

BOLINAS-STINSON UNION SCHOOL DISTRICT

BOARD POLICY - ARTICLE I - COMMUNITY RELATIONS

#1313

COMPLAINTS FROM THE PUBLIC REGARDING SCHOOL EMPLOYEES

In order to provide members of the public with an opportunity to register complaints about school employees, the Board has developed the following procedures. Complaints which occurred more than 60 calendar days from when the member of the public became aware of the incident which led to the complaint will not be heard.

I. Verbal Complaints

Upon receiving a verbal complaint regarding an employee, the Superintendent shall make every effort to encourage an early meeting between the complainant and the employee. If his presence will speed the resolution of the problem, the Superintendent shall offer to be present at the meeting. The purpose of such a meeting shall be to exchange information on the issue and to agree on areas of resolution.

II. Unresolved Complaints

If a complaint is not resolved or the complainant chooses not to meet informally with the employee, the Superintendent may accept the complaint in oral form and attempt to work out a resolution individually with each party. Within 20 days, the Superintendent shall apprise the complainant of the actions he has taken.

In the event that a complaint is still unresolved, the complainant will be asked to submit it in writing.

III. Written Complaints

A copy of the written complaint shall be forwarded to the employee who may then respond to the complainant by

- A. requesting a conference with the complainant, or
- B. writing a response to the complaint, or
- C. providing data to the Superintendent who will reply in writing to the complainant.

Response to a written complaint should be completed within seven days.

IV. Disposition of a Complaint

In the event that the complainant is dissatisfied with the Superintendent's disposition of the complaint, or in the event that the Superintendent or the employee deem it appropriate, the Board may decide, in its sole discretion, to review the matter. In working to resolve a complaint, all

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COMPLAINTS FROM THE PUBLIC REGARDING SCHOOL EMPLOYEES (CONTINUED)

provisions of the Government Code regarding closed sessions and confidentiality will be upheld including the contractual rights of employees.

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Revised 1/22/85

Revised 2/12/02

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Reviewed 11/9/2005

BOLINAS-STINSON UNION SCHOOL DISTRICT

BOARD POLICY - ARTICLE I - COMMUNITY RELATIONS

#1315

UNIFORM COMPLAINT PROCEDURES CONCERNING SCHOOL AND DISTRICT PROGRAMS

The Board of Trustees recognizes that the district is responsible for complying with applicable state and federal laws and regulations governing educational programs.

The district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination based on age, sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability 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, vocational education, 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 right 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, including but not limited to the filing of a complaint 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.

Legal Reference:

EDUCATION CODE

200-262.3 Prohibition of discrimination

8200-8498 Child care and development programs

8500-8538 Adult basic education

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**UNIFORM COMPLAINT PROCEDURES CONCERNING SCHOOL AND DISTRICT PROGRAMS
(CONTINUED)**

18100-18172 School libraries

32289 School safety plan, uniform complaint procedure

35186 Alternative uniform complaint procedure

48985 Notices in language other than English

49060-49079 Student records

49490-49590 Child nutrition programs

52160-52178 Bilingual education programs

52300-52499.6 Vocational education

52500-52616.24 Adult schools

52800-52870 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 centers

62000-62005.5 Evaluation and sunseting of programs

64000-64001 Consolidated application process

CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4671 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

PENAL CODE

422.6 Interference with constitutional right or privilege

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, including

7114 Local educational program, safety plans

7201-7283g Title V Promoting Informed Parental Choice and Innovative Programs

7301- 7372 Title VI Rural and Low-Income School Programs

Management Resources:

WEB SITES

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

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/offices/OCR>

BOLINAS-STINSON UNION SCHOOL DISTRICT

UNIFORM COMPLAINT PROCEDURES

Compliance Officers

The Board of Trustees designates the following compliance officer(s) to receive and investigate complaints and to ensure district compliance with law:

John Carroll, Superintendent 125 Olema-Bolinas Road, Bolinas, CA 94924
Phone: (415) 868-1603

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 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.

The Superintendent or designee shall annually provide written notification of the districts uniform complaint procedures to students/pupils, employees, parents/guardians, the district advising committee, school advisory committees, appropriate private school officials or representatives and other interested parties (5CCR 4622)

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. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 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.

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

UNIFORM COMPLAINT PROCEDURES (CONTINUED)

any specific class of individuals has been subjected to unlawful discrimination. The complaint must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination. (5 CCR 4630)

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. (5 CCR 4600)

Step 2: 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 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 is encouraged to hold an investigative meeting within five days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

The complainant and/or his/her representative and the district's representatives shall also have 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. (5 CCR 4631)

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations (5 CCR 4631)

Uniform Complaint Procedures (continued)

The districts refusal to provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement in any other obstruction in the investigation, may result in a finding based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

Step 4: Response

Within 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 in Step #5 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 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 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:

1. The findings and disposition of the complaint, the conclusion of law including corrective actions, if any (5 CCR 4631)
2. The rationale for the above disposition (5 CCR 4631)
3. Notice of the complainant's right to appeal the decision within 15 days to the California Department of Education, and procedures to be followed for initiating such an appeal (5 CCR 4631, 4652)
4. 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)

UNIFORM COMPLAINT PROCEDURES (CONTINUED)

5. A detailed statement of all specific issues that were brought up during the investigation and the extent to which these issues were resolved

If an employee is disciplined as a result of the complaint, this report shall simply state that effective action was taken and that the employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary 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. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. (5 CCR 4652)

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. (5 CCR 4652)

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.

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 a complaint in accordance with 5 CCR 4622.

