

VENTURA COUNTY BOARD OF EDUCATION

**ADMINISTRATIVE
REGULATION NO. 1312.3**

ADOPTED: 2/24/97

CLASSIFICATION: Community Relations

**REVISED: 2/24/03
10/14/05
6/28/06
5/30/07
11/04/13
05/27/14
09/22/14
03/18/19**

SUBJECT: Implementing the Uniform Complaint Procedures

The Governing Board and Superintendent recognize that the Ventura County Office of Education shall have the primary responsibility to insure compliance with applicable state and federal laws and regulations (5 CCR 4620).

The Ventura County Office of Education shall follow Uniform Complaint Procedures when investigating complaints concerning the Ventura County Office of Education alleging unlawful discrimination, including harassment, intimidation or bullying against any protected group as identified in Education Code section 200 and 220, Government Code section 11135, and Penal Code section 422.55 (disability, age, sex, gender, gender identity, gender expression, nationality, citizenship, country of origin, and national origin, race, ethnicity, ancestry, color, ethnic group identification, ethnic background, religion, or sexual orientation) or on the basis or a person's association with a person or group with one or more of these actual or perceived characteristics, or any alleged violation of federal or state laws or regulations governing County Office educational programs, in any program or activity conducted by the Ventura County Office of Education that is funded directly by, or that receives or benefits from any state financial assistance.

COMPLIANCE OFFICERS

The Governing Board and Superintendent designate the following compliance officers to receive and investigate complaints and ensure county office compliance with law:

*Teri Page
Chief Human Resources Officer
5189 Verdugo Way
Camarillo, California 93012
(805) 383-1910
tpage@vcoe.org*

*OR Holly Minear
Executive Director of Special Education
5250 Adolfo Road
Camarillo, California 93012
(805) 383-1924
hminear@vcoe.org*

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

NOTIFICATIONS

The Superintendent or designee shall meet the notification requirements of the Code of Regulations, Title 5, Section 4622, including the annual dissemination of county office 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. Annual written notification of the Uniform Complaint Procedures will be disseminated to students, employees, parent or guardians of its students, school and VCOE Advisory Committees, appropriate private school officials or representatives, and other interested parties. Copies of the Office's Uniform Complaint Procedures are available free of charge.

The Superintendent or designee shall ensure that complainants understand that they may pursue other remedies, including actions before civil courts or other public agencies, under state or federal discrimination, harassment, intimidation or bullying laws (EC 234.1; 5 CCR 4622).

The above notification shall state that complainants may seek help from agencies such as legal assistance agencies and local mediation centers.

PROCEDURES

The following procedures shall be used to address all complaints which allege that the Ventura County Office of Education has violated federal or state laws or regulations governing educational programs. All complaints shall be investigated and resolved within sixty (60) calendar days of the County Office's receipt of the complaint. 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, and shall maintain a log of complaints received, providing each with a code number and a date stamp.

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.

Complainants are protected from retaliation and the identity of the complainant alleging discrimination, harassment, intimidation or bullying will remain confidential as appropriate (EC 234.1; 5 CCR 4621).

Step 1: Filing Of Complaint

Any individual, public agency or organization may file a written complaint of alleged noncompliance by the county office.

Complaints alleging 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 must be initiated no later than six 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 unless the time for filing is extended by the Superintendent, upon written request by the complainant setting forth the reasons for the extension. Such extension by the Superintendent shall be made in writing. The period for filing may be extended by the Superintendent for good cause for a period not to exceed ninety (90) days following the expiration of the time allowed. The Superintendent shall respond immediately upon receipt of requests for extensions (Title 5, Section 4630 and 4650(b)).

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

Any complaint alleging noncompliance with the law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee. However, any such complaints shall be filed no later than one year from the date the alleged violation occurred (Education Code 49013, 52075; 5 CCR 4630).

Step 2: Mediation

Within three (3) working days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees 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 a mediator shall not extend the county office's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time (Title 5, Section 4631).

