

## E 1312.3 Community Relations

### Uniform Complaint Procedures

#### Non-Discrimination Policy

The County Office of Education does not discriminate in any of its policies or practices on the basis of race, creed, color, national origin, or ancestry, gender, sexual orientation, religion, age, or physical or mental handicap.

#### Complaint Procedures

The County Office of Education has adopted local educational agency complaint procedures for considering unlawful discrimination on the basis of ethnic group identification, religion, age, sex, color, or physical or mental disability, in any program or activity conducted by a local agency, which is funded directly by, or that receives or benefits from any state financial assistance. These complaint procedures also apply to complaints concerning the following programs; Adult Basic Education, Child Nutrition, Child care and Development Programs, Consolidated Categorical Aid Programs, Migrant Education, Special Education, and Vocational Education.

The Department Administrator of Human Resources is responsible for processing complaints. Any decision of the County Office of Education may be appealed to the California Department of Education for review (5 CCR 4622)

#### A. Complaints Alleging Discrimination

The County Office of Education has a written complaint procedure which may be used in cases where individuals have suffered discrimination on the basis of ethnic group identification, religion, age, sex, color or physical or mental disability. (5 CCR 4630, 4650)

1. Any individual has the right to file a written complaint alleging that he/she has personally suffered unlawful discrimination or that an individual or specific class of individuals has been subjected to unlawful discrimination. (5 CCR 4630(b)(1))
2. Complaints must usually be filed with the County Office of Education's designee. In the following cases, however, complaints may be filed directly with the State Superintendent of Public Instruction: (5 CCR 4630(a), 4650)
  - a. Complaints alleging that the County Office of Education failed to comply with the complaint procedures described herein.
  - b. Complaints alleging facts which indicate that complainant will suffer an immediate loss of some benefit such as employment or education.
  - c. Complaints requesting anonymity, but only where complainant also provides clear and convincing evidence that complainant would be in danger of retaliation if filing complaint at County Office of Education level.
  - d. Complaints alleging that the County Office of Education failed or refused to implement a final decision regarding a complaint originally filed with the County Office of Education.
  - e. Complaints alleging that the County Office of Education took no action within 60 days regarding a complaint originally filed with the County Office of Education.
    1. Complaints must be filed with 6 months of the date the alleged discrimination occurred, or with 6 months of the date the complainant first obtained knowledge of the facts of the alleged discrimination. Within that 6 month period, complainant may file a written request with the State Superintendent of Public Instruction for an extension of up to 90 days. Extensions will not be automatically granted, but may be granted for good cause. (5 CCR 4630(b))

## B. Complaints Other Than Discrimination

The County Office of Education has a written complaint procedure which may be used in cases where any individual, public agency or organization alleges violations of state or federal law, other than those relating to discrimination.

1. Written complaints may be made in the following areas. (5 CCR 4610(b), 4630)
  - a. Adult Basic Education
  - b. Consolidated Categorical Aid Programs
  - c. Migrant Education
  - d. Vocational Education
  - e. Child care and Development
  - f. Child Nutrition
  - g. Special Education
2. Complaints must usually be filed with the Department Administrator of Human Resources. In the following cases, however, complaints may be filed directly with the State Superintendent of Public Instruction. (5 CCR 4630, 4650)
  - a. Complaints alleging that the County Office of Education failed to comply with the complaint procedures described herein.
  - b. Complaints regarding Child Development and Child Nutrition programs not administered by the County Office of Education.
  - c. Complaints requesting anonymity, but only where complainant also provides clear and convincing evidence that complainant would be in danger of retaliation if filing complaint at County Office of Education level.
  - d. Complaints alleging that the County Office of Education failed or refused to implement a final decision regarding a complaint originally filed with the County Office of Education.
  - e. Complaints alleging that the County Office of Education took no action within 60 days regarding a complaint originally filed with the County Office of Education.
  - f. Complaints relating to Special Education, but only if:
    - (1) County Office of Education unlawfully refuses to provide a free appropriate public education to handicapped students; or
    - (2) County Office of Education refuses to comply with due process procedures or fails to implement due process hearing order; or
    - (3) Children may be in immediate physical danger, or their health, safety or welfare is threatened; or
    - (4) A handicapped pupil is not receiving the services specified in his/her Individual Education Program (IEP); or
    - (5) The complaint involves a violation of federal law.

## C. Appeals

1. If a complaint is denied, in full or in part, by the County Office of Education, the complainant may appeal to the State Superintendent of Public Instruction. (Education Code 262.3(a), 5 CCR 4652)

- a. Appeals must be filed with 15 days of receiving the County Office of Education decision.
    - (1) Complainant may, within that 15-day period, file a written request for an extension. Extensions will not be automatically granted, but may be granted for good cause.
  - b. Appeals must be in writing.
  - c. Appeals must specify the reason(s) for appealing the County Office of Education decision.
  - d. Appeals must include a copy of the original complaint and a copy of the County Office of Education decision.
2. If a complaint is denied, in full or in part, by the State Superintendent of Public Instruction, the complainant may request reconsideration by the Superintendent. (5 CCR 4665)
- a. Reconsideration must be requested within 35 days of receiving the State Department of Education report.
  - b. The original decision denying the complaint will remain in effect and enforceable unless and until the State Superintendent of Public Instruction modifies that decision.

#### D. Civil Law Remedies

1. In addition to the above described complaint procedure, or upon completion of that procedure, complainants may have civil law remedies. These civil law remedies can include, but are not limited to, injunctions and restraining orders. These civil law remedies are granted by a court of law and may be used, in part, to prevent the County Office of Education from acting in an unlawful manner. Delay in pursuing civil law remedies before a court of law may result in loss of rights to those remedies. Any questions regarding civil law remedies should be directed to an attorney. (Education Code 262.3(b), 5 CCR 4622)