



## **San Bruno Park School District UNIFORM COMPLAINT PROCEDURES 2018 –2019**

The Governing Board recognizes that the District has primary responsibility for insuring that it complies with applicable state and federal laws and regulations governing educational programs. The District shall investigate and seek to resolve complaints at the local level. The District shall follow the Uniform Complaint Procedures (UCP) when addressing complaints alleging:

- unlawful discrimination such as harassment, intimidation and/or bullying based on ethnicity, religion, age, gender, sexual orientation, color, or physical or mental disability and changing of pupil fees for activities; or
- failure to comply with state and/or federal laws in adult education, Local Control and Accountability Plan (LCAP), migrant education, vocational education, child care and development programs, child nutrition programs, and special education programs.

The Board acknowledges and respects student and employee rights to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. This includes keeping the identity of the complainant confidential except to the extent necessary to carry out the investigation, as determined by the Superintendent or designee on a case-by-case basis.

The Superintendent shall ensure that employees designated to 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.

The Board recognizes that a neutral mediator can often suggest an early compromise agreeable to all parties in a dispute. The Superintendent shall ensure that mediation results are consistent with state and federal laws and regulations.

### **Compliance Officers**

The Governing Board designated the following compliance officers to receive and investigate complaints and ensure District compliance with law:

- Stella M. Kemp, Ed. D., Superintendent  
San Bruno Park School District  
500 Acacia Avenue  
San Bruno, CA 94066  
(650) 624-3100

The Superintendent or designee shall ensure that employees designated to 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.

## **Notifications**

The Superintendent or designee shall meet notification requirements of 5 CCR 4622, 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 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.

## **Procedures**

The following procedures shall be used to address all complaints that allege that the District has violated federal or state laws or regulations governing educational programs. The compliance officers shall maintain a record of each compliance allegation 5 CCR 4632. The sixty (60) day timeline for the investigation and District response shall begin when the written complaint is received by the Superintendent's Office.

All parties involved in the allegation 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 One—Filing of Complaint*

Any individual, public agency or private 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 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 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.

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 illiteracy or other disabilities, District staff shall help him/her to file the complaint.

### *• Step Two—Mediation*

Within three days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make 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 the 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.

- *Step Three—Investigation of the Complaint*

The compliance officer 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 to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses.

- *Step Four—District's Response*

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

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

- *Step Five—Final Written Decision*

The report of the District's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the District shall arrange a meeting at which a community member will interpret it for the complainant.

This report shall include: the findings and disposition of the complaint, including corrective actions, if any; the rationale for the above disposition; notice of the complainant's right to appeal the decision to the California Department of Education, and procedures to be followed for initiating such an appeal; and a detailed statement of all specific issues that were brought up during the investigation and the extent to which these issues were resolved.

### **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 15 days of receiving the District's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals.

When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the District's decision and must include a copy of the locally filed complaint and the District's decision.