

Uniform Complaint Procedure

Compliance Officer

The governing board designates the following compliance officer(s) to receive and investigate complaints and ensure District compliance with law: Pupil Services Director, 309 N. Rios Avenue, Solana Beach, CA 92075 phone 858- 794-7124.

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 law remedies, and conditions under which a complaint may be taken directly to the California Department of Education. This notification must be (a) in English; (b) in the primary language of the students when 15 percent or more of the students in a school speak that language; or (c) in the mode of communication of the recipient of the notice.

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: 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. A copy of special education complaints shall be forwarded to NCCSE when the investigation is completed.

Investigations of discrimination complaints shall be conducted in a manner that protects confidentiality of the parties and the facts. (Title 5, Section 4630)

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

Any individual, public agency or organization may file a written complaint of alleged noncompliance with the appropriate compliance officer named above.

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

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 or individuals has been subjected to unlawful discrimination. The complaint must be initiated no later than six (6) months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination. (Title 5, Section 4630)

(For good cause, the Superintendent of Public Instruction, at the complainant's written request, may extend the above six (6) month period for up to ninety (90) days.

Mediation

Within three days of receiving the complaint, the District-appointed compliance officer may discuss with the complainant the possibility of using mediation. If all parties agree to mediation to the mediator, the compliance officer shall make all arrangements for this process. The mediator shall be chosen from a list of knowledgeable persons developed by the local District compliance officer. All parties have the right to present information to the mediator.

If the mediation process does not resolve the problem, 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.

Investigation of Complaint

The compliance officer shall initiate an investigation with ten (10) days of receiving the complaint or attempting to mediate the complaint. This investigation shall provide an opportunity for the complainant and/or his/her representative and the District's representatives to present information relevant to the complaint in writing.

To ensure that all pertinent facts are made available, the compliance officer and the complainant may ask other individuals to provide additional information, either verbal or written.

Written Decision

1. The findings and disposition of the complaint, including corrective actions, if any.
2. The rationale for the above disposition.
3. Notice of the complainant's right to appeal the decision to the California Department of Education, and procedures to be followed for initiating such an appeal. (See Appendix A)

Appeals to the California Department of Education

If a complainant is dissatisfied with the District's decisions, he/she may appeal in writing to the California Department of Education within fifteen (15) calendar days of receiving the District's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals.

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. (Title 5, Section 4652)