

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 1312

COMMUNITY RELATIONS

COMPLAINTS CONCERNING THE SCHOOLS

The Board of Trustees believes that the quality of the educational program can improve when the District listens to complaints, considers differences of opinion, and resolves disagreements through an established, objective process.

The Board of Trustees encourages complainants to resolve problems early and informally whenever possible. If a problem remains unresolved, the individual should submit a formal complaint as early as possible in accordance with appropriate District procedures. District procedures shall be readily accessible to the public.

Individual Board members do not have authority to resolve complaints. If approached directly with a complaint, however, Board members should listen to the complaint and show their concern by referring the complainant to the Superintendent or designee so the problem may receive proper consideration. Complaints concerning Board members may be filed directly, in writing, with the Board of Trustees.

Legal Reference:

EDUCATION CODE

35146 Closed sessions

GOVERNMENT CODE

950-950.8 Actions against public employees

54957-54957.8 Closed sessions

CODE OF REGULATIONS, TITLE 5

3080 Application of section 4600-4671

4600-4671 – Uniform complaint procedures

Policy Adopted: 08/14/90
Revision Adopted: 05/03/94
Revision Adopted: 03/01/05
Policy Revised: 03/02/10
Police Reviewed: 04/08/14

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

BOARD POLICY

BP 1312.1

COMMUNITY RELATIONS

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

The Board of Trustees accepts responsibility for providing a means by which the public can hold employees accountable for their actions. The Board of Trustees desires that complaints be resolved expeditiously without disrupting the educational process.

The Superintendent or designee shall develop regulations which permit the public to submit complaints against District employees in an appropriate way. These regulations shall protect the rights of involved parties. The Board of Trustees may serve as an appeals body if the complaint is not resolved.

The Board of Trustees prohibits retaliation against complainants. The Superintendent or designee at his/her discretion may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint. The District will not investigate anonymous complaints unless it so desires.

Legal Reference:

EDUCATION CODE

33308.1 Guidelines on procedure for filing child abuse complaints

35146 Closed sessions

44031 Personnel file contents and inspection

44811 Disruption of public school activities

44932-44949 Resignation, dismissal and leaves of absence (rights of employee; procedures to follow)

48987 Child abuse guidelines

GOVERNMENT CODE

54957 Closed session; complaints re employees

54957.6 Closed session; salaries or fringe benefits

PENAL CODE

273 Cruelty or unjustifiable punishment of child

11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

300 Minors subject to jurisdiction of juvenile court

Management Resources:

CDE LEGAL ADVISORIES

0910.93 Guidelines for parents to report suspected child abuse by school district employees or other persons against a pupil at school site (LO:4-93)

Policy Adopted: 08/14/90

Policy Revised: 05/03/94

Policy Revised: 02/04/97

Policy Revised: 03/01/05

Policy Revised: 03/02/10

Policy Reviewed: 04/08/14

ADMINISTRATIVE REGULATION

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COMPLAINTS CONCERNING DISTRICT EMPLOYEES

The Superintendent or designee shall determine whether a complaint should be considered a complaint against the District and/or the individual, and whether it should be resolved by the District's process for complaints concerning personnel, other District procedures, or both.

To promote prompt and fair resolution of the complaint, the following procedures shall govern the resolution of complaints against District employees:

1. Every effort should be made to resolve a complaint at the earliest possible stage. Whenever possible, the complainant should communicate directly to the employee in order to resolve concerns.
2. If the complainant is unable or unwilling to resolve the complaint directly with the employee, he/she may submit an oral or written complaint to the employee's immediate supervisor or to the principal.
3. All complaints related to District personnel, other than administrators, shall be submitted in writing to the principal or immediate supervisor. If the complainant is unable to prepare the complaint in writing, administrative staff shall help him/her to do so. Complaints related to a principal or central office administrator shall be initially filed in writing with the Superintendent or designee. Complaints related to the Superintendent shall be initially filed in writing with the Board of Trustees.
4. When a written complaint is received, the employee shall be notified within seven days or in accordance with collective bargaining agreements.
5. A written complaint shall include:
 - a. The full name of each employee involved.
 - b. A brief, but specific, summary of the complaint and the facts surrounding it.
 - c. A specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter.
6. Staff responsible for investigating complaints shall attempt to resolve the complaint to the satisfaction of the parties involved within 30 calendar days.

