



Liberty Union High School District
20 Oak Street
Brentwood, CA 94513
Phone: (925) 634-2166 Fax: (925) 634-1687
Eric L. Volta, Superintendent

UNIFORM COMPLAINT FORM

Name: _____ Date: _____

Address: _____ City: _____ State _____

Phone No: (Home) _____ (Work): _____ (Cell): _____

The district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination based on age, actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, or on the basis of a person associated with a person or group with one or more of these actual or perceived characteristics in any program or activity that receives or benefits from state financial assistance. Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education, consolidated categorical aid programs, migrant education, career technical education and technical education and training, child care and development programs, child nutrition programs, special education programs, and federal school safety planning requirements.

Please describe your complaint in detail; (Please attach additional pages if necessary to fully describe the incident)

1. Date and time of the alleged incident(s) _____

2. Specific location(s) when the incident occurred _____

3. Name of employee and/ or program complaint is made against _____

4. Details of incident(s) _____

5. Identify possible witness _____

Signature

District Uniform Complaint Policy and Regulations may be picked up at the Principal's office at your child's school or at the District Office with the Assistant Superintendent of Administrative Services. Please file this complaint with the Assistant Superintendent of Administrative Services.

Reviewed by: _____
Administrator

Date



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Nombre: _____ Fecha: _____

Domicilio: _____ Ciudad: _____ Estado: _____

Numero de Telefono: (Casa) _____ (Trabajo): _____ (Cellular): _____

El distrito seguirá procedimientos uniformes de la queja al tratar las quejas que alegan la discriminación ilegal basada en edad, sexo real o percibido, la orientación sexual, el género, la identificación de grupo étnica, la raza, la ascendencia, el origen nacional, la religión, el color, o la inhabilidad mental o física, o en base de una persona asociada una persona o grupo con una o más de estas características reales o percibidas en a cualquier programa o la actividad que recibe o beneficia de ayuda financiera del estado. Los procedimientos uniformes de la queja también serán utilizados al tratar las quejas que alegan falta de conformarse con el estado y/o los leyes federales en la enseñanza para adultos, programas de ayuda categóricos consolidados, la educación migratoria, la educación técnica de la carrera y la educación y el entrenamiento técnico, el cuidado de niño y programas de desarrollo, programas de la nutrición del niño, programas de la educación especial, y requisitos federales del planeamiento de la seguridad de la escuela.

Describir por favor tu queja detalladamente; (Por favor adjunte páginas adicionales de la fijación en caso de necesidad para describir completamente el incidente)

1. Fecha y hora del incidente alegado _____

2. Localizaciones específicas cuando ocurrió el incidente _____

3. El nombre del empleado y/o de la queja del programa se hace contra _____

4. Detalles del incidente _____

5. Identificar el nombre de testigo(s) si es possible _____

Firma

La política uniforme y las regulaciones de la queja del distrito se pueden tomar en la oficina del principal en la escuela de tu niño o en la oficina de distrito con el superintendente auxiliar de servicios administrativos. Archivar por favor esta queja con el superintendente auxiliar de servicios administrativos.

Repasado por: _____

Administrador

Fecha

Liberty Union High School District

Board Policy

Classification: Community

Policy No. **BP1312.3**

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Effective 1-26-94

Revised 6-14-06

Subject: Uniform Complaint Procedures

The Governing Board recognizes that the district is responsible for complying with applicable state and federal laws and regulations governing educational programs and that the District shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination, and seek to resolve those complaints in accordance with the procedures set out in Sections 4600 – 4687 of the Title 5 Regulations and in accordance with the policies and procedures of the governing board.

The district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination against any protected group as identified under Education Code section 200 and 220 and Government Code section 11135, including based on actual or perceived age, sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability or age, 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 that receives or benefits from state financial assistance. Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws governing adult education, consolidated categorical aid programs, migrant education, career technical and technical education and career training and technical training programs, child care and development programs, child nutrition programs, special education programs, and federal school safety planning requirements.

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

The Board acknowledges and respects every individual's 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 or proceedings, as determined by the Superintendent or designee on a case-by-case basis.

