

CORONA-NORCO UNIFIED SCHOOL DISTRICT

1312.3

EXECUTIVE SERVICES

PUBLIC ACTIVITIES INVOLVING STAFF, STUDENTS, OR SCHOOL FACILITIES

PUBLIC COMPLAINTS

UNIFORM COMPLAINT PROCEDURE

A. Complaints

The Governing Board of the Corona-Norco Unified School District recognizes that the district has primary responsibility for compliance with state and federal laws and regulations governing educational programs. The district shall follow these uniform complaint procedures pursuant to state regulations when addressing complaints alleging failure to comply with:

1. Adult Basic Education (Education Code §§ 8500-8538 and 52500-52617);
2. Consolidated Categorical Aid Programs (Education Code §§ 64000-64001);
3. Migrant Education (Education Code §§ 54440-54445);
4. Career Technical and Technical Education and Training Programs (Education Code §§ 52300-52490);
5. Child Care and Development Programs (Education Code §§ 8200-8498);
6. Federal school safety planning requirements;
7. Laws regarding unlawful discrimination, harassment (including sexual harassment), intimidation, and bullying targeted at any student by anyone, based on the ~~basis of~~ student's actual or perceived ancestry, age, color, physical or mental disability, medical condition, gender, gender identity, gender expression, nationality, national origin, immigration status, race or ethnicity, ethnic group identification, religion, sex, sexual orientation, marital or parental status, pregnancy, or genetic information, or association with a person or group with one or more of these actual or perceived characteristics identified in Education Code section 200 or 220, Government Code section 11135, or Penal Code section 422.55.
8. The prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (Education Code § 49013);
9. Requirements for Local Control and Accountability Plans (LCAP) (Education Code § 52075). This type of complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance

with the requirements for an LCAP. If an LCAP complainant is not satisfied with the decision of the district, the complainant may appeal to the State Superintendent of Public Instruction and will receive a written appeal decision within 60 days of the State Superintendent's receipt of the appeal;

10. Any complaint alleging district noncompliance with the requirement to provide reasonable accommodation to a lactating student on campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student (Education Code § 222);

11. Any complaint, by or on behalf of any student who is a foster youth, alleging district noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the district's educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfers, or the grant of an exemption from district graduation requirements (Education Code §§ 48853, 48853.5, 49069.5, 51225.1, 51225.2);

12. Any complaint, by or on behalf of a homeless student as defined in 42 U.S.C. 11434a, a former juvenile court school student, or a child of a military family as defined in Education Code 49701 who transfers into the district after his/her second year of high school, alleging district noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from Board imposed graduation requirements (Education Code §§ 51225.1, 51225.2);

13. Any complaint alleging district noncompliance with the requirements of Education Code sections 51228.1 and 51228.2, prohibiting the assignment of a student to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code § 51228.3);

14. Any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in grades 1 through 8 (Education Code §§ 51210, 51223); and

15. Any complaint alleging retaliation against a complainant or other participant in the complaint process described in the policy or anyone who has acted to uncover or report a violation subject to this policy.

Matters listed below under "Referring Complaint to Appropriate Agencies" are not covered by these procedures. However, the district may elect to investigate complaints about such matters in accordance with these procedures. The District has elected to use the Uniform Complaint procedures to investigate other District complaints, as outlined in individual Board Policies.

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

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

The confidentiality of the parties involved and the integrity of the process shall be protected to the extent required by law in connection with the investigation of complaints.

The Superintendent or designee shall provide training to designated district staff to ensure awareness and knowledge of current law and related requirements, including the steps and timelines specified in this policy.

B. Compliance Officer

The Board designates the Coordinator, Human Resources, 2820 Clark Avenue, Norco, California 92860-1903, telephone (951) 736-5060, **RoseMarie.Hickman@cnusd.k12.ca.us** as the district's compliance officer to receive and direct the investigation of complaints, maintain records of complaints and subsequent related actions, and insure district compliance with the law.

If directed by the Coordinator of Human Resources, other departments, and individuals may be responsible for investigating complaints filed and processed under this Policy and Regulation.