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7. Both the complainant and the employee against whom the complaint was made may appeal a decision by the principal or immediate supervisor to the Superintendent or designee, who shall attempt to resolve the complaint to the satisfaction of the person involved within 30 calendar days. Parties should consider and accept the Superintendent or designee's decision as final. However, the complainant, the employee, or the Superintendent or designee may ask to address the Board of Trustees regarding the complaint.
8. Before any Board of Trustees' consideration of a complaint, the Superintendent or designee shall submit to the Board of Trustees a written report concerning the complaint, including but not limited to:
 - a. The full name of each employee involved.
 - b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Board of Trustees and the parties as to the precise nature of the complaint and to allow the parties to prepare a response.
 - c. A copy of the signed original complaint.
 - d. A summary of the action taken by the Superintendent or designee, together with his/her specific finding that the problem has not been resolved and the reasons.
9. The Board of Trustees may uphold the Superintendent's decision without hearing the complaint.
10. All parties to a complaint may be asked to attend a Board of Trustees meeting in order to clarify the issue and present all available evidence.
11. A Closed Session shall be held to hear the complaint in accordance with law.
12. The decision of the Board of Trustees shall be final.

Any complaint of child abuse or neglect alleged against a District employee shall be reported to the appropriate local agencies in accordance with law, Board policy, and administrative regulation.

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COMPLAINTS CONCERNING DISTRICT EMPLOYEES

Regulation Adopted: 05/03/94
Regulation Revised: 02/04/97
Regulation Revised: 03/01/05
Regulation Revised: 03/02/10
Regulation Reviewed: 04/08/14

BOARD POLICY

BP 1312.2

COMMUNITY RELATIONS

COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS

The Board of Trustees uses a comprehensive process to adopt District instructional materials that is based on selection criteria established by law and state guidelines. Complaints concerning the content or use of instructional materials, including textbooks, supplementary instructional materials, library materials, or other instructional materials and equipment, shall be properly and fairly considered using established complaint procedures.

Parents/guardians are encouraged to discuss any concerns regarding instructional materials with their child's teacher and/or the school principal. If the situation remains unresolved, a complaint may be filed using the process specified in the administrative regulation.

The District shall accept complaints concerning instructional materials only from staff, District residents, or the parents/guardians of children enrolled in a District school.

When deliberating upon challenged materials, the Superintendent and/or review committee shall consider the educational philosophy of the District, the professional opinions of teachers of the subject and of other competent authorities, reviews of the materials by reputable bodies, the teacher's stated objectives in using the materials, community standards, and the objections of the complainant.

Complainants are encouraged to accept the Superintendent's or review committee's decision. However, if the complainant finds that decision unsatisfactory, he/she may appeal the decision to the Board of Trustees.

The District's decision shall be based on educational suitability of the materials and the criteria established in Board policy and administrative regulation.

When any challenged instructional material is reviewed by the District, it shall not be subject to further reconsideration for 12 months, unless the Superintendent determines that reconsideration is warranted.

Complaints related to sufficiency of textbooks or instructional materials shall be resolved pursuant to the District's Williams uniform complaint procedure at AR 1312.4.