Step 3: Investigation of Complaint

The compliance officer shall schedule an investigative meeting within five (5) days of receiving the complaint or an unsuccessful attempt to resolve the complaint pursuant to Step 2, and shall hold an investigative meeting within ten (10) working days. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

The complainant and/or his/her representative and the county office's representatives shall also have an opportunity to present evidence or information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses. (Title 5, Section 4631).

A complainant's refusal to provide the County Office's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her 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).

The County Office's refusal to provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement 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)

Step 4: Response

Within thirty (30) days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the county office'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 (5) days, file his/her complaint in writing with the County Superintendent.

The County Superintendent will hold a meeting to consider the matter in sufficient time to meet the 60-day time limit within which the complaint must be answered. The County Superintendent may decide not to hear the complaint, in which case the compliance officer's decision is final.

If the County Superintendent hears the complaint, the compliance officer shall send the Superintendent's decision to the complainant within sixty (60) days of the county office's initially receiving the complaint or within the time period that has been specified in a written agreement with the complainant (Title 5, Section 4631).

Step 5: Final Written Decision

The report of the county office's 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 this report in the complainant's primary language, the county office shall arrange a meeting at which a translator will interpret it for the complainant.

This report shall include:

1. The findings of fact based on the evidence gathered.
2. The Conclusion of law.
3. The Disposition of the complaint.
4. The rationale for such disposition.
5. Corrective actions, if they are warranted, including, with respect to a pupil fee complaint, a remedy that comports with Education Code section 49013(d) and section 4600(u).
6. Notice of the complainant's right to request a review within (5) days by the Ventura County Board of Education if the complaint falls within the scope of the Board's authority.
7. Notice of the complainant's right to appeal the decision within fifteen (15) days to the California Department of Education, and procedures to be followed for initiating such an appeal (Title 5, Section 4631).
8. Procedures to be followed for initiating an appeal to the CDE.

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 the County Office's expectations. The report cannot give any further information as to the nature of the disciplinary action.

If the County Office of Education finds merit in a complaint, or the Superintendent or Board finds merit in an appeal, the Ventura County Office of Education shall provide a remedy to all affected students, parents and guardians.

If the Ventura County Office of Education finds merit in a complaint regarding Pupil Fees, Local Control and Accountability Plans (LCAP), 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, Reasonable Accommodations to a Lactating Pupil, Course Periods without Educational Content (grades nine through twelve), and Physical Education Instructional Minutes (grades one through eight), we 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 Local Control and Accountability Plans.

The Ventura County Office of Education 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 filing of the complaint.

REVIEW BY THE VENTURA COUNTY BOARD OF EDUCATION

If the complaint falls within the scope of the Ventura County Board of Education's authority, the complainant may request a review of the county office's decision to the Board. The request for review must be made in writing and filed within five (5) days of receiving the county office's decision, concurrent with written filing of the complaint with the County Superintendent. The Board will consider the complaint within thirty (30) days of receipt of the request for review, and render its decision within sixty (60) days of the county office's initially receiving the complaint, or within the time period that has been specified in a written agreement with the complainant.

APPEALS TO THE CALIFORNIA DEPARTMENT OF EDUCATION (CDE)

If dissatisfied with the Board's decision, the complainant must file a written appeal within fifteen (15) days of receiving the Board's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals (Title 5, Section 4632).

When appealing to the California Department of Education, the complainant must fully explain the basis for the appeal, stating how the facts of VCOE's Decision are incorrect and/or the law is misapplied.

Upon notification by the California Department of Education that the complainant has appealed the Board'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 County Office, 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 County Office's complaint procedures.
7. Other relevant information requested by the California Department of Education.

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

CIVIL LAW REMEDIES

A complainant may pursue available civil law remedies outside of the county office'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 discrimination, harassment, intimidation, and bullying complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the district has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with Title 5, Section 4622.