

COMMUNITY RELATIONS

POLICY – UNIFORM COMPLAINT PROCEDURE

BP 2006

The County Board of Education recognizes that the County Education Office is primarily responsible for complying with applicable state and federal laws and regulations governing educational programs.

The County Superintendent of Schools shall establish and implement as specified in Title 5, Section 3080-4671, procedures to ensure the investigation and resolution of complaints regarding alleged failure to comply with or violations by the County Education Office of federal or state law or regulations governing the following educational programs, including, but not limited to, allegations of unlawful discrimination, harassment, intimidation, and bullying on the basis of actual or perceived characteristics such as sex, sexual orientation, gender, gender identity, gender expression, genetic information, ethnic group identification, race or ethnicity, ancestry, nationality, national origin, religion, marital or parental status, color, mental or physical disability, age, any other characteristics identified in state and federal law, or based on a person's association with a person or group with one or more of these actual or perceived characteristics in any program.

The Uniform complaint procedures shall also be used to address any complaint alleging the failure to comply with the prohibition against requiring students to pay fees, deposits, or other charges for participation in education activities, and the requirement for the development and adoption of a school safety plan.

Programs to which this policy shall apply are:

- Consolidated Categorical Aid
- Child Care and Development
- Special Education
- Migrant Education
- Child Nutrition
- Regional Occupational Programs/ Career Technical Education & Training
- Any other program or activity of the County Education Office that receives state or federal funds

Excluded from this policy are complaints relating to allegations of child abuse, health and safety issues in a Child Development program, employment discrimination, or fraud. Procedures for resolution of any such complaints are addressed in other administrative rules and regulations.

ADOPTED BY COUNTY BOARD:	October 1, 1992
ADOPTED AND REVISED BY COUNTY BOARD:	April 7, 1994
ADOPTED AND REVISED BY COUNTY BOARD:	November 7, 2002
ADOPTED AND REVISED BY COUNTY BOARD:	February 2, 2006
ADOPTED AND REVISED BY COUNTY BOARD:	February 2, 2012
ADOPTED AND REVISED BY COUNTY BOARD:	November 7, 2013

COMMUNITY RELATIONS

ADMINISTRATIVE REGULATION – UNIFORM COMPLAINT PROCEDURE

AR 2006

The Santa Barbara County Education Office has the primary responsibility to insure compliance with applicable state and federal laws and regulations. The County Education Office shall investigate complaints alleging ~~failure~~ **violations** to comply with these laws and regulations ~~and~~, **the prohibition against requiring students to pay fees, deposits, or alleging other charges for participating in educational activities, and unlawful discrimination, harassment, intimidation, or bullying** and will seek to resolve those complaints in accordance with these Uniform Complaint Procedures, which govern the following programs:

- Consolidated Categorical Aid
- Child Care and Development
- Special Education
- Migrant Education
- Child Nutrition
- Regional Occupational Programs/ Career Technical Education & Training
- Any other program or activity of the County Education Office that receives state or federal funds

excluding complaints relating to child abuse, health and safety issues in a Child Development program, Title IX, employment discrimination, or fraud. Information regarding procedures for filing complaints not covered by this Administrative Regulation will be provided upon request by the Assistant Superintendent, Human Resources.

All complainants shall be free from retaliation and the identity of the complainant shall remain confidential as appropriate. **Participation in the complaint process shall not in any way affect the status, grades, or work assignments of the complainant.**

The uniform complaint procedures board policy and administrative regulation shall be posted, in English and Spanish, in all SBCEO schools and offices.

Compliance Officers

The County Superintendent of Schools designates the following compliance officers to receive and investigate complaints and to ensure compliance with law:

Program

Consolidated Categorical Aid

Child Care and Development

Special Education

Migrant Education

Regional Occupational Program

Section 504

Compliance Officer

Asst. Supt., Categorical & Special Programs

Director, Child Development

Asst. Supt., Special Education

Director, Migrant Education

Director, ROP/CTE

Asst. Supt., Categorical & Special

COMMUNITY RELATIONS

ADMINISTRATIVE REGULATION – UNIFORM COMPLAINT PROCEDURE

AR 2006

-2-

Other state or federally-funded programs

Programs
Asst. Supt., Instructional Services or
Asst. Supt., Categorical & Special
Programs

The compliance officers can be contacted at Santa Barbara County Education Office, 4400 Cathedral Oaks Road, Santa Barbara, CA 93110, phone: 805-964-4711.

The County Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible.

The designated compliance officers shall meet the notification requirements of the Code of Regulations, Title 5, section 4622, including the annual dissemination of a written notice of 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 by students, parents or guardians of students, employees, advisory committees, appropriate private school officials or representatives, and other interested parties.

The designated compliance officers shall ensure that complainants understand that they may pursue other remedies, including civil law under state or federal discrimination **laws, harassment, intimidation or bullying laws**, other public agencies-, or **private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders.**

The County Superintendent or designee shall make available copies of the uniform complaint procedures free of charge. Uniform complaint procedures can be obtained on the website www.sbceo.org, choose A-Z index.

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.

Filing of Complaint

If a complaint pursuant to Section 504 originates in one of the local school districts, it shall be brought to the attention of the **student's** resident district. The County Education Office has no jurisdiction or appeal structure for district complaints. Each district has an assigned 504 Compliance Officer.