Legal Reference:

EDUCATION CODE

18111 Exclusion of books by governing board

35010 Control of district; prescription and enforcement of rules

35186 Williams Uniform Complaint Procedures

44805 Enforcement of course of studies; use of textbooks, rules and regulations

51501 Subject matter reflecting on race, color, etc.

60000-60005 Instructional materials, legislative intent

60040-60048 Instructional requirements and materials

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BOARD POLICY

BP 1312.2

COMMUNITY RELATIONS

COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS

Legal Reference (continued)

EDUCATION CODE (continued)

60119 Public hearing on sufficiency of materials

60200-60206 Elementary school materials

60226 Requirements for publishers and manufacturers

60400-60411 High school textbooks

60510-60511 Donation of sale of obsolete instructional materials

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES

1002.90 Selection of Instructional Materials, CIL: 90/91-02

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Standards for Evaluation of Instructional Materials with Respect to Social Content, 1986 edition, revised 2001

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Curriculum and Instruction: <http://www.cde.ca.gov/ci>

Policy Adopted: 05/03/94

Policy Revised: 03/02/10

Policy Reviewed: 04/08/14

ADMINISTRATIVE REGULATION

AR 1312.2

COMMUNITY RELATIONS

COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS

Step 1: Informal Complaint

If a staff member, District resident, or parent/guardian of a student enrolled in a District school has a complaint regarding the content or use of any specific instructional material, he/she shall informally discuss the material in question with the principal.

Step 2: Formal Complaint

If the complainant is not satisfied with the principal's initial response, he/she shall present a written complaint to the principal. Complaints regarding printed material shall name the author, title, and publisher and shall identify the objection by page and item numbers. In the case of nonprinted material, written information specifying the precise nature of the objection shall be given. Complainants shall sign all complaints and provide identifying information so that the District is able to make a proper reply. Anonymous complaints will not be accepted. (Sample Complaint Form - Exhibit E 1312.2)

Upon receiving a complaint, the principal shall acknowledge its receipt and answer any questions regarding procedure. The principal then shall notify the Superintendent or designee and the teacher(s) involved of the complaint.

During the investigation of the complaint, the challenged material may remain in use until a final decision has been reached. However, upon request of the parent/guardian who has filed the complaint, his/her child may be excused from using challenged materials until a resolution has been reached. The teacher shall assign the student an alternate material of equal merit.

Step 3: Superintendent Determination

The Superintendent or designee shall determine whether a review committee should be convened to review the complaint.

If the Superintendent or designee determines that a review committee is not necessary, he/she shall issue a decision regarding the complaint.

Step 4: Review Committee

If the Superintendent or designee determines that a review committee is necessary, he/she shall appoint a committee composed of administrators and staff members selected from relevant instructional and administrative areas. The Superintendent or designee may also appoint community members to serve on the committee.

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AR 1312.2

COMMUNITY RELATIONS

COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS

Step 4: Review Committee (continued)

The review committee shall review the criteria specified in Board policy and shall determine the extent to which the challenged material supports the curriculum, the educational appropriateness of the material, and its suitability for the age level of the student.

Within 30 days of being convened, the review committee shall summarize its findings in a written report to the Superintendent.

The Superintendent will notify the Board of Trustees and the complainant of his decision within ten days of receiving the committee's written report.

Step 5: Appeal to the Board of Trustees

If the complainant remains unsatisfied, he/she may appeal the Superintendent's decision to the Board of Trustees. The Board of Trustees' decision shall be final.

County or State Adopted Material

If the challenged material has been adopted by the County Board of Education, the Superintendent, or designee may forward the complaint, without action, to the office of the County Superintendent of Schools for reevaluation and decision.

If the questioned material has been adopted by the State of California, the Superintendent or designee may forward the complaint, without action, to the California Department of Education for reevaluation and decision.

Regulation Adopted: 05/03/94
Regulation Revised: 03/01/05
Regulation Revised: 03/02/10
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OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California

EXHIBIT

E 1312.2

COMMUNITY RELATIONS

COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS

REQUEST FOR RECONSIDERATION OF INSTRUCTIONAL MATERIALS

This form is for use only by District employees, District residents, or parents/guardians of children enrolled in Ocean View School District to challenge the content or use of an instructional material. For complaints regarding sufficiency of instructional materials, please use the Williams Uniform Complaint Procedure complaint form.

Date: _____

Name of person filing complaint: _____
Anonymous complaints will not be accepted.