C. Notifications

The district shall annually notify in writing, as applicable, its students, employees, parents and guardians, school advisory committees, district advisory committees, appropriate private school officials and representatives, and other interested parties of these procedures and the person responsible for processing complaints. Complainants are hereby notified that they may have alternative local civil law remedies via governmental agencies such as OCR, DFEH, EEOC, local bar associations, law schools, the Superintendent of Public Instruction or mediation services.

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints.
2. Advise the complainant that civil law remedies may be available to him/her under state or federal discrimination harassment, intimidation, or bullying laws, if applicable.
3. Advise the complainant of the appeal process pursuant to Education Code section 262.3, including the complainant's right to take a complaint directly to the California Department of Education or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).

4. Include statements that:

i. The district is primarily responsible for compliance with applicable state and federal laws and regulations governing educational programs.

ii. 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.

iii. 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. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.

iv. A student enrolled in public school shall not be required to pay a fee for his or her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.

v. The Board is required to adopt and annually update a Local Control and Accountability Plan (LCAP), in a manner that includes meaningful engagement of parents or guardians, students, and other stakeholders in the development and review of LCAP.

vi. A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the district liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades when he/she transfers between schools or between the district and another district.

vii. A foster youth, homeless student, former juvenile court school student, or child of a military family who transfers into a district high school or between district schools shall be notified of the district's responsibility to:

(a) Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a nonpublic nonsectarian school or agency, and to issue full or partial credit for the coursework completed;

(b) Not require the student to retake any course or a portion of a course which he/she has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency; and

(c) If the student has completed his/her second year of high school before the transfer, provide the student information about district adopted coursework and

Board-imposed graduation requirements from which he/she may be exempted pursuant to Education Code § 51225.1.

viii. The complainant has a right to appeal the district's decision to the California Department of Education by filing a written appeal within 15 days of receiving the district's determination.

ix. The appeal to the California Department of Education must include a copy of the original complaint filed with the district and a copy of the district's decision.

x. Copies of the district's uniform complaint procedures are available free of charge.

In addition, the district's uniform complaint procedures shall be posted in all district schools and the administrative office, including staff lounges and student government meeting rooms (Education Code § 234.1). If school personnel witness an act of discrimination, harassment, intimidation, or bullying, they shall take immediate steps to intervene when safe to do so.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the policy, forms, and notices concerning uniform complaint procedures shall be translated into that language. (Education Code § 48985)

D. Filing of Complaint

A written complaint of alleged non-compliance with a federal or state law or regulation governing education programs listed above must be filed with the compliance officer. When the subject matter of a complaint is not covered by this policy, the complainant shall be so advised.

A complaint alleging noncompliance with the law regarding the prohibition against requiring students to pay fees, deposits, and charges or any requirement regarding the LCAP may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. Pupil fee complaints may be filed with the principal of the school. Pupil fee complaints shall be filed not later than one year from the date the alleged violation occurred.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or disability, district staff shall assist in filing the complaint.

E. Investigation of Complaint

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

The compliance officer may designate an outside investigator, as appropriate, to investigate a complaint. The investigator shall be knowledgeable about the laws and programs he or she is assigned to investigate.

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

In the discretion of the compliance officer/designee, and with the consent of the parties, the compliance officer/designee may undertake a resolution of the dispute via mediation. This step is optional.

The compliance officer/designee shall hold investigative meetings promptly upon receipt of the complaint or following an unsuccessful mediation. The investigation shall include an opportunity for the complainant, or the complainant's representative, or both, to present the complaint and evidence or information leading to evidence to support the allegations of non-compliance with state and federal laws and/or regulations.

To ensure that all pertinent facts are discovered, the compliance officer/designee may conduct interviews with other individuals or request others to provide additional information and evidence.

Complainants are advised that while the district will make an effort to protect their privacy and confidentiality, investigation of their complaints may require disclosure of certain information to others. By filing a complaint, complainant authorizes the district to investigate and make disclosures as may be reasonably necessary to the investigation and resolution of the complaint.

As appropriate for any complaint alleging discrimination, harassment, intimidation, or bullying, the Superintendent or designee may keep the identity of a complainant confidential to the extent that doing so does not obstruct the investigation of the complaint.

Complainants, witnesses, and all other participants are protected by law from retaliation for their participation in the complaint investigation process.