Adopted: 5/2/95

Reviewed: 12/17/01

Reviewed: 2/5/2004

Revised 3/11/2004

Revised: 4/19/2005

Reviewed 11/9/2005

Revised 2/14/2006

Updated 2/12/07

**BOLINAS-STINSON UNION SCHOOL DISTRICT
WILLIAMS CLASSROOM NOTICE
COMPLAINT RIGHTS – WILLIAMS UNIFORM COMPLAINTS PROCEDURE POLICY**

Parents/Guardians, Pupils, and Teachers:

Education Code 35186 requires that the following notice be posted in your child's classroom:

- 1. There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials, each pupil, including English learners, must have a textbook or instructional material, or both, to use in class and to take home.**
- 2. School facilities must be clean, safe, and maintained in good repair. Good repair means that the facility is maintained in a manner that insures that it is clean, safe and functional as determined by the Office of Public School Construction.**
- 3. There should be no teacher vacancies or misassignments as defined in Education Code 35186(h) (1) and (2).**

***Misassignment* means the placement of a certified employee in a teacher or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.**

***Teacher vacancy* means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.**

- 4. To file a complaint regarding the above matters, complaint forms can be obtained at the school office, or you may also download a copy of the California Department of Education complaint form from the following website:
<http://www.cde.ca.gov/eo/ce/wc/index/asp>**

**Bolinas-Stinson Union School District
Uniform Complaint Procedure Form
Williams Uniform Complaint Procedures**

Education Code Section 35186 created a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment. The complaint and response are public documents as provided by statute. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the following contact information. Response requested: Yes No

Name: _____

Address: _____

Phone Number: Day: _____ Evening: _____

Issue of complaint (please check all that apply):

1. Textbooks and Instructional Materials

- A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state-adopted or district-adopted textbooks or other required instructional materials to use in class.
- A pupil does not have access to textbooks or instructional materials to use at home or after school.
- Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. Facility Conditions

- A condition poses an urgent or emergency threat to the health or safety of students or staff, including: gas leaks, nonfunctioning heating, ventilation, fire sprinklers or air-conditioning systems, electrical power failure, major sewer line stoppage, major pest or vermin infestation, broken windows or exterior doors or gates that will not lock and that pose a security risk, abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff, structural damage creating a hazardous or uninhabitable condition, and any other emergency conditions the school district determines appropriate.

3. Teacher Vacancy or Misassignment

- Teacher vacancy - A semester begins and a teacher vacancy exists. (A teacher vacancy is a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.)
- Teacher misassignment - A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils in the class.
Teacher misassignment - A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

**BOLINAS-STINSON UNION SCHOOL DISTRICT
UNIFORM COMPLAINT PROCEDURE FORM
WILLIAMS UNIFORM COMPLAINT PROCEDURES**

Date of Problem:

Location of Problem (School Name, Address, and Room Number or

Location): _____

Course or Grade Level and Teacher Name:

For Complaints regarding facilities conditions, please describe the emergency or urgent facility condition and how that condition poses a threat to the health or safety of students or staff.

Please file this complaint at the following location:

John Carroll
Superintendent
Bollinas-Stinson School District
125 Olema-Bollinas Road
Bollinas, CA 94924

BOLINAS – STINSON UNION SCHOOL DISTRICT

ANNUAL NOTICE UNIFORM COMPLAINT PROCEDURES

The Superintendent or designee shall annually provide written notification of the district's uniform complaint procedures (UCP) to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives and other interested parties (s CCR 4622). The superintendent or designee shall make available copies of the district's uniform complaint procedures free of charge (5 CCR 4622)

The district is primarily responsible for compliance with state and federal laws and regulations.

The person (s), positions (s), or unit (s) responsible for receiving complaints is:

John Carroll, Superintendent

The district shall investigate and seek to resolve complaints at the local level using policies and procedures adopted by the local board as the Uniform Complaint Procedures. These procedures shall be used when addressing complaints alleging unlawful discrimination based on actual or perceived sex, sexual orientation, ethnic group identification, race, ancestry, national origin, religion, age; gender, color or physical or mental disability, or failure to comply with state and/or federal laws in adult education, consolidated categorical aid programs, career/technical, Indian education, migrant education, vocational education, child care development programs, child nutrition programs and special education programs.

Any individual, public agency, or organization may file a written complaint of alleged noncompliance by the district (5 CCR 4630). Complainant shall be protected from retaliation and the identity of a complainant alleging discrimination shall remain confidential as appropriate.

The district complaint review shall be completed within sixty (60) calendar days from the date of receipt of the complaint unless the parties have agreed in writing to an extension of the timeline.

An unlawful discrimination complaint must be filed not later than six (6) months from the date the alleged discrimination occurs, or six (6) months from the date the complainant first obtains knowledge of the facts of the alleged discrimination.

The complainant has a right to appeal the district's decision to the California Department of education (CDE) by filing a written appeal within fifteen (15) days of receiving the district's decision. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.

The complainant has a right to take some complaints directly to the CDE or to pursue remedies before civil courts or other public agencies

ANNUAL NOTICE UNIFORM COMPLAINT PROCEDURES

APPEALS TO THE CALIFORNIA DEPARTMENT OF EDUCATION (CONTINUED)

You may appeal the district's decision to the CDE by filing a written appeal with the State Superintendent within fifteen (15) days after receiving the district decision.

The appeal must:

1. Specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law is misapplied.
2. Include a copy of the original complaint and a copy of the district's decision.

CIVIL LAW REMEDIES

Civil Law remedies may be available under state or federal discrimination laws, if applicable. A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainant 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.

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