

Uniform Complaint Procedures

The Board of Education recognizes that the District has primary responsibility for complying with applicable state and federal laws and regulations governing educational programs. The District shall investigate complaints alleging failure to comply with such laws and/or discrimination and shall seek to resolve those complaints in accordance with the District's Uniform Complaint Procedures (UCP). (5 CCR 4620) The District shall follow its Uniform Complaint Procedures when addressing complaints alleging:

Unlawful discrimination against any protected group as identified under Education Code sections 200 and 220 and Government Code section 11135, including ethnicity, religion, age, gender, race, actual or perceived sex, ancestry, national origin, sexual orientation, color or physical or mental disability, 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 District program or activity that receives or benefits from state financial assistance. (5 CCR 4610)

Uniform Complaint Procedures shall also be used when addressing complaints alleging a 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, and special education programs. (5 CCR 4610)

Complaints related to the sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, and teacher vacancies and misassignments are investigated pursuant to the District's Williams Uniform Complaint Procedures (AR 1312.4).

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

The Board prohibits retaliation for the filing of a complaint, the reporting of discrimination, or for the

participation in complaint procedures. 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 related to the complaint. This may include keeping the identity of the complainant confidential, as appropriate, and except to the extent necessary to carry out the investigation, as determined by the Superintendent or designee, on a case-by-case basis. (5 CCR 4621)

The Superintendent shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. (5 CCR 4621) Such employees may have access to legal counsel as determined by the Superintendent or designee. A Compliance officer (C.O.) shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with the California Code of Regulations, Title 5, Section 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.

Copies of the district's complaint procedures shall be available free of charge.

DISSEMINATION OF NOTICE

This notice shall be distributed annually to students, employees, parents or guardians, district/school advisory committees, appropriate private school representatives and other interested parties in English or other languages as required by Education Code 48985. (5 CCR 4622)

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 s/he 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)

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. (5 CCR 4600)

STEP 2: MEDIATION

The Board recognizes that a neutral mediator can often suggest an early compromise that is agreeable to all parties in a dispute. Within 3 days of receiving the complaint, the C.O. may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the C.O. shall make all arrangements for this process. The C.O. 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 the law, the C.O. shall proceed with his/her investigation of the complaint. The use of mediation does not extend the District's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (5 CCR 4631)

STEP 3: INVESTIGATION OF COMPLAINT

The C.O. shall 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. All parties shall also have an opportunity to present evidence or 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)

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 or his/her engagement in any other obstruction of the investigation may result in dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631)

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. (5 CCR 4631)

STEP 4: RESPONSE

Within 60 days of receiving the complaint, the C.O. shall prepare and send to the complainant a written report of the District's investigation and Decision.

STEP 5: FINAL WRITTEN DECISION

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

The report shall include: the findings of fact based on the evidence gathered; the conclusion(s) of law; the disposition of the complaint, including corrective actions if any; the rationale for the above disposition; and notice of the complainant's right to appeal the decision within 15 days to the California Department of Education (CDE) and procedures to be followed for initiating such an appeal. 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 actions.

APPEALS TO THE CALIFORNIA DEPARTMENT OF EDUCATION

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. For good cause, the Superintendent of Public Instruction may grant an extension of filing appeals. The complainant must specify the basis for appeal of the Decision and whether the facts are incorrect and/or the law has been misapplied, decision and must include a copy of the locally filed complaint and the District's Decision. (5 CCR 4632)

Upon notification by the CDE that a 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
(5 CCR 4633)

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, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. (Education Code 262.3) 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 the California Code of Regulations, Title 5, Section 4622.

BASIS FOR CALIFORNIA DEPARTMENT OF EDUCATION INTERVENTION

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.

Uniform Complaint Procedure



**Pajaro Valley
Unified School District**
294 Green Valley Road
Watsonville, California 95076

For more information contact:
Human Resources
www.pvusd.net
831-786-2100

COMPLIANCE OFFICER

The Board of Education designates the following compliance officer (C.O.) to receive and investigate complaints and ensure district compliance with law:

**Assistant Superintendent
of Human Resources**
294 Green Valley Road
Watsonville, Ca. 95076
1-831-786-2100.