Group represented (if any): _____

Phone: _____ Email address, if any: _____

Address: _____

Material Being Challenged:

Title: _____

Author: _____

Publisher: _____ Date of Edition _____

Name of school/classroom material was used: _____

1. Please specifically state the nature of your concern or objection and identify your objection by page, tape sequence, video frame, or words, as appropriate. You may use additional pages if necessary.
2. What do you feel might be the result if a student reads/views this material?

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EXHIBIT

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COMMUNITY RELATIONS

COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS

3. For what age group would you recommend this material?

4. Did you read/view the entire selection?

5. If not, what percentage did you read/view, or what parts?

6. What would you like the school to do about this material?
___ Do not assign it to my child
___ Withdraw it from all students
___ Reconsider it

Signature of Complainant

For District Use:

Request received by: _____ Date: _____

Title: _____

Action taken: _____ Date: _____

Exhibit Adopted: 08/14/90
Exhibit Revised: 05/03/94
Exhibit Revised: 03/02/10
Exhibit Reviewed: 04/08/14

BOARD POLICY

BP 1312.3

COMMUNITY RELATIONS

UNIFORM COMPLAINT PROCEDURES

The Board of Trustees recognizes that the District has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The District shall investigate and seek to resolve any complaints alleging failure to comply with such laws and/or alleging unlawful discrimination, harassment, intimidation, or bullying in accordance with the uniform complaint procedures.

The District shall use the uniform complaint procedures to resolve any complaint alleging unlawful discrimination, harassment, intimidation, or bullying in District programs and activities based on actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Penal Code 422.55, or Government Code 11135, or based on association with a person or group with one or more of these actual or perceived characteristics.

Uniform complaint procedures shall also be used to address any complaint alleging the District's failure to comply with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities, the requirements for the development and adoption of a school safety plan, and state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs.

The Board of Trustees prohibits any form of retaliation against any complainant in the complaint process. Participation in the complaint process shall not in any way affect the status, grades, or work assignments of the complainant.

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

The Board recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with the uniform complaint procedures, 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.

In investigating complaints, the confidentiality of the parties involved and the integrity of the process shall be protected. As appropriate for any complaint alleging discrimination, harassment, intimidation, or bullying, the Superintendent or designee may keep the identity of a complainant confidential to the extent that the investigation of the complaint is not obstructed.

BOARD POLICY

BP 1312.3

COMMUNITY RELATIONS

UNIFORM COMPLAINT PROCEDURES

The District's Williams uniform complaint procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to the following:

1. Sufficiency of textbooks or instructional materials
2. Emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff
3. Teacher vacancies and misassignments

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18203 School libraries

32289 School safety plan, uniform complaint procedures

35186 Williams uniform complaint procedures

37254 Intensive instruction and services for students who have not passed exit exam

41500-41513 Categorical education block grants

48985 Notices in language other than English

49010-49013 Student fees

49060-49079 Student records

49490-49590 Child nutrition programs

52160-52178 Bilingual education programs

52300-52490 Career technical education

52500-52616.24 Adult schools

52800-52870 School-based program coordination

54000-54028 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

56000-56867 Special education programs

59000-59300 Special schools and centers

64000-64001 Consolidated application process

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.55 Hate crime; definition

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

COMMUNITY RELATIONS

UNIFORM COMPLAINT PROCEDURES

Legal Reference: (continued)

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

7201-7283g Title V promoting informed parental choice and innovative programs

7301-7372 Title V rural and low-income school programs

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

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

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

Policy Adopted: 09/15/92
Policy Revised: 05/03/94
Policy Revised: 02/04/97
Policy Revised: 08/12/03
Policy Revised: 03/01/05
Policy Revised: 03/02/10
Policy Revised: 04/08/14

ADMINISTRATIVE REGULATION

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COMMUNITY RELATIONS

UNIFORM COMPLAINT PROCEDURES

Except as the Board of Trustees may otherwise specifically provide in other Board policies, the uniform complaint procedures shall be used only to investigate and resolve complaints alleging violations of federal or state laws or regulations governing specific educational programs, the prohibition against requiring students to pay fees, deposits, or other charges for participating in educational activities, and unlawful discrimination, harassment, intimidation, or bullying, as specified in accompanying Board policy.

