
Assistant Superintendent Elementary Education OR
Associate Superintendent Educational Services/Secondary Education
1936 Carlotta Drive, Concord CA 94519

Date Received:
Date of Contacted Complainant:
Date Notified of Resolution:

Check one of the two options below as the basis for your complaint according to Board Policy 1312.3 (a).

- The district shall follow complaint procedures when addressing complaints alleging unlawful discrimination based on actual or perceived age, sexual orientation, gender, ethnic group identification, race ancestry, national origin, religion, color, mental or physical ability, 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 that receives or benefits from state financial assistance.
Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education, consolidated categorical aid programs, migrant education, vocational education, child care and development programs, child nutrition programs, special education programs, and federal school safety planning requirements.

MT. DIABLO UNIFIED SCHOOL DISTRICT
UNIFORM COMPLAINT FORM

NAME: PHONE:

ADDRESS:

SCHOOL/PROGRAM: DATE:

In the space provided below, please indicate the nature of the problem. Please be as specific as possible.

Have you discussed the problem with a staff member or administrator? Is so, what was the outcome of your discussion?

Indicate below your recommendations for resolving the problem.