COMMUNITY RELATIONS

ADMINISTRATIVE REGULATION – UNIFORM COMPLAINT PROCEDURE

AR 2006

-3-

The County Superintendent of Schools designates the Assistant Superintendent, Human Resources, to serve as the Coordinator of the Uniform Complaint Resolution Process. Written complaints of alleged noncompliance shall be filed with the Coordinator of the Uniform Complaint Resolution Process, who shall submit them to the appropriate compliance officer(s) named above.

Any individual, public agency, or organization may file a written complaint of the alleged noncompliance with federal or state laws or regulations governing education programs.

Complaints alleging unlawful discrimination, **harassment, intimidation, or bullying** may be filed **only** by a person who alleges that s/he 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 unlawful discrimination, **harassment, intimidation, or bullying**. Any such complaint must be initiated no later than six (6) months from the date when the alleged discrimination, **harassment, intimidation, or bullying** occurred or 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 ninety (90) calendar days.

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.

Once a complaint is filed, no new material may be added by the complainant without the express approval of the Coordinator of the Uniform Complaint Resolution Process. If the complainant has new evidence, s/he may file a new, and separate, complaint.

The Coordinator of the Uniform Complaint Resolution Process shall maintain a ~~record~~**log** of each complaint **received, providing each with a code number and a date stamp**, and subsequent related actions, including all information required for compliance with the Code of Regulations, Title 5, Section 4632.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, assistance in filing the complaint will be provided in compliance with the Code of Regulations, Title 5, Section 4600.

Investigation of Complaint

COMMUNITY RELATIONS

ADMINISTRATIVE REGULATION – UNIFORM COMPLAINT PROCEDURE

AR 2006

-4-

The Coordinator of the Uniform Complaint Resolution Procedure and/or the appropriate compliance officer shall ~~conduct~~**investigate** and ~~complete an investigation~~**resolve all complaints** within sixty (60) calendar days from receipt of a complaint. This time period may be extended by written agreement of the complainant.

Complaints of discrimination, **harassment, intimidation, or bullying** shall be investigated in a manner that protects confidentiality of the parties and the facts, and **the integrity of the process**. The Superintendent or designee may keep the **identity of a complainant confidential to the extent that the investigation of the complaint is not obstructed**.

~~The investigation~~**The compliance officer** shall provide an opportunity for the complainant and/or the complainant's representative(s) and representative(s) of the County Education Office to present relevant evidence or information, and may include an opportunity for the parties to meet and discuss the issue(s) or question each other or each other's witnesses. ~~Complaints may be resolved through mediation, but in no case shall mediation be mandatory.~~**The compliance officer also shall collect all documents and interview all witnesses with information pertinent to the complaint.**

Whenever all parties to a complaint agree to try resolving the problem through mediation the Superintendent or designee shall initiate that process. The Superintendent or designee shall ensure that the results are consistent with state and federal laws and regulations.

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 lack of evidence to support the allegations.

Refusal of the Santa Barbara County Education Office to provide the investigator with access to records and/or other information related to the allegation 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.

Assistance for Complainants

COMMUNITY RELATIONS

ADMINISTRATIVE REGULATION – UNIFORM COMPLAINT PROCEDURE

AR 2006

-5-

Complainants may seek help from agencies such as legal assistance agencies or local mediation centers, or from private attorneys.

Written Decision

Within sixty (60) days of receipt of the complaint by the County Education Office, the Coordinator of the Uniform Complaint Resolution Process and/or the appropriate compliance officer shall prepare and send to the complainant a written **report of the investigation and decision** which shall include the following:

- The findings of fact based on the evidence gathered.
- The disposition of the complaint.
- Corrective actions, if any.
- Rationale for such disposition.
- Conclusion of law.
- Notice of the complainant's right to appeal to the California Department of Education.
- Procedure for initiating an appeal to the California Department of Education.
- For ~~discrimination~~ complaints **related to discrimination, harassment, intimidation, or bullying, based on state law**, notice that the complainant must wait until sixty (60) days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies.

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

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges is found to have merit, a remedy shall be provided to all affected students and parents/guardians, which, where applicable, shall include reasonable efforts to ensure full reimbursement to them.

The report of the 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 the report in the complainant's primary language, a meeting shall be arranged at which a community member will interpret for the complainant.

Appeal to the California Department of Education

A complainant may appeal the decision of the County Education Office within fifteen (15) days of receipt of the decision by filing a written appeal with the Superintendent of Public Instruction.

COMMUNITY RELATIONS

ADMINISTRATIVE REGULATION – UNIFORM COMPLAINT PROCEDURE

AR 2006

-6-

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

Upon notification by the CDE that the complainant has appealed the decision, the Superintendent or designee shall forward the following documents to the CDE:

1. **A copy of the original complaint.**
2. **A copy of the written decision.**
3. **A summary of the nature and extent of the investigation conducted, 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 Uniform Complaint Procedures Board Policy and Administrative Regulations.**
7. **Other relevant information requested by the CDE.**

The Superintendent of Public Instruction may directly intervene in a complaint without waiting for action from the SBCEO when one of the conditions listed in 5 CCR 4650 exists.

APPROVED BY COUNTY SUPERINTENDENT:

REVISED & APPROVED BY COUNTY SUPERINTENDENT:

October 1, 1992

April 7, 1994

September 2, 1999

August 7, 2000

August 7, 2001

November 7, 2002

November 23, 2005

March 15, 2006

March 15, 2012

June 14, 2012

November 7, 2013