The District's uniform complaint procedures policy and administrative regulation shall be posted in all District schools and offices, including staff lounges and student government meeting rooms. If 15 percent or more of students enrolled in a particular District school speak a single primary language other than English, the District's policy, regulation, forms, and notices concerning uniform complaint procedures shall be translated into that language. (Education Code 234.1, 48985)

Compliance Officers

The following compliance officer(s) shall receive and investigate complaints and shall ensure district compliance with law:

Superintendent or Designee

Title or position

17200 Pinehurst Lane, Huntington Beach, CA 92647

Address

714-847-2551

Telephone number

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

Notifications

The Superintendent or designee shall annually provide written notification of the District's uniform complaint procedures to students, employees, parents/guardians, the District advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 49013; 5 CCR 4622)

ADMINISTRATIVE REGULATION

AR 1312.3

COMMUNITY RELATIONS

UNIFORM COMPLAINT PROCEDURES

Notifications (continued)

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable
3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies
4. Include statements that:
 - a. The District has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
 - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
 - c. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying.
 - d. The complainant has a right to appeal the District's decision to the CDE by filing a written appeal within 15 calendar days of receiving the District's decision.
 - e. The appeal to the CDE must include a copy of the complaint filed with the District and a copy of the District's decision.
 - f. Copies of the District's uniform complaint procedures are available free of charge.

ADMINISTRATIVE REGULATION

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COMMUNITY RELATIONS

UNIFORM COMPLAINT PROCEDURES

Procedures

All complaints shall be investigated and resolved within 60 calendar days of the District's receipt of the complaint. (5 CCR 4631)

Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4631 and 4633.

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 the District's alleged noncompliance with federal or state laws or regulations governing educational programs. (5 CCR 4630)

A complaint concerning unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges that he/she 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 it. The complaint shall be initiated no later than six months from the date when the alleged discrimination, harassment, intimidation, or bullying occurred, or six months from the date 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 90 calendar days. (5 CCR 4630)

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. (Education Code 49013)

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 a disability or illiteracy, District staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

ADMINISTRATIVE REGULATION

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COMMUNITY RELATIONS

UNIFORM COMPLAINT PROCEDURES

Procedures (continued)

Step 2: Mediation

Within three business days of receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging discrimination, harassment, intimidation, or bullying, 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

Within 10 calendar days of receiving the complaint, the compliance officer shall provide the complainant and/or his/her representative an opportunity to present the complaint and any evidence, or information leading to evidence, to support the allegations in the complaint. The compliance officer also shall collect all documents and interview all witnesses with information pertinent to the complaint.

A complainant's refusal to provide the District's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or 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 allegation. (5 CCR 4631)

In accordance with law, the District shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the District to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

Step 4: Response

Within 30 calendar 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 business days, file his/her complaint in writing with the Board of Trustees.

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UNIFORM COMPLAINT PROCEDURES

Step 4: Response (continued)

The Board of Trustees 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 of Trustees hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the District's initial receipt of 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 District's decision shall be in writing and sent to the complainant. (5 CCR 4631)

The District's decision shall be written in English and, when required by Education Code 48985, in the complainant's primary language.

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition
5. Corrective actions, if any are warranted
6. Notice of the complainant's right to appeal the District's decision within 15 calendar days to the CDE and procedures to be followed for initiating such an appeal

In addition, any decision concerning a discrimination, harassment, intimidation, or bullying complaint based on state law shall include a notice that the complainant must wait until 60 calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. (Education Code 262.3)

If 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 District expectations. The report shall not give any further information as to the nature of the disciplinary action.

