

COMMUNITY RELATIONS**Complaints Concerning Personnel**

As the primary employer for all County Office of Education staff, it is the desire of the Superintendent to address and resolve any concern and complaint between the public and the County Office.

Any person or group having a legitimate interest in the programs and services of the County Office shall have the right to present a request, suggestion or complaint concerning personnel, programs, materials or operations. At the same time, the Superintendent has a duty to protect staff from unnecessary harassment. It is the intent of this policy to provide the means for judging each public concern and complaint in a fair and impartial manner and to seek a remedy where appropriate.

The Superintendent directs that the Assistant Superintendent, working cooperatively with other administrators, shall develop a Uniform Complaint Procedure as mandated by Title 5 of the Code of Regulations as well as other procedures for expression of public concerns about programs and services not related to Title 5. Such procedures shall be developed and distributed to staff and parents at least on an annual basis. Such procedures shall also be readily available to the public.

cf: 1312.1 Complaints Concerning Personnel
 1312.2 Complaints Concerning Instructional Materials
 1312.3 Complaints Concerning Special Education/Due Process
 3320 Claims and Actions Against the County Office of Education

Legal Reference:**EDUCATION CODE**

35146 Closed sessions

35160-5 (a) (3) Requirement of school district policies:
parental complaints re. employees

56500 et seq. Procedural safeguards: special education programs

CODE OF REGULATIONS TITLE 5

3950-3953 Complaint procedures: categorical aid programs

GOVERNMENT CODE

950 et seq. Actions against public employees

COMMUNITY RELATIONS

Complaints Concerning Personnel or Programs

The Superintendent places trust in County Office of Education employees' and programs' service orientation and desires to support employee and program actions in such a manner that they are freed from unwarranted, spiteful or negative criticism and complaints.

The Superintendent directs that procedures be developed which permit the public to submit complaints against employees or programs and assure a thorough review while protecting the rights of the County Office of Education and its employees and programs.

Complaints made against a County Office of Education employee or program will be referred to the appropriate administrator for consideration and action according to established procedures.

The Superintendent prohibits retaliation against complainants. The Superintendent or designee at his/her discretion may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint. YCOE will not investigate anonymous complaints unless it so desires.

When complaints involve accusations of child abuse, the provisions of this policy and regulation shall be implemented only after the child abuse reporting requirements specified in law and County Office of Education policy have been completed.

cf: 1250 Visits to the School
 1312 Uniform Complaint Procedures
 5141.4 Child Abuse and Neglect (Reporting Procedures)
 6144 Controversial Issues

Legal Reference:
EDUCATION CODE

35160.5 (a) (3) Requirement of school district policies; parental complaints re.
employees

35204 Contract with attorney in private practice

44811 Disruption of public school activities

COMMUNITY RELATIONS

Complaints Concerning Special Education/Due Process

The Superintendent assigns responsibility for developing procedures and implementing this policy to the department administrator. Procedures shall be developed and explained in the SELPA Handbook.

Due process hearing procedures shall include all of the following:

- Right to mediation conference;
- Right of parents/guardians to examine all school records of the student and receive copies of them within five (5) working days after an oral or written request is made;
- Right to a fair and impartial administrative hearing at the state level;
- Right to request a mediation conference at any time during the hearing.

Parents/guardians requesting copies of records may be charged for reproduction costs, but that charge shall not exceed the actual cost of reproducing the records. The law specifies that no charge will be made to parents/guardians who cannot afford it.

The law specifically requires that the hearing officer be knowledgeable in laws governing special education, as well as in administrative hearing procedures.

Any student or the parents/guardians of any student desiring to initiate a due process hearing shall receive a copy of the regulation and procedures for the initiation and conduct of a due process hearing.

Legal Reference:

EDUCATION CODE

49060 et seq. Students records

56500 et seq. Procedural safeguards

CODE OF REGULATIONS, TITLE 5

3080 Complaint procedure, state level

3081 Due process hearing procedures

CODE OF FEDERAL REGULATIONS (CFR)

Part 300 of Title 34, et seq.

