

UNIFORM COMPLAINT PROCEDURES

The Governing Board recognizes the District's responsibility to comply with applicable state and federal laws and regulations governing educational programs. The district shall investigate any complaints alleging failure to comply with such laws and/or alleging discrimination and shall seek to resolve those complaints in accordance with the district's uniform complaint procedures.

The district shall use the uniform complaint procedures to resolve any complaints alleging unlawful discrimination in district programs and activities based on actual race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

Uniform complaint procedures shall also be used to addressing any complaints alleging the district's failure to comply with state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and career technical and technical training programs, child care and development programs, child nutrition programs, special education programs and the development and adoption of the school safety plan.

The Board prohibits any form of retaliation against any complainant in the complaint process. Participation in the complaint process shall not in any way affect the status, grades, or work assignments of the complainant.

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

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 that process. The Superintendent or designee shall ensure that the results are consistent with state and federal laws and regulations.

In investigating complaints, the confidentiality of the parties involved and the integrity of the process shall be protected. As appropriate, the Superintendent or designee may keep the identity of a complainant confidential to the extent that the investigation of the complaint is not obstructed.

The district's Williams uniform complaint procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to the following:

1. Sufficiency of textbooks or instructional materials
2. Emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff
3. Teacher vacancies and misassignments
4. Deficiency in the district's provision of instruction and/or services to any student who, by the completion of grade 12, has not passed one or both parts of the high school exit examination.

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## Legal Reference:

EDUCATION CODE

200-262.4	Prohibition of discrimination
8200-8498	Child care and development programs
8500-8538	Adult basic education
18100-18203	School libraries
32289	School safety plan, uniform complaint procedure
35186	Williams Uniform Complaint procedures
37254	Intensive instruction and services for students who have not passed exit exam
41500-41513	Categorical education block grants
48985	Notices in language other than English
49060-49079	Student records
49490-49590	Child nutrition programs
52160-52178	Bilingual education programs
52300-52490	Career-technical education
52500-52616.24	Adult schools
52800-52870	School-based-program coordination
54000- 54028	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
56000-56867	Special education programs
59000-59300	Special schools and centers
64000-64001	Consolidated application process

GOVERNMENT CODE

11135	Nondiscrimination in programs or activities funded by state
12900-12996	Fair Employment and Housing Act

PENAL CODE

422.6	Interference with constitutional right or privilege
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CODE OF REGULATIONS, TITLE 5

3080	Application of section
4600-4687	Uniform complaint procedures
4900-4965	Nondiscrimination in elementary and secondary education programs

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,
7114	Local educational program, safety plans
7201-7283g	Title V Promoting Informed Parental Choice and Innovative Programs
7301-7372	Title V Rural and Low-Income School Programs

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Management Resources:

**WEB SITES**

CSBA: <http://www.csba.org>

CDE: <http://www.cde.ca.gov>

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

Adopted

Date: 10-26-92

Revised: 10-9-95, 8-21-00, 11-19-01, 7-15-02, 6-16-03, 1-24-05, 7-10-06

Revised: 12-11-12

Silver Valley Unified School District

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**Compliance Officers**

The following compliance officers shall receive and investigate complaints and shall ensure district compliance with law:

Assistant Superintendent, Educational Services  
35320 Daggett-Yermo Road  
Yermo, CA 92398  
760-254-2916 ext. 1157

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.

**Notifications**

The Superintendent or designee shall annually provide written notification of the district's uniform complaint procedures to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties.

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable
3. Advise the complainant of the appeal process pursuant to Education Code 262.3, including the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies
4. Include statements that:
  - a. The district is primarily responsible for compliance with state and federal laws and regulations
  - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline
  - c. An unlawful discrimination complaint must be filed not later than six months from the date the alleged discrimination occurs, or six months from the date the complainant first obtains knowledge of the facts of the alleged discrimination
  - d. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 days of receiving the district's decision
  - e. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision
  - f. Copies of the district's uniform complaint procedures are available free of charge.

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**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 or has committed unlawful discrimination.

All complaints shall be investigated and resolved within 60 days of the receipt of the complaint. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with the 5 CCR 4632 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.

**Step 1: Filing of Complaint**

Any individual, public agency or organization may file a written complaint of the district's alleged noncompliance with federal or state laws or regulations governing educational programs.

A complaint concerning unlawful discrimination may be filed only 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 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 first obtained knowledge of the facts of the alleged discrimination. However, upon written request by the complainant, the Superintendent or designee may extend the filing period for up to 90 days.

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 a disability or illiteracy, district staff shall assist him/her in the filing of the complaint.

**Step 2: Mediation**

Within three (3) days of receiving the complaint, the compliance officer may informally discuss with all 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 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.