ADMINISTRATIVE REGULATION

AR 1312.3

COMMUNITY RELATIONS

UNIFORM COMPLAINT PROCEDURES

Step 5: Final Written Decision (continued)

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges is found to have merit, the District shall provide a remedy to all affected students and parents/guardians, which, where applicable, shall include reasonable efforts to ensure full reimbursement to them. (Education Code 49013)

Appeals to the California Department of Education

If dissatisfied with the District's decision, the complainant may appeal in writing to the CDE. (Education Code 49013; 5 CCR 4632)

The complainant shall file his/her appeal within 15 calendar days of receiving the District's decision and the appeal shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the District's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant has appealed the District's decision, the Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the decision
3. A summary of the nature and extent of the investigation conducted by the District, 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 District's uniform complaint procedures
7. Other relevant information requested by the CDE

The CDE may directly intervene in a complaint without waiting for action by the District when one of the conditions listed in 5 CCR 4650 exists, including when the District has not taken action within 60 calendar days of the date the complaint was filed with the District. (5 CCR 4650)

ADMINISTRATIVE REGULATION

AR 1312.3

COMMUNITY RELATIONS

UNIFORM COMPLAINT PROCEDURES

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 complaints alleging discrimination, harassment, intimidation, and bullying based on state law, a complainant shall wait until 60 calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies, provided 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. The moratorium does not apply to injunctive relief and to discrimination complaints based on federal law. (Education Code 262.3)

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Regulation Revised: 03/02/10
Regulation Revised: 04/08/14

ADMINISTRATIVE REGULATION

AR 1312.4

COMMUNITY RELATIONS

WILLIAMS UNIFORM COMPLAINT PROCEDURES

Types of Complaints

The District shall use the following procedures to investigate and resolve complaints when the complainant alleges that any of the following has occurred:

1. Textbooks and instructional materials
 - a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or District-adopted textbooks or other required instructional materials to use in class.
 - b. A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.
 - c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
 - d. A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.
2. Teacher vacancy or misassignment
 - a. A semester begins and a teacher vacancy exists.
 - b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner students in the class.
 - c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

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.

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Types of Complaints (continued)

Beginning of the year or semester means the first day classes necessary to serve all the students enrolled are established with a single designated certificated employee assigned for the duration of the class, but not later than 20 working days after the first day students attend classes for that semester.

Misassignment means the placement of a certificated employee in a teaching 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.

3. Facilities

- a. A condition poses an emergency or urgent threat to the health or safety of students or staff.

Emergency or urgent threat means structures or systems that are in a condition that poses a threat to the health and safety of students or staff while at school, including but not limited to gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer 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 students or staff; or structural damage creating a hazardous or uninhabitable condition; or any other condition deemed appropriate.

- b. A school restroom has not been cleaned, maintained, or kept open in accordance with Education Code 35292.5.

Cleaned or maintained school restroom means a school restroom has been cleaned or maintained regularly, is fully operational, or has been stocked at all times with toilet paper, soap, or paper towels or functional hand dryers.

Open restroom means the school has kept all restrooms open during school hours when students are not in classes and has kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when the temporary closing of the restroom is necessary for student safety or to make repairs.

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Filing of Complaint

A complaint alleging any condition(s) specified in items 1-3 in the section entitled, “Types of Complaints” above shall be filed with the principal or designee at the school in which the complaint arises. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee in a timely manner, but not to exceed 10 working days.

Investigation and Response

The principal or designee shall make all reasonable efforts to investigate any problem within his/her authority. He/she shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received.

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to his/her complaint, the principal or designee shall report the resolution of the complaint to him/her within 45 working days of the initial filing of the complaint. If a response is requested, the response shall be made to the mailing address of the complainant as indicated on the complaint form. At the same time, the principal or designee shall report the same information to the Superintendent or designee.

When Education Code 48985 is applicable and the complainant has requested a response, the response shall be written in English and in the primary language in which the complaint was filed.

If a complainant is not satisfied with the resolution of the complaint, he/she may describe the complaint to the Board of Trustees at a regularly scheduled meeting.