Policy Adopted: September 11, 2002

Policy Revision: October 3, 2014

COMMUNITY RELATIONS

Complaints Concerning Instructional Materials

The Superintendent believes in the principles of intellectual freedom inherent in the First Amendment of the Constitution of the United States and supports the ideas expressed in the Library Bill of Rights of the American Library Association and the Students' Rights to Read of the National Council of Teachers of English.

The Superintendent also recognizes that occasional objections to instructional materials will be made, despite the quality of the selection process. The Superintendent directs the Assistant Superintendent of Educational Services to develop a process for reconsideration of instructional materials that considers the Superintendent's belief and the role of the Board.

The Superintendent is aware that all adopted materials may not be acceptable to all students, their parents/guardians or other county residents. In the event that materials are questioned, the principles of intellectual freedom, the right to access of materials and the integrity of the County Office of Education personnel shall be defended.

Complainants shall be advised to consider and accept the Superintendent or designee's decision as final. However, if the complainant finds the decision of the Superintendent or designee unsatisfactory, she/he may request that the matter be placed on the agenda of a regular Board meeting. The Board's decision in any such case will be based on educational suitability and will not be influenced by a desire to suppress information or deny students access to ideas with which the Board disagrees.

cf: 1312.3 Complaints Concerning Special Education/Due Process
 6144 Controversial Issues

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

60000 Power of governing board to select instructional materials

60040-60047 Content requirement for instructional materials

60262 Involvement of teachers, parents and community in instructional material selection

60400 Secondary school textbooks - selection and adoption

Policy Adopted:

COMMUNITY RELATIONS

Uniform Complaint Procedures

For students, employees, parents/guardians, school and advisory committee members, private school officials, and other interested parties

The Yuba County Office of Education has the primary responsibility for compliance with federal and state laws and regulations. We have established Uniform Complaint Procedures (UCP) to address allegations of unlawful discrimination, harassment, intimidation, and bullying, and complaints alleging violation of state or federal laws governing educational programs, the charging of unlawful pupil fees and the non-compliance of our Local Control and Accountability Plan (LCAP).

We will investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group as identified in Education Code section 200 and 220 and Government Code section 11135, including any actual or perceived characteristics as set forth in Penal Code section 422.55 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 LEA, which is funded directly by, or that receives or benefits from any state financial assistance.

The UCP shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in:

- Adult Education
- After School Education and Safety
- Agricultural Vocational Education
- American Indian Education Centers and American Indian Early Childhood Education Program Assessments
- Career Technical Education
- Child Care and Development Programs including state preschool
- Consolidated Categorical Programs
- Discrimination, Harassment, Intimidation, and Bullying
- Foster and Homeless Youth
- Local Control Funding Formula and Local Control Accountability Plans
- Migrant Education
- NCLB Titles I-VII
- Nutrition Services - USDA Civil Rights
- Regional Occupational Centers and Programs
- School Facilities
- Special Education
- Tobacco-Use Prevention Education Program
- Unlawful Pupil Fees

Policy Adopted: October 3, 2014

Policy Revision: January 25, 2016

A pupil fees and/or LCAP complaint may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint.

A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.

A pupil fee includes, but is not limited to, all of the following:

1. A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.
2. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
3. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred.

Complaints other than issues relating to pupil fees must be filed in writing with the following designated to receive complaints:

Name or title: _____
Unit or office: _____
Address: _____
Phone: _____ E-mail address: _____

A pupil fees complaint is filed with the Yuba County Office of Education and/or the principal of a school.

Complaints alleging discrimination, harassment, intimidation, or bullying, must be filed within six (6) months from the date the alleged discrimination, harassment, intimidation, or bullying, occurred or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying, unless the time for filing is extended by the superintendent or his or her designee.

Complaints will be investigated and a written Decision or report will be sent to the complainant within sixty (60) days from the receipt of the complaint. This sixty (60) day time period may be extended by written agreement of the complainant. The LEA person responsible for investigating the complaint shall conduct and complete the investigation in accordance with sections 4680-4687 and in accordance with local procedures adopted under section 4621.

