

UNIFORM COMPLAINT PROCEDURES

DESIGNATION OF PERSON TO RECEIVE COMPLAINT

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

Dr. Michael Grove , Associate Superintendent, Educational Services	(760) 753-6491 ext 5569
Tina Douglas , Associate Superintendent, Business	(760) 753-6491 ext 5505
Cindy Frazee , Associate Superintendent, Human Resources	(760) 753-6491 ext 5506

710 Encinitas Boulevard, Encinitas, CA 92024

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

For complaints concerning insufficiency of instructional materials, emergency or urgent facility conditions, and/or teacher vacancy or misassignment issues, the complaint shall be filed with the school principal or his or her designee at the school site where the complaint arises.

Uniform complaint procedures shall also be used to address any complaint alleging the district's failure to comply with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities, the requirements for the development and adoption of a school safety plan, and state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, Local Control Funding Formula programs and the LCAP implementation process, and special education programs.

NOTIFICATIONS

The compliance officers shall meet the notification requirements of California Code of Regulations Title 5, Section 4622, and all other applicable law, 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 State Department of Education.

Additionally, the school principal is responsible for ensuring that each classroom has the required standardized notice posted to notify parents and guardians of the opportunity to complain about instructional materials and facility issues. The notice shall be conspicuously posted in each classroom.

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 action, including all information required for compliance with 5 CCR 4631 and 4633.

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.

FILING OF COMPLAINT:

1. Any individual, public agency or organization may file a written complaint of alleged noncompliance by the district on the Uniform Complaint Form attached.
2. A complaint alleging unlawful discrimination shall be initiated no later than six months from the date when the alleged discrimination occurred, or six months from the date when the complainant acquired knowledge of the facts of the alleged discrimination. A complaint 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 subject to unlawful discrimination.
3. A complaint alleging noncompliance with the law regarding the prohibition against requiring students to pay student fees, deposits, and charges may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.
4. 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.
5. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint.

MEDIATION:

Within three business days of receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging discrimination, harassment, intimidation, or bullying, 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.

INVESTIGATION OF COMPLAINT:

The principal/designee or compliance officers shall make all reasonable efforts to investigate any problem within his or her authority. The investigation shall provide an opportunity for the

complainant, or the complainant's representative, to present information relevant to the complaint. The investigation may include an opportunity for the parties to meet to discuss the complaint or to question each other or each other's witnesses.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation of his/her engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation.

The district's refusal to provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement in any other obstruction of the investigation, may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

RESPONSE:

1. For complaints processed by the compliance officers, a written decision shall be issued to the complainant within thirty (30) calendar days of receiving the complaint. This decision shall contain the findings and disposition of the complaint, including corrective actions if any, the rationale for such disposition, notice of the complainant's right to appeal to the Board of Trustees and the right to further appeal to the Department of Education, and the procedures to be followed for initiating an appeal to the Department. If an employee is disciplined according to established District policy 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 additional information as to the nature of the disciplinary action. This time period may be extended by written agreement between the complainant and the District.
2. For complaints processed by the principal or designee, valid complaints must be remedied within a reasonable time period but not to exceed thirty (30) working days from the date the complaint was received. If a response was requested in the complaint, the principal/designee shall prepare and send to the complainant a written report within forty-five (45) working days of the initial filing of the complaint. This time period may be extended by written agreement between the complainant and the District.

FINAL WRITTEN DECISION

1. The district's decision shall be in writing and sent to the complainant.
2. The district's decision shall be written in English and in the language of the complainant whenever feasible or as required by law.
3. The decision shall include:
 - a. The findings of fact based on the evidence gathered.
 - b. The conclusion(s) of law.
 - c. Disposition of the complaint.

- d. Rationale for such disposition.
 - e. Corrective actions, if any are warranted.
 - f. Notice of the complainant's right to appeal the district's decision with 15 days to the CDE and procedures to be followed for initiating such an appeal.
 - g. In addition, any decision concerning a discrimination, harassment, intimidation, or bullying complaint based on state law shall include a notice that the complainant must wait until 60 calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies.
4. If an employee is disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the employee was informed of the district expectations. The report shall not give any further information as to the nature of the disciplinary action. If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges is found to have merit, the district shall provide a remedy to all affected students and parents/guardians, which, where applicable, shall include reasonable efforts to ensure full reimbursement to them.
 5. If dissatisfied with the district's decision, the complainant may appeal in writing to the CDE within 15 days of receiving the district's decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision.
 6. Upon notification by the CDE that the complainant has appealed the district's decision, the Superintendent or designee shall forward the following documents to the CDE.
 - a. A copy of the original complaint.
 - b. A copy of the decision.
 - c. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision.
 - d. A copy of the investigation files, including but not limited to all notes, interviews, and documents submitted by the parties and gathered by the investigator.
 - e. A report of any action taken to resolve the complaint.
 - f. A copy of the district's complaint procedures.
 - g. Other relevant information requested by the CDE.
 7. The CDE may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists; including cases in which the district has not taken action within 60 days of the date the complaint was filed with the district.

CIVIL LAW REMEDIES

A complainant may pursue available civil law remedies outside of the district's complaint procedures as provided by law. 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. Except as provided by law, for discrimination complaints, a complainant must wait until sixty (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.

DIRECT STATE INTERVENTION

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 and other applicable law exists. In addition, the California Department of Education may also intervene in those cases where the District has not taken action with sixty (60) calendar days of the date the complaint was first filed with the District.