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of students or staff as described in item #3a in the section entitled, “Types of Complaints” above, a complainant who is not satisfied with the resolution proffered by the principal or Superintendent or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the District’s response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632.

All complaints and written responses shall be public records.

Reports

The Superintendent or designee shall report summarized data on the nature and resolution of all complaints to the Board of Trustees and the County Superintendent of Schools on a quarterly

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basis. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. These summaries shall be publicly reported on a quarterly basis at a regularly scheduled Board of Trustees' meeting.

Forms and Notices

The Superintendent or designee shall ensure a Williams complaint form is available at each school. However, complainants need not use the District's complaint form in order to file a complaint.

The Superintendent or designee shall ensure that the District's complaint form contains a space to indicate whether the complainant desires a response to his/her complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as he/she wishes.

The Superintendent or designee shall ensure that a notice is posted in each classroom in each school containing the components specified in Education Code 35186.

Legal Reference:

EDUCATION CODE

1240 County superintendent of schools, duties
17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account
33126 School Accountability Report Card
35186 Alternative uniform complaint procedure
35292.5 Restrooms, maintenance and cleanliness
37254 Supplemental instruction based on failure to pass exit exam by end of grade 12
48985 Notice to parents in language other than English
60119 Hearing on sufficiency of instructional materials
CODE OF REGULATIONS, TITLE 5
4600-4687 Uniform complaint procedures
4680-4687 Williams complaints

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>
California County Superintendents Educational Services Association: <http://www.ccsesa.org>
California Department of Education, Williams case: <http://www.cde.ca.gov/eo/ce/wc/index.asp>
State Allocation Board, Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

Regulation Adopted: 03/01/05

Regulation Revised: 03/02/10

Regulation Revised 04/08/14

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WILLIAMS UNIFORM COMPLAINT PROCEDURES

NOTICE TO PARENTS/GUARDIANS, STUDENTS, AND TEACHERS:
COMPLAINT RIGHTS

Parents/Guardians:

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 student, 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.
3. There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners, if present.

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.

Misassignment means the placement of a certificated employee in a teaching 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.

3. A complaint form can be obtained at the school office or District office, or downloaded from the District web site. You may also download a copy of the California Department of Education complaint form from the following web site:
<http://www.cde.ca.gov/re/cp/uc>.

Exhibit Adopted: 03/01/05

Exhibit Revised: 03/02/10

Exhibit Revised: 04/08/14

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WILLIAMS UNIFORM COMPLAINT PROCEDURES

COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURE

Education Code 35186 creates 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, teacher vacancy or misassignment. The complaint and response are public documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? Yes No

Contact Information:

Name: _____

Address: _____

Phone Number: Day: _____ Evening: _____

Location of the problem that is the subject of this complaint:

School name/address: _____

Course title/grade level and teacher name: _____

Room number/name of room/location of facility: _____

Date problem was observed: _____

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please use the appropriate District complaint procedure.

Specific issue(s) of the complaint: (Please check all that apply. A complaint may contain more than one allegation.)

1. Textbooks and instructional materials: (Education Code 35186)

A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or District-adopted textbooks or other required instructional materials to use in class.

A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.

Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

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1. Textbooks and instructional materials (continued)

___ A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. Teacher vacancy or misassignment: (Education Code 35186)

___ 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 school 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.

___ A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.

___ A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

3. Facility conditions:

___ A condition exists that poses an emergency or urgent 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 students or staff; structural damage creating a hazardous or uninhabitable condition; and any other condition deemed appropriate by the District.

___ A school restroom has not been cleaned or maintained regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, or paper towels or functional hand dryers

___ The school has not kept all restrooms open during school hours when students are not in classes and has not kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when temporary closing of the restroom is necessary for student safety or to make repairs.

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Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary to fully describe the situation. For complaints regarding facilities conditions, please describe the emergency or urgent facilities 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:

(Principal or title of his/her designee)

(Address)

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

(signature)

(date)

Exhibit Adopted: 03/01/05
Exhibit Revised: 03/02/10
Exhibit Revised: 04/08/14