The complainant has a right to appeal our Decision of complaints regarding specific programs, pupil fees and the LCAP to the California Department of Education (CDE) by filing a written appeal within 15 days of receiving our Decision.

The appeal must be accompanied by a copy of the originally-filed complaint and a copy of our Decision.

The complainant is advised of civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable.

A copy of our UCP compliant policies and procedures is available free of charge.

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 procedures
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
49010-49013 Student fees
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

422.55 Hate crime; definition
422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section

Policy Adopted: October 3, 2014

Policy Revision: January 25, 2016

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
7201-7283g Title V promoting informed parental choice and innovative programs
7301-7372 Title V rural and low-income school programs

Management Resources:

WEB SITES

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

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr>

COMMUNITY RELATIONS

Complaints Concerning Discrimination – Uniform Complaint Procedure

The Superintendent expects that complaints of alleged unlawful discrimination brought by students, employees, parents/guardians or other members of the community will be resolved in a prompt and equitable manner.

The Superintendent or designee shall establish administrative regulations specifying the procedures to be used when addressing complaints of discrimination based on ethnic group identification, religion, age, gender, color, or physical or mental disability.

The Superintendent designates the Administrator of Human Resources as Nondiscrimination Coordinator:

Cindy Sutfin, Administrator of Human Resources
Yuba County Office of Education
935 14th Street
Marysville, CA 95901
(530) 749-4870

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

The Superintendent or designee shall ensure that complainants are informed that injunctions, restraining orders and other civil law remedies may also be available to them. This information shall be published with Yuba County Office of Education's nondiscrimination complaint procedures and included in any related notices.

cf 1312.1 – Complaints Concerning Employees
1312.2 Complaints Concerning Instructional Materials
4031 – Complaints concerning Discrimination in Employment
5141.4 – Child Abuse Reporting Procedures

Legal Reference:

EDUCATION CODE

200-262.3 Prohibition of discrimination
8200-8498 Childcare and development programs
8500-8538 Adult Basic Education
18100-18179 School libraries
35146 Closed sessions
35160 Authority of governing boards
44670.1-44671.5 School personnel staff development and resource centers
48985 Notices in language other than English
49060-49079 Student records
49490-49560 Child nutrition programs
51513 Personal beliefs
52000-52049.1 School improvement programs
52160-52178 Bilingual education programs
52300-52483 Vocational education
52500-53616.24 Adult schools
52800-52863 School-based coordinated programs
54000-54041 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
56000-56885 Special education programs
59000-59300 Special schools and center
64000 Consolidated application process

GOVERNMENT CODE

54957-54957.8 Closed sessions

CODE OF REGULATIONS, TITLE 5

3080 Application of section 4600-4671
4600-4671 Uniform Complaint Procedures

UNITED STATES CODE, TITLE 20

1221 et seq. General Education Provisions Act, especially;
1221, 1232g Family Educational and Privacy Rights Act of 1974
1231g, 1681 et seq. Title IX, Education Amendments of 1972
3801 et seq. Education Consolidation and Improvement Act of 1981

UNITED STATES CODE, TITLE 29

721, 761 Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000c et seq. Civil Rights Act of 1964

CODE OF FEDERAL REGULATIONS, TITLE 34

100.7e Intimidation and retaliation prohibited

COMMUNITY RELATIONS

Complaints Concerning Personnel

In order to promote fair and constructive communication, the following procedures shall govern the resolution of complaints. Every effort should be made to resolve a complaint at the earliest possible stage.

1. Complaints concerning County Office of Education personnel should be made directly by the complainant to the person against whom the complaint is lodged or in the case of a program complaint, the complaint should be made directly to the program administrator. Parents/guardians/citizens are encouraged to attempt to orally resolve concerns with the staff member personally.
2. If the complaint is not resolved at this level, the complainant may submit the complaint in writing to the immediate supervisor of the employee or to the supervisor of the program administrator if the complaint concerning a program is not resolved at Step 1.

A written complaint must include the name of each employee or program involved and a brief, but specific summary of the complaint and the facts surrounding it. A form (E 1312.1) will be provided for the complainant's convenience. It must also include a specific description of any prior attempt to discuss the complaint with the employee or program administrator involved and the failure to resolve the matter.

