

BOARD POLICY

Uniform Complaint Procedures

The Board of Education recognizes that the district is primarily responsible for complying with applicable state and federal laws and regulations governing educational programs. The district shall investigate complaints alleging failure to comply with such laws and/or alleging discrimination, harassment, intimidation, or bullying and shall seek to resolve those complaints in accordance with the district's uniform complaint procedures.

- A. Individuals, public agencies, or organizations may file a complaint under the uniform complaint procedures as described in Administrative Regulation 3119.1 alleging that the school district is not complying with federal or state laws or regulations. The LEA will investigate all allegations of unlawful discrimination, harassment, intimidation, or bullying against any protected group as identified in Education Code section 200 and 220 and Government Code section 11135, including any actual or perceived characteristics as set forth in Penal Code section 422.55 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 conducted by the LEA, which is funded directly by, or that receives or benefits from any state financial assistance. Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws governing the following programs: Adult Education Programs, After School Education and Safety, Agricultural Career Technical Education, American Indian Education Centers and Early Childhood Education Program Assessments, Bilingual Education, California Peer Assistance and Review Programs, Compensatory Education, Consolidated Categorical Aid Programs, Career Technical and Technical Education and Career Technical and Technical Training Programs, Career Technical Education, Child Care and Development Programs, Child Nutrition Programs, Course Periods Without Educational Content, Economic Impact Aid, Education of Pupils in Foster Care and Pupils who are Homeless, former Juvenile Court Pupils now enrolled in a school district and Children of Military Families, Every Student Succeeds Act /No Child Left Behind, Local Control and Accountability Plans, Migrant Education, Physical Education Instructional Minutes, Pupil Fees, Reasonable Accommodations to a Lactating Pupil, Tobacco-Use Prevention Education, State Preschool, Regional Occupational Centers and Programs, and Special Education Programs. The procedures shall also be used for the district's non-compliance in the areas of federal school safety planning and Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ) resources pursuant to Education Code section 234.1. Complainants have the right to pursue civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws. (EC § 234.1; 5 CCR § 4622)

Unlawful discrimination, harassment, intimidation or bullying complaints shall be filed no later than six months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying. (EC § 234.1; 5 CCR § 4630.)

If Garden Grove Unified finds merit in a complaint regarding Pupil Fees; Local Control and Accountability Plan (LCAP); Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in a school district, and pupils in military families; Reasonable Accommodations to a Lactating Pupil; Course Periods without Educational Content (grades nine through twelve); and Physical Education Instructional Minutes (grades one through eight), the district shall provide a remedy. The remedy shall go to the affected pupil in the case of complaints regarding:

- Course Periods without Educational Content;
- Reasonable Accommodations to a Lactating Pupil, and/or
- Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in our school district, and pupils in military families.

The remedy shall to go all affected pupils and parents/guardians in the case of complaints regarding:

- Pupil Fees
- Physical Education Instructional Minutes, and/or
- LCAP

Pursuant to Education Code sections 51228.1, 51228.2, and 51228.3, individuals may file a complaint under the district's uniform complaint procedure alleging that the district has not met the requirements for a Course Period without Educational Content. In a district, serving any grades 9-12, a student is prohibited from enrolling in a course without educational content for more than one week in any semester, and prohibits the assignment of any student to a course that the student has previously completed and received a satisfactory grade, unless certain conditions are met. Education Code section 51228.1 and section 51228.2 do not apply to students enrolled in an alternative school, a community day school, a continuation school, or an opportunity school. Specifically, in Course Period without Educational Content complaints the remedy shall go to the affected pupil.

In addition, pursuant to Education Code section 52075, individuals may file a complaint under the district's uniform complaint procedure alleging that the school district has not complied with the LCAP requirements in the Education Code. The complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with laws relating to LCAP requirements. If the complainant is not satisfied with the decision of the school district, the individual may appeal the decision to the State Superintendent of Public Instruction.

The State Superintendent of Public Instruction is required to issue a decision on the appeal within 60 days of the Superintendent of Public Instruction's receipt of the appeal. If the school district finds merit in the complaint or the Superintendent of Public Instruction finds merit in an appeal, the school district will provide a remedy to all affected pupils, parents, and guardians.