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

In accordance with law, the district shall provide the investigator with access to records and other information related to the allegations in the complaint and shall not obstruct the investigation. Failure or refusal by the district to provide the investigator with access to records and other information related to the allegations in the complaint, or to otherwise

fail or refuse to cooperate in the investigation or engage 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.

The compliance officer/designee shall apply a “preponderance of the evidence” standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

F. Written Decision

The district will issue a decision based on the evidence. The decision will be in writing and sent to the complainant within 60 days from receipt of the complaint, unless the complainant agrees in writing to an extension of time.

In consultation with district legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties that may be involved in implementing the decision or affected by the complaint, as long as the privacy of the parties is protected.

The decision should contain:

1. The findings of fact based on the evidence gathered;
2. Conclusion of law;
3. Disposition of the complaint;
4. The rationale for such disposition;
5. Corrective actions, if any are warranted;
6. Notice of the complainant’s right to appeal the decision to the California Department of Education; and
7. Procedures to be followed for initiating an appeal to the California Department of Education.

If an investigation of a complaint results in discipline to a student or an employee, the decision shall state only that effective action was taken and the student or employee was informed of district expectations. The decision shall not give any further information as to the nature of disciplinary action.

The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems. The decision shall include information about appeal procedures in the event the complaint is not a Uniform Complaint.

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.

G. Referring Complaint Issues to Appropriate Agencies

In accordance with 5 California Code of Regulations section 4611, the following complaints shall be referred to the specified agencies for appropriate resolution and are not subject to these complaint procedures

1. Allegations of child abuse: Riverside County Department of Public Social Services, 10281 Kidd Street, Riverside, California 92503.

2. Health and safety complaints regarding a child development program: Riverside County Department of Public Social Services, 10281 Kidd Street, Riverside, California 92503.

3. Discrimination issues involving child nutrition programs: Administrator, U. S. Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive,

Alexandria, Virginia 22302; or Secretary of Agriculture, Washington D.C. 20250; or U. S. Department of Agriculture, Food and Consumer Service, Western Regional Office, 550 Kearney Street, #400, San Francisco, California 94108.

4. Title IX of the Educational Amendments of 1972: United States Office for Civil Rights (OCR), U. S. Department of Education, Old Federal Building, 50 United Nations Plaza, Room 239, San Francisco, California 94102-4987.

5. Employment discrimination complaints: State Department of Fair Employment and Housing (DFEH), 1845 S. Business Center Drive, Suite 127, San Bernardino, California 92408.

6. Allegations of fraud shall be referred to the responsible State or Federal Department Division Director and its legal office; California Department of Education, P. O. Box 944272, Sacramento, California 94244-2720.

7. Depending on the nature of the complaint, the complainant may also have available civil law remedies, and may consult his/her attorney. Civil law remedies include, but are not limited to, injunctions, restraining orders, or other remedies or orders. Notwithstanding any other provision of law, a person who alleges, based on state law, that he or she is a victim of discrimination, harassment, intimidation, or bullying may not seek civil remedies, other than injunctive relief or complaints based on federal law, until at least 60 days have elapsed from the filing of an appeal to the California Department of Education. Page 9 of 9 1321

8. Appeal and review procedures are available. See "Appeals to the California Department of Education" below; P. O. Box 944272, Sacramento, California 94244-2720.

H. Appeals to the California Department of Education

If a complainant is dissatisfied with the decision, he/she may appeal in writing to the California Department of Education within thirty days of receiving the district's decision. In appealing, the complainant must specify and explain the basis for the appeal, including at least one of the following: (1) The District failed to follow its complaint procedures, and/or (2) Relative to the allegations of the complaint, the District's Investigation Findings lacks material findings of fact necessary to reach a conclusion of law, and/or (3) The material findings of fact in the District's Investigation Findings are not supported by substantial evidence, and/or (4) The legal conclusion in the District's Investigation Findings is inconsistent with the law, and/or (5) In a case in which the District found noncompliance, the corrective actions fail to provide a proper remedy.

The complainant must include copies of the complaint and the district's decision in submitting an appeal.

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 California Code of Regulations section 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.

Legal Reference: 5 C.C.R. section 4600 et seq.

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