The supervisor is responsible for investigating complaints and will attempt to resolve the complaint to the satisfaction of the person(s) involved. If the complaint is resolved, the supervisor will so advise all concerning parties, including the Assistant Superintendent or designee.

3. If the complaint remains unresolved after review by the immediate supervisor, the supervisor shall refer the written complaint, together with a report and analysis of the situation, to the Assistant Superintendent or designee.
4. If the Assistant Superintendent or designee cannot resolve the complaint, it may be heard by the Superintendent. No party to a complaint may address the Superintendent unless the Superintendent has received the Assistant Superintendent or designee's written report concerning the complaint. The Assistant Superintendent or designee's report shall contain, but not be limited to:
 - a. The name of each employee or program involved.

- b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Superintendent and the employee(s) or program administrator as to the precise nature of the complaint and to allow the employee(s) or program administrator to prepare a defense.
- c. A copy of the signed original complaint.
- d. A summary of the action taken by the Assistant Superintendent or designee, with his/her specific finding that disposition of the case at the Assistant Superintendent's level has not been possible, and the reasons why.

The decision of the Superintendent shall be final.

NOTICE:

The existence of this complaint procedure does not affect the right of any individual or group to file a complaint with the Office of Civil Rights, U.S. Department of Education. Moreover, California's Education Code 262.3 states that complainants may appeal the County Office of Education's action to the State Department of Education. Injunctions, restraining orders and other civil law remedies also may be available to complaints.

NOTIFICATIONS

The Superintendent or designee shall meet the notification requirements of the Code of Regulations, Title 5, Section 4622, including the annual dissemination of the County Office of Education 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. Remedies may include court orders, preliminary injunctions, and/or restraining orders.

The above notification shall state that complainants may seek help from agencies such as legal assistance agencies or local mediation centers, or from private attorneys.

DEPARTMENTS OF FAIR EMPLOYMENT AND HOUSING

Santa Ana DFEH

28 Civic Center Plaza, Suite 538
Santa Ana, CA 92701-4010
(714) 558-4159

Sacramento DFEH

2000 "O" Street, Suite 120
Sacramento, CA 95814-5212
(916) 286-4095

Fresno DFEH

1900 Mariposa Mall, Suite 130
Fresno, CA 93721-2504
(209) 455-5373

San Bernardino DFEH

1845 S. Business Center Drive, #127
San Bernardino, CA 92408-3426
(909) 383-4711

Oakland DFEH

1330 Broadway, Suite 1326
Oakland, CA 94612-2512
(510) 286-4095

Ventura DFEH

5720 Ralston Street, Suite 302
Ventura, CA 93003-6081
(805) 654-4513

San Diego DFEH

110 W. "C" Street, Suite 1702
San Diego, CA 92010-3901
(619) 237-7405

Los Angeles DFEH

322 W. First Street, Suite 2126
Los Angeles, CA 90012-3112
(213) 897-1997

COMMUNITY RELATIONS

Complaints Concerning Instructional Materials

Complaints concerning instructional materials will be accepted only from staff, county residents and/or the parents/guardians of children enrolled in County Office of Education programs. Use of materials under review due to a complaint shall not be restricted for use by a class, school or district during the reconsideration process.

Purpose

To allow a formal process to review complaints concerning adopted instructional materials.

Timeline: Initial Review

Fifteen (15) working days from receipt of completed written Request for Reconsideration of Materials.

Procedure

1. Employee receiving initial complaint informs the complainant of the selection and adoption procedures.
2. Employee requests that the complainant complete a Request for Reconsideration of Materials form. (See 1312.2 E)
3. Complainant sends the completed Request for Reconsideration of Materials to the Principal/Program Administrator or designee.
4. Principal/Program Administrator or designee sends a letter acknowledging receipt of request to the complainant.
5. Teacher may excuse individual students from using challenged materials if their parent/guardian has presented the complaint.
6. Teacher may assign the student alternative materials of equal merit.
7. Principal, Program Administrator or designee reviews the complaint with complainant (must be completed within 15 working days) and if unresolved forwards it to the Assistant Superintendent for Educational Services.

