

UNIFORM COMPLAINT PROCEDURES

The Board of Education recognizes that the district is responsible for complying with applicable state and federal laws and regulations governing educational programs.

The district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination based on age, sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability 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.

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.

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.

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 all parties to a complaint agree to try resolving their problem through mediation, the Superintendent or designee shall initiate mediation. The Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulations.

This complaint procedure will be disseminated to all employees and a signed certification by the site/department administrator will be obtained. This procedure is being provided as part of the parent/student information packet distributed annually to parents/guardians at the beginning of the first semester or quarter of each school year. Additionally, the procedure will be posted at a prominent place at each school site and at the district office and will become a part of every employee and student handbook.

Complaint forms are available at the following locations in the District: Associate Superintendent, Human Resources; Associate Superintendent, Curriculum and

Instructional Services; Senior Director, Pupil Personnel Services; Chief Financial Officer; Business Services; and Director, Maintenance, Operations and Transportation.

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>

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Compliance Officers

The Board of Education designates the following compliance officers to receive and investigate complaints and ensure district compliance with law:

Superintendent

Associate Superintendent, Human Resources (Compliance Officer for Personnel)

Associate Superintendent, Curriculum and Instructional Services (Compliance Officer for Instructional Materials)

Senior Director, Pupil Personnel Services (Compliance Officers for Students)

Chief Financial Officer (Compliance Officers for Facilities)

Monrovia Unified School District

325 East Huntington Drive

Monrovia, CA 91016

(626) 471-2000

Notifications

The Associate Superintendent, Human Resources, 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.

Procedures

The following procedures shall be used to address all complaints that 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 to address all complaints regarding discrimination and hostile environment based upon race, color, national origin, gender, disability, religion, or age, or any activity conducted by the District that receives or benefits from any State financial assistance.

The compliance officers will establish a record keeping system to document the processing and resolution of complaints.

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 filing 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. All employees will notify the Associate Superintendent, Human Resources, if they observe or receive a report of behavior or circumstances that may constitute discrimination on the basis of race, ethnicity, or national origin. Complaint forms may be obtained from the Office of the Associate Superintendent, Human Resources.

The complaint shall be presented to the appropriate compliance officer/investigator, who then (within three working days) may assign it to himself or give it to the appropriate investigator selected from:

- Superintendent
- Associate Superintendent, Curriculum and Instructional Services
- Senior Director, Pupil Personnel Services
- Director of Special Education
- Chief Financial Officer, Business Services
- Director of Maintenance, Operations and Transportation

The appropriate compliance officer 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 a disability, district staff shall help him/her to file the complaint. (Title 5, Section 4600) The District will provide language interpretation for any complainant when necessary.

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) This code provides for extensions in certain limited circumstances (Section 4630(b)).

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 the District and the complainant agree to mediation, the compliance officer shall make all arrangements for this process.

Note: It is advisable to have the complainant agree that the mediator will be a party to information that is confidential.

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 time lines 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/investigator shall gather data and hold an investigative meeting within five days of receiving the complaint or 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 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 facts are made available, the compliance officer/investigator will determine appropriate procedures for each investigation that will ensure an unbiased investigation and that all pertinent information is collected. These may include: individual interviews or meetings with the complainant, district staff members, students, or persons identified as witnesses; joint meetings with relevant persons; review of district documents or documents provided by complainants or other persons.

Step 4: Final Written Decision

Within 30 days of receiving the complaint, the compliance officer/investigator shall prepare and send to the Superintendent and the complainant a written report of the district's investigation and decision (findings), as described in Step 5 below.

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. A detailed statement of all specific issues that were brought up during the investigation.

2. The findings made on each issue brought up during the investigation, and the rationale for the findings.
3. The corrective actions for each issue and finding, if any.
4. Notice of complainant's right to appeal to the district Board of Education or the California Department of Education (depending on the nature of the issues) and the procedures to be followed for initiating an appeal.

If an employee is disciplined as a result of the complaint, the report shall include a statement as to the nature of the disciplinary action, if any, and that the employee was informed of district expectations (provided that privacy rights are not violated by such disclosure).

Step 5: Appeals

1. Appeals within the Board's discretion

If the complainant is dissatisfied with the compliance officer's decision (findings), he/she may, within five (5) days, file his/her appeal in writing with the Board of Education.

- * The Board of Education may consider the matter at its next regular board meeting or at a special board meeting convened in order to meet the sixty (60) day time limit within which the complaint must be answered.
- * The Board of Education may decide not to hear the complaint, in which case the compliance officer's decision is final.
- * If the Board of Education hears the complaint, the compliance officer shall send the Board's decision to the complainant within the sixty (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. If the Board does not hear the appeal, the compliance officer/investigator will notify the complainant and inform the complainant that the compliance officer's/investigator's decision is final.

2. Appeals the Board must consider

The Board must hear appeals of all complaints that are based upon alleged violation of federal laws which prohibit discrimination on the basis of race, color, national origin, gender, disability, age, or any activity conducted by the District that receives or benefits from any State financial assistance. The compliance officer shall send the Board's decision to the complainant within sixty (60) days of the date the District initially received the complaint, or within the time period that has been specified in a written agreement with the complainant.

3. 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 Board's or investigator's decision. 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. (Title 5, Section 4652)

4. Civil Law Remedies

Nothing in this policy precludes a complainant from pursuing available civil law remedies outside of the District's complaint procedures. Such remedies may include mediation centers, public/private interest attorneys, injunctions, restraining orders, etc. 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.

ADDITIONAL INFORMATION

- A. For assistance regarding the filing of complaints under the uniform complaint procedure, call the appropriate compliance officer at (626) 471-2000. Associate Superintendent, Human Resources (personnel issues); Senior Director, Pupil Personnel Services (student issues); Associate Superintendent, Curriculum and Instructional Services (instructional materials); or Chief Business Officer, Business Services, or Director of Maintenance, Operations and Transportation (facilities).
- B. Persons who believe the Monrovia Unified School District has discriminated against them or another person on the basis of race, color, national origin, gender, disability, age, or in any activity conducted by the district that receives or benefits from any Federal financial assistance may file a complaint with the U.S. Department of Education, Office for Civil Rights, 50 United Nations Plaza, Room 239, San Francisco, CA 94102; (415) 556-4275. Employees of the District may file a complaint with the California Department of Fair Employment and Housing or the U.S. Equal Employment Opportunity Commission.