
CLOVIS UNIFIED SCHOOL DISTRICT

SCHOOL COMMUNITY RELATIONS

Community Relations

UNIFORM COMPLAINT PROCEDURES REGARDING PROGRAMS/DISCRIMINATION

PURPOSE: To establish uniform complaint procedures for certain state and federal programs and unlawful discrimination.

The Board recognizes that the District has primary responsibility for insuring that it complies with state and federal laws and regulations governing educational programs. The District shall follow Uniform Complaint Procedures pursuant to state regulations when addressing complaints alleging unlawful discrimination, harassment, intimidation and bullying or failure to comply with the law regarding the following:

1. Adult Basic Education
2. Consolidated Categorical Aid Programs
3. Migrant Education
4. Career Technical and Technical Education and Career Technical Training Programs
5. Child Care and Development Programs
6. Child Nutrition Programs
7. Special Education Programs
8. Federal School Safety Plan Requirements
9. Student Fees
10. Local Control and Accountability Plans (LCAP)

The District shall also follow the Uniform Complaint Procedure when addressing complaints of unlawful discrimination, harassment, intimidation and bullying on the basis of any of the grounds or actual or perceived characteristics identified in Education Code section 220 or Penal Code section 422.55, or any other bases provided by law, 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 conducted by the District, which is funded directly by, or that receives or benefits from any state financial assistance. The District shall investigate and seek to resolve complaints at the local level.

The District's Uniform Complaint Procedure does not apply to the following types of complaints:

1. Complaints regarding materials used in the instruction of pupils (see Board Policy No. 3306, Reconsideration of Learning Resources)
2. Complaints regarding alleged deficiencies related to instructional materials, the conditions of a facility that is not maintained in a clean or safe manner or in good repair, teacher vacancies or misassignments, and the provision of intensive instruction and services to students who have not passed one or both parts of the high school exit examination after the completion of grade 12 (see Board Policy No. 9211, Uniform Complaint Procedures Regarding Areas Included in Williams Settlement)
3. Employee complaints alleging sexual harassment (see Board Policy No. 6301, Sexual Harassment)

CLOVIS UNIFIED SCHOOL DISTRICT

4. Pupil complaints alleging sexual harassment (see Board Policy/Administrative Regulation No. 2111, Sexual Harassment), and
5. Complaints by the public regarding District personnel and practices (*see Board Policy No. 9207, Formal Complaints Regarding District Personnel and Practices*).

Discrimination issues involving Title IX of the Educational Amendments of 1972 shall be referred to the U. S. Office of Civil Rights (OCR). Title IX complaints shall only be referred to the OCR if there is no state discrimination law or regulation at issue. Unless otherwise negotiated through a memorandum of understanding/agreement, a preliminary inquiry and/or investigation concerning these complaints shall be conducted by OCR. The complainant shall be notified by certified mail if the complaint has been transferred to OCR by the Superintendent.

Complaints concerning special education programs shall be addressed in accordance with the regulations and procedures of the Special Education Local Planning Area (SELPA). However, the SELPA's complaint procedure must comply with the Uniform Complaint Procedures outlined in this policy.

Complaints concerning student fees or LCAPs may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the applicable legal requirements governing student fees or LCAPs.

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

The Board acknowledges and respects pupil and employee rights to privacy. Complaints shall be investigated in a manner that protects these rights. The identity of any complainant alleging discrimination, harassment, intimidation or bullying shall be kept confidential as appropriate and permitted by law.

The Superintendent or designee shall ensure that employees designated to receive and 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.

Responsibilities of Complainant

The Complainant:

1. Shall receive the District Complaint Procedures.
2. Shall file the Complaint in writing and follow the steps in the District Complaint Procedures Administrative Regulation.
3. May appeal to the state agency for resolution if he/she is dissatisfied with the decision of the District.
4. May appeal to the State Superintendent of Public Instruction if the complainant is dissatisfied with the determination of the state agency.

CLOVIS UNIFIED SCHOOL DISTRICT

Responsibilities of the District

The District:

1. Shall designate a staff member to be responsible for complaint resolution.
2. Shall develop complaint procedures consistent with *California Code of Regulations, Title 5, sections 4600-4670*.
3. Shall inform pupils, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties at least annually of approved Uniform Complaint Procedures, including the opportunity to appeal the District's decision or to seek civil law remedies, including, but not limited to, injunctions, restraining orders, or other court orders which may be available to complainant. The District will make this information available by publication in its informational materials, including the Student and Parent Rights and Responsibilities Handbook given to each pupil upon registration in the District and at the beginning of each school year. This information shall also be available on the District's web site at www.cusd.com. Notification to appropriate private school officials or representatives shall be given at the annual consultation meeting between CUSD and private school officials.
4. Shall resolve the complaint through an informal complaint process or through the formal complaint procedures by completing an investigation and a written report within 60 calendar days of receipt of a formal complaint. The time period for completion may be extended by written agreement of the complainant.

The District's decision shall be written in English and in the language of the complainant whenever feasible or as required by law.

5. Shall submit, on notification of an appeal, information requested by the California State Department of Education (CDE):
 - a. The original complaint.
 - b. A copy of the District's decision.
 - c. A summary of the nature and extent of the investigation conducted by the District, if not covered in the District's decision.
 - d. 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.
 - e. A report of any action taken to resolve the complaint.
 - f. A copy of the Uniform Complaint Procedures.
 - g. Such other relevant information as the CDE may require.
6. May appeal to the State Superintendent of Public Instruction if the District is dissatisfied with the state agency's decision.

LEGAL REFERENCES:

*Education Code 200-262.3 Prohibition of discrimination
Education Code section 32289 complaint of non-compliance with school safety planning
Education Code 49060-49079 Student Records
Education Code 52075 Local Control Accountability Plan (LCAP) and Education Code 49010-49013 Student Fees
Page 3 of 4*

CLOVIS UNIFIED SCHOOL DISTRICT

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Revised: 02/27/13
Revised: 03/12/14
Revised: 09/24/14

Code of Regulations Title 5 3080 Application of section 4600-4671
Code of Regulations Title 5 4600-4671 Uniform Complaint Procedures
Government Code 950-950.8 Actions against public employees
Government Code 54957-54957.8 Closed Sessions
Title VI, Civil Rights Act of 1964
Title IX, Education Amendments of 1972
Section 504, Rehabilitation Act of 1973
Code of Federal Regulations 200.74 and Part 300
General Education Provisions Act, 20 U.S.C. 1221 et seq., especially:
Family Education and Privacy Rights Act, 20 U.S.C. 1232g