8. Assistant Superintendent appoints a committee to review the materials. The composition of the committee shall include:
 - Library/media professionals;
 - Teachers;
 - Administrators;
 - Parents;
 - Students (if appropriate)
9. Committee takes the following steps after receiving the challenged materials:
 - Reads, reviews or listens to the material in its entirety;
 - Checks general acceptance of the material by reading reviews and consulting recommended lists;
 - Determines the extent to which the material supports the curriculum, the educational appropriateness of the materials and its suitability for the age level of the student;
 - Judges the material for its strength and value as a whole and not in part;
 - Considers the professional opinions of other teachers of the subject and of other competent authorities.
10. Committee summarizes its findings in writing and submits report to the Superintendent within thirty (30) days of the complainant being referred to the Assistant Superintendent.
11. Superintendent notifies the complainant of the resultant action.
12. Complainants shall be advised to consider and accept the Superintendent or designee's decision as final. However, if the complainant finds the decision of the Superintendent or designee unsatisfactory, she/he may request that the matter be placed on the agenda of a regular Board meeting. The Board's decision in any such case will be based on educational suitability and will not be influenced by a desire to suppress information or deny students access to ideas with which the Board disagrees.

COMMUNITY RELATIONS

Uniform Complaint Procedures

Except as the Superintendent may otherwise specifically provide in other policies, the uniform complaint procedures shall be used only to investigate and resolve complaints alleging violations of federal or state laws or regulations governing specific educational programs, the prohibition against requiring students to pay fees, deposits, or other charges for participating in educational activities, and unlawful discrimination, harassment, intimidation, or bullying, as specified in accompanying Superintendent's policy.

- (cf. 1312.1 - Complaints Concerning District Employees)
- (cf. 1312.2 - Complaints Concerning Instructional Materials)
- (cf. 1312.4 - Williams Uniform Complaint Procedures)
- (cf. 4031 - Complaints Concerning Discrimination in Employment)

The county office's uniform complaint procedures policy and administrative regulation shall be posted in all district schools and offices. If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the county office's policy, regulation, forms, and notices concerning uniform complaint procedures shall be translated into that language. (Education Code 234.1, 48985)

- (cf. 5145.6 - Parental Notifications)

Compliance Officers

The following compliance officer(s) shall receive and investigate complaints and shall ensure district compliance with law:

Assistant Superintendent
935 14th Street
Marysville, CA 95901
(530)749-4900

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.

- (cf. 9124 - Attorney)

Notifications

The Superintendent or designee shall annually provide written notification of the county office's uniform complaint procedures to students, employees, parents/guardians and other interested parties. (Education Code 262.3, 49013; 5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committees)
(cf. 3260 - Fees and Charges)
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 5145.6 - Parental Notifications)

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, including, if applicable, 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 county office has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
 - 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. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying.
 - d. The complainant has a right to appeal the Superintendent's decision to the CDE by filing a written appeal within 15 calendar days of receiving the Superintendent's decision.
 - e. The appeal to the CDE must include a copy of the complaint filed with the county office and a copy of the Superintendent's decision.

f. Copies of the county office's uniform complaint procedures are available free of charge.

Procedures

All complaints shall be investigated and resolved within 60 calendar days of the Superintendent or designee's receipt of the complaint. (5 CCR 4631)

Compliance officers shall maintain a record of each complaint and subsequent related actions, 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.

Step 1: Filing of Complaint

Any individual, public agency or organization may file a written complaint of the alleged noncompliance with federal or state laws or regulations governing educational programs. (5 CCR 4630)

A complaint concerning unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges that he/she personally suffered unlawful discrimination, harassment, intimidation, or bullying or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged discrimination, harassment, intimidation, or bullying occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying. However, upon written request by the complainant, the Superintendent or designee may extend the filing period for up to 90 calendar days. (5 CCR 4630)

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. (Education Code 49013)

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received.