In addition, uniform complaint procedures shall be used to address complaints alleging the district's non-compliance with Article 5.5 of Chapter 6 of Part 22 of Division 4 of Title 2 of the Education Code, commencing with Section 49010, governing pupil fees. If a public school finds merit in a pupil fees complaint the public school shall provide a remedy to all affected pupils, parents, and guardians that where applicable includes reasonable efforts by the public school to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board (EC 49013(d)). The LEA will attempt in good faith by engaging in reasonable efforts to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint. (5 CCR § 4600(u)). A pupil fees complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with laws relating to pupil fees. (EC § 49013(b)). A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred. (5 CCR § 4630(c) (2))

- A. As required by state law, the uniform complaint procedures as described in Administrative Regulation 3119.2 shall be utilized to identify and resolve complaints regarding alleged deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancy or mis-assignment.

An early, informal resolution of complaints at the site level is encouraged whenever possible.

The Board acknowledges and respects every individual's right to privacy and any complainants are protected from retaliation. Discrimination, harassment, intimidation, or bullying complaints shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process. This may include keeping the identity of the complainant confidential, as appropriate and 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 any form of retaliation against any complainant in the complaint process, including but not limited to a complainant's filing of a complaint or the reporting of instances of discrimination, harassment, intimidation, or bullying. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

The district will provide an annual dissemination of a written notice of the LEA's complaint procedures to students, employees, parents or guardians of its students, school and district advisory committees, appropriate private school officials or representatives, and other interested parties that includes information regarding unlawful pupil fees, and allegations about discrimination, harassment, intimidation, or bullying. (EC § 234.1, 49013; 5 CCR § 4622)

Complaint must be in writing and all relevant facts must clearly be stated. The LEA complaint will be investigated and a written report issued to the complainant within 60 days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time. (EC § 234.1; 5 CCR § 4631.). The LEA will provide an opportunity for complainants and/or representatives to present evidence or information (5 CCR § 4631.). 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. (5 CCR § 4631.). 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 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. (5 CCR § 4631.)

The final report will contain the following elements (EC § 234.1; 5 CCR § 4631.):

- (i) The findings of fact based on the evidence gathered.
- (ii) Conclusion of law.
- (iii) Disposition of the complaint.
- (iv) The rationale for such a disposition.
- (v) Corrective actions, if any are warranted.
- (vi) Notice of the complainant's right to appeal the LEA's Decision to CDE.
- (vii) Procedures to be followed for initiating an appeal to CDE.

A complaint should be mailed to:

Assistant Superintendent of K-12 Educational Services
Attn: Compliance Officer
(714) 663-6143
Garden Grove Unified School District
10331 Stanford Avenue Garden Grove, CA 92840

The person(s), employees(s), positions(s) or unit(s) responsible for compliance and/or investigations shall be knowledgeable about the laws/programs that he/she is assigned to investigate. (5 CCR § 4621.)

The following complaints shall be referred to other agencies for appropriate resolution and are not subject to our UCP process set forth in this document unless these procedures are made applicable by separate interagency agreements:

1. Allegations of child abuse shall be referred to County Department of Social Services (DSS), Protective Services Division or appropriate law enforcement agency.
2. Health and safety complaints regarding a Child Development Program shall be referred to Department of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing- exempt facilities.
3. Employment discrimination, harassment, intimidation or bullying complaints shall be sent to the State Department of Fair Employment and Housing (DFEH).
4. Allegations of fraud shall be referred to the Legal, Audits and Compliance Branch in the California Department of Education (CDE).

Ref: EC Sections 200, 220, 222, 234, 234.5, 260, 32289, 35186, 48853, 48853.5, 48985, 49010-49013, 51210, 51223, 51225.1-51225.3, 51228.1-51228.3, 52075, 52334.7.

Government Code Section 11135, 11138, 12920 Penal Code Section 422.55 California Code of Regulations, Title 5, Sections 4600-4687 20 USC 7114(d)(7)

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