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

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

Complaints concerning instructional materials, teacher vacancies or misassignments, or school facilities conditions are governed by the District's Williams Uniform Complaint Procedures in Administrative Regulation 1312.4.

Legal Reference

Education Code

200-262.4 Prohibition of discrimination

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18172 School libraries

32289 School safety plan, uniform complaint procedures

35186 Alternative uniform complaint procedure

48985 Notices in language other than English

49060-49079 Student Records

49490-49590 Child nutrition programs

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52500-52617 Adult schools

52800-52890 School-based coordinated programs

54400-54425 Compensatory education programs

54440-54445 Migrant education

54460-54529 Compensatory education programs

56000-56885 Special education programs

59000-59300 Special schools and centers

62000-62005.5 Evaluation and sunseting of programs

64000-64001 Consolidated application process

California Code of Regulations

5 CCR §§ 4600 et seq.

Liberty Union High School District

Administrative Regulation

Classification: Community Relations

Policy No. **AR 1312.3**

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Compliance Officer

The Governing Board designates the following compliance officer to receive and investigate complaints and ensure district compliance with law:

Director of Administrative Services
Liberty Union High School District
20 Oak Street
Brentwood, CA 94513 (925) 634-2166

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 the notification requirements of the Code of Regulations, Title 5, Section 4622, including the annual dissemination of district complaint procedures and information about available appeals, civil laws remedies, and conditions under which a complaint may be taken directly to the California Department of Education.

Annual dissemination of a written notice of the LEA's complaint procedure shall be provided to students, employees, parents or guardians of its students, school and district advisory committees, appropriate private school officials or representatives, and other interested parties.

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 as set forth in BP 1312.3. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with the 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.

"Days" as referred to in this regulation means calendar days unless otherwise designated.

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 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 unless the time for filing is extended by the Superintendent or designee upon written request by the complainant setting forth the reasons for the extension. The period for filing may be extended in writing by the Superintendent or designee for good cause for a period not to exceed ninety (90) calendar days following the expiration of the six-month time period.. (Title 5, Section 4630)

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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 by the District.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or disability, district staff shall help him/her to file the complaint. (Title 5, Section 4600)

All steps of the complaint process, including the investigation, decision, and review by the Governing Board must be completed within sixty (60) calendar days of receipt of the complaint by the Complaint Officer. This time period may only be extended by written agreement of the complainant.

Step 2: Mediation

Within five school 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 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. (5 CCR 4631)

Step 3: Investigation of Complaint

The compliance officer shall hold an investigative meeting within five school days of receiving the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally and present information or evidence relevant to the complaint. The Complaint Officer may also discuss the alternative methods available for resolution of the complaint, including mediation.

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 dismissal of the complaint because of lack of evidence to support the allegations.

Refusal by the LEA to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail to refuse or 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.

Step 4: Response

Within 45 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

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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 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. (5 CCR 4631)

Step 5: Final Written Decision

The report of the district's decision shall be in writing and sent to the complainant. (5 CCR 4631)

The report of the district's decision shall be written in English and in the language of the complainant as required by law.

This report shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered.
2. A conclusion of law;
3. Disposition of the complaint and the rationale for such disposition;
4. Corrective actions, if any are warranted.
5. Notice of the complainant's rights to appeal the decision within 15 days of receipt of the decision to the California Department of Education, and procedures to be followed for initiating such an appeal. (5 CCR 4632)
6. For discrimination complaints, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies (5 CCR 4631; Education Code 262.3)

If an employee is disciplined as a result of the complaint, this report shall simply state that 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 15 days of receiving the district's decision. (5 CCR 4632)

When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the district's decision including whether the facts are incorrect and/or the law was misapplied. The appeal also must include a copy of the locally filed complaint and the district's decision. (Title 5, Section 4632)

The California Department of Education may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists. In addition, the California Department of Education may also intervene in those cases where the district has not taken action within 60 calendar days of the date the complaint was filed with the district.

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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 California Department of Education before pursuing civil law remedies. 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. (E.C. §262.3)