If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, county office staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

Step 2: Mediation

Within five 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. (5 CCR 4631)

Step 3: Investigation of Complaint

Within 10 calendar 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. (5 CCR 4631)

In accordance with law, the district shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

Step 4: Response

Unless extended by written agreement with the complainant, 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, within 60 calendar days of the county office's receipt of the complaint. (5 CCR 4631)

Step 5: Final Written Decision

The county office's decision shall be in writing and sent to the complainant. (5 CCR 4631)

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

Appeals to the California Department of Education

If dissatisfied with the county office's decision, the complainant may appeal in writing to the CDE. (Education Code 49013; 5 CCR 4632)

The complainant shall file his/her appeal within 15 calendar days of receiving the county office's decision and the appeal shall 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 county office's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant has appealed the county office's decision, the Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

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 uniform complaint procedures
7. Other relevant information requested by the CDE

COMMUNITY RELATIONS

Complaints Concerning Discrimination

The following procedures shall be followed when a student, parent/guardian, community member or employee has a complaint alleging that a specific action, policy, procedure or practice discriminated against him/her on any basis specified in the Yuba County Office of Education (YCOE) nondiscrimination policies.

These procedures shall not apply to complaints regarding denial of benefits/discrimination under Special Education laws, since they are dealt with in Superintendent Policy 1312.3.

1. The complaint must be initiated within 30 days after a complainant knew, or should have known, of the alleged discrimination.
2. All parties involved in allegations of discrimination shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made. The complainant also shall be notified of his/her right to appeal the decision to the next level.
3. When a complaint is brought against the individual responsible for the complaint process at any level, the complainant may address the complaint directly to the next appropriate level.
4. Meetings related to a complaint shall be held at times the YCOE determines as least likely to interfere with operations.
5. For the protection of the complainant and the YCOE, complaint proceedings shall be kept confidential insofar as appropriate.
6. All documents, communications and records dealing with the complaint shall be placed in a YCOE complaint file.
7. Time limits specified in these procedures may be revised only by written mutual agreement of all parties involved. If the YCOE fails to respond within a specified or adjusted time limit, a complainant may proceed to the next level. If a complainant fails to take the complaint to the next step within the prescribed time, the complaint shall be considered settled at the preceding step.

LEVEL I

The complainant shall first meet informally with the Program Administrator of the site where the alleged discriminatory act occurred. A complaint regarding discrimination away from a site should be discussed informally with the administrator designated by the Superintendent. If the complainant's concerns are not clear or cannot be resolved through informal discussion, the administrator shall prepare, within ten working days, a written summary of his/her meeting(s) with the complainant. This report shall be available when requested by the Nondiscrimination Coordinator.

LEVEL II

If a complaint cannot be satisfactorily resolved at Level I, the complainant may meet with the Nondiscrimination Coordinator and present his/her complaint in writing. The written complaint shall include the following:

1. The complainant's signature or that of his/her representative;
2. The complainant's name, address and telephone number;
3. The name and address of the county office staff member who committed the alleged violation, or the specific policy, or procedure that the complainant believes is discriminatory;
4. A description of the allegedly discriminatory act(s) or omission(s);
5. A specific description of the time, place, nature, participants in and witnesses to the alleged violation;
6. Other pertinent information which may assist in investigating and resolving the complaint.

The Nondiscrimination Coordinator shall assign a staff member to assist the complainant with this writing if such help is needed. The Nondiscrimination Coordinator shall respond to the complainant in writing within ten working days.

The Nondiscrimination Coordinator shall conduct any investigation necessary to respond to the complaint, including discussion with the complainant, person(s) involved, appropriate staff members and students, and review of the Level I report and all other relevant documents. If a response from third parties is necessary, the Nondiscrimination Coordinator may designate up to ten additional working days for investigation of the complaint.

LEVEL III

If the matter is not resolved at Level II, the complainant may file a written appeal to the Assistant Superintendent within ten working days. All information presented at previous levels shall be included with the appeal.

The Assistant Superintendent shall grant a hearing within five working days and shall render a decision within ten working days following the hearing.

LEVEL IV

If the matter is not resolved at Level III, the complainant may file an appeal to the Superintendent within 10 working days. The Superintendent may conduct a hearing or may appoint a panel to review the complaint and previous decisions. The panel shall hear the appeal within 10 working days of the written request and shall make a recommendation to the Superintendent within 5 working days. The decision of the Superintendent shall be considered final.