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**Step 3: Investigation of Complaint**

Within 10 days of receiving the complaint, the compliance officer shall provide the complainant and/or his/her representative an opportunity to present the complaint and any evidence, or information leading to evidence, to support the allegations in the complaint. The compliance officer also shall collect all documents and interview all witnesses with information pertinent to the complaint.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation or 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.

In accordance with law, the district shall provide the investigator with access to records and/or other information related to the allegation in the complaint.

**Step 4: Response**

Within thirty (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 #5 below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five (5) days, file his/her complaint in writing with the Governing 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.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within sixty (60) days of the district's initially receipt of the complaint or within the time period that has been specified in a written agreement with the complainant.

**Step 5: Final Written Decision**

The district's decision shall be in writing and sent to the complainant.

The district's decision shall be written in English and, when required by Education Code 48985, in the complainant's primary language.

For all complaints, the decision shall include:

1. The findings of fact based on the evidence gathered
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition

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5. Corrective actions, if any are warranted
6. Notice of the complainant's right to appeal the district's decision within 15 days to the CDE and procedures to be followed for initiating such an appeal

In addition, any decision concerning a discrimination complaint based on state law shall include a notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies.

If investigation of a complaint results in discipline to a student or an employee, the decision 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 fifteen (15) days of receiving the district's decision. When appealing to the California Department of Education, the complainant shall specify the basis for the appeal of the decision and shall be accompanied by a copy of the locally filed complaint and the district's decision.

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:

1. A copy of the original complaint
2. A copy of the decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's complaint procedures
7. Other relevant information requested by the CDE

The California Department of Education may directly intervene in a 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. 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 based on state law, a complainant shall wait until 60 days have elapsed from the filing of an appeal with the California Department of Education



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before pursuing civil law remedies, provided 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. The moratorium does not apply to injunctive relief and to discrimination complaints based on federal law.

Regulation

Approved: 10-26-92

Revised: 2-11-97, 7-17-00, 11-19-01, 7-15-02, 7-10-06

Revised: 12-11-12

Silver Valley Unified School District



## UNIFORM COMPLAINT FORM

(Reference Board Policy/Administrative Regulation 1312.3)

Submit Completed Form To:

Deputy Superintendent  
35320 Daggett-Yermo Rd.  
Yermo, CA 92398  
760-254-2916 ext. 1182

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### COMPLAINANT'S CONTACT INFORMATION

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

You are filing this complaint of behalf of: \_\_\_\_\_

☐ yourself    ☐ your child (a student)    ☐ another student    ☐ a group

BASIS OF COMPLAINT (please check the applicable category(ies):

☐ DISCRIMINATION    ☐ HARASSMENT    ☐ INTIMIDATION    ☐ BULLYING

*For allegation(s) of noncompliance, please check the program or activity referred to in your complaint, if applicable:*

<input type="checkbox"/> Adult Education	<input type="checkbox"/> Consolidated Categorical Programs	<input type="checkbox"/> Nutrition Services
<input type="checkbox"/> Career/Technical Ed.	<input type="checkbox"/> Migrant and Indian Ed.	<input type="checkbox"/> Special Education
<input type="checkbox"/> Child Development Prog.	<input type="checkbox"/> Adoption of School Safety Plan	<input type="checkbox"/> Fees and Charges

*For allegation(s) of unlawful discrimination/harassment, please check the basis of the unlawful discrimination/harassment described in your complaint, if applicable:*

<input type="checkbox"/> Age	<input type="checkbox"/> Ethnicity	<input type="checkbox"/> Religion
<input type="checkbox"/> Ancestry	<input type="checkbox"/> Gender*	<input type="checkbox"/> Sex (Title IX)
<input type="checkbox"/> Color	<input type="checkbox"/> National Origin	<input type="checkbox"/> Sexual Harassment
<input type="checkbox"/> Mental or Physical Disability	<input type="checkbox"/> Race	<input type="checkbox"/> Sexual Orientation
<input type="checkbox"/> Based on a person's association with a person or group with one or more of these actual or perceived characteristic.		

\*According to State law, "Gender" includes a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth. (Education Code section 210.7.)

## DETAILS OF COMPLAINT:

Please answer the following questions to the best of your ability. Attach additional sheets of paper if you need more space.

1. Please describe in as much detail as possible the type of incident(s) you experienced that led to this complaint, including: the events or actions; the individuals involved; date(s) and time; location; and witnesses, if any:

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2. What steps, if any, have you taken to resolve this issue before filing this complaint?

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3. Describe any harm suffered as a result of the incident(s) described above.

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4. Describe the proposed remedy that is being requested:

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Signature of person filing Complaint: \_\_\_\_\_ Date: \_\_\_\_\_

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Received By: \_\_\_\_\_

Title: \_\_\_\_\_

Date Received/Filed: \_\_\_\_\_

**Please provide a duplicate copy to the Complainant.**