

FOLSOM-CORDOVA UNIFIED SCHOOL DISTRICT
Community Relations

AR 1312.3(a)

UNIFORM COMPLAINT PROCEDURES

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

Assistant Superintendent, Human Resources
125 E. Bidwell Street
Folsom, CA 95630
(916) 355-1100

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.

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. The Superintendent or designee shall ensure that complainants understand that they may pursue other remedies, including actions before civil courts or other public agencies.

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.

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. (5 CCR 4630)

UNIFORM COMPLAINT PROCEDURES (continued)

Informal Complaint Procedure

The complainant presents the concern, in a timely manner, to the designated site or program administrator. Within five working days, the site or program administrator will attempt to resolve the concern to the complainant's satisfaction. If informal action is not satisfactory to the complainant, the complainant may move to the Formal Complaint Procedure. (5 CCR 4630)

Formal Complaint Procedure

Within five working days of the conclusion of the informal complaint procedure, the complainant must file a formal complaint with the site principal/manager.

The complaint must be in written form and follow the timelines as outlined in this regulation.

1. Local Level

Complainant requests complaint form and policy, and completes the complaint form.

The complaint is delivered to the site principal/manager.

a. Within 10 working days, the site principal/manager will:

- (1) Obtain written statements from the employee(s) regarding the complainant's concern.
- (2) Provide a written statement to the complainant and employee(s) of the investigation, conclusion, actions taken to resolve the complainant's concern and the district's appeal programs. (The conclusion may deny the complaint or provide specific actions to resolve complainant's concerns.)

The decision may be appealed to the district Superintendent or designee, in writing, within five working days of receipt of the principal's/manager's decision.

The complaint 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)

UNIFORM COMPLAINT PROCEDURES (continued)

2. District Level

If the complainant is not satisfied with the action taken at the local level, the complainant may file a district-level complaint. The complaint must be filed within five working days of receipt of the local-level decision. The complaint will be forwarded to the district Compliance Officer.

3. Mediation

The compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees 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.

4. Investigation

The compliance officer shall hold an investigative meeting within 15 working 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)

5. Response

Within 45 working 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. (5 CCR 4631) If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five working days, file his/her complaint in writing with the Board.

UNIFORM COMPLAINT PROCEDURES (continued)

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 working 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 working 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)

6. 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 shall arrange a meeting at which a community member will interpret it for the complainant.

This report shall include:

- a. The findings and disposition of the complaint, including corrective actions, if any (5 CCR 4631)
- b. The rationale for the above disposition (5 CCR 4631)
- c. 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)
- d. A detailed statement of all specific issues that were brought up during the investigation and the extent to which these issues were resolved.
- e. In a discrimination complaint, notice of the right to seek civil law remedies no sooner than 60 days have elapsed since filing an appeal with CDE, with the exception of injunctive relief, for which the moratorium does not apply.

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.

UNIFORM COMPLAINT PROCEDURES (continued)

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 working 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 must include a copy of the locally-filed complaint and the district's decision. (5 CCR 4652)

Civil Law Remedy

Complainant has the right to pursue civil law remedies at his/her discretion. 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. In a discrimination complaint, complainant must allow 60 working days to elapse from the filing of an appeal with the California Department of Education prior to seeking civil law remedies. This 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.

Adopted: February 18, 1999

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