NOTICE:

The existence of this complaint procedure does not affect the right of any individual or group to file a complaint with the Office of Civil Rights, U.S. Department of Education. Moreover, California's Education Code 262.3 states that complainants may appeal the

County Office of Education's action to the State Department of Education. Injunctions, restraining orders and other civil law remedies also may be available to complaints.

NOTIFICATIONS

The Superintendent or designee shall meet the notification requirements of the Code of Regulations, Title 5, Section 4622, including the annual dissemination of the YCOE 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. Remedies may include court orders, preliminary injunctions, and/or restraining orders.

The above notification shall state that complainants may seek help from agencies such as legal assistance agencies or local mediation centers, or from private attorneys.

DEPARTMENTS OF FAIR EMPLOYMENT AND HOUSING

Santa Ana DFEH

28 Civic Center Plaza, Suite 538
Santa Ana, CA 92701-4010
(714) 558-4159

Sacramento DFEH

2000 "O" Street, Suite 120
Sacramento, CA 95814-5212
(916) 286-4095

Fresno DFEH

1900 Mariposa Mall, Suite 130
Fresno, CA 93721-2504
(209) 455-5373

San Bernardino DFEH

1845 S. Business Center Drive, #127
San Bernardino, CA 92408-3426
(909) 383-4711

Oakland DFEH

1330 Broadway, Suite 1326
Oakland, CA 94612-2512
(510) 286-4095

Ventura DFEH

5720 Ralston Street, Suite 302
Ventura, CA 93003-6081
(805) 654-4513

San Diego DFEH

110 W. "C" Street, Suite 1702
San Diego, CA 92010-3901
(619) 237-7405

Los Angeles DFEH

322 W. First Street, Suite 2126
Los Angeles, CA 90012-3112
(213) 897-1997

COMPLAINT REGARDING SCHOOL PERSONNEL OR PROGRAMS

Employee or Program Involved_____

School/Office/Location_____

Complainant Name (please print)_____

Address_____

Telephone(home)_____ (work)_____

Nature of the problem (give specific details; dates, time, witnesses, etc.)

How do you believe the situation can best be resolved?

Signature of Complainant

Date

**RESPONSE TO COMPLAINT REGARDING
SCHOOL PERSONNEL/COUNTY PROGRAMS**

Response of Employee or Program Administrator:

Signature of Employee or Program Administrator

Date

Response of Supervisor:

Signature of Supervisor

Date

REQUEST FOR RECONSIDERATION OF INSTRUCTIONAL MATERIAL(S)

Title: _____ Author: _____

Publisher/Producer: _____ Copyright Date: _____

Book: _____ Filmstrip: _____ Other (specify) _____

Request Initiated By: _____ Telephone: _____

Address: _____ City: _____ State: _____

Complaint Represents: _____
Self _____ Group/Organization (give name) _____

1. Have you reviewed or read this material in its entirety? _____

If not, what part(s)? _____

2. To what in the material do you object? (Please be specific; cite pages and passages)

3. What do you feel might be the negative results of using this material?

4. For what age group would you recommend this material? _____

5. Is there anything beneficial about the material?

Exhibit Adopted:

6. Are you aware of the judgment of this material by professional critics?

What review of this material have you read?

7. What would you like the County Office of Education to do about this material?

_____ Do not assign/lend it to my child

_____ Have a staff committee re-evaluate the material

8. In its place, what material of equal or superior quality would you recommend that would provide adequate information on the subject?

9. Do you wish to make an oral presentation to a review committee if one is formed?

_____ Yes _____ No

Additional Comments: _____

**THIS FORM MUST BE SUBMITTED TO THE SCHOOL PRINCIPAL OR
PROGRAM ADMINISTRATOR. IF THE COMPLAINANT HAS
REVIEWED THE MATERIAL IN ITS ENTIRETY, PROCEDURES FOR
RECONSIDERATION WILL BE INITIATED.**

Date

Signature of Complainant