

VENTURA COUNTY BOARD OF EDUCATION

BOARD POLICY NO. 1312

ADOPTED: 2/24/97

CLASSIFICATION: Community Relations

REVISED: 04/14/09

SUBJECT: Resolving Complaints Concerning the Office

Any person or group with a legitimate interest in the programs and services of the Superintendent shall have the right to present a request, suggestion, concern or complaint regarding programs, materials, or operations. It is the intent of the Board to provide the means for addressing each public concern and complaint in a fair and impartial manner and to seek an appropriate remedy.

The Board believes that the quality of the Office programs can be improved when the Superintendent and staff listen to complaints, opinions, and resolve differences and/or disagreements through an established, objective process.

Individual members of the Board 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 so that the problem can receive proper consideration.

The Superintendent shall establish necessary administrative regulation(s) for handling complaints in a timely manner and which meet state and federal requirements of law, ensure due process, and protect confidentiality of the parties affected, including a procedure for parents to present complaints regarding employees of the Superintendent.

UNIFORM COMPLAINT PROCEDURES

The Board recognizes that the Superintendent has a duty to ensure local agency compliance with state and federal laws and regulations governing educational programs. The Superintendent shall follow Uniform Complaint Procedures when addressing complaints alleging unlawful discrimination or failure to comply with state or federal law in adult basic education, consolidated categorical aid programs, migrant education, vocational education, child care and development programs, child nutrition programs, and special education programs to the extent that such programs are offered by the Office. Responsibility for receiving, investigating and resolving complaints addressing alleged discrimination and noncompliance rests with the assistant superintendent responsible for the program.

The Superintendent shall annually notify in writing, as applicable, students in programs and schools operated by the Superintendent, employees, parents/guardians, school advisory committees, and other interested parties of complaint procedures in accordance with California Code of Regulations, Title 5, section 4622.

This policy and related administrative regulation are intended to comply with the California Code of Regulations, Title 5, 4600 et seq. and are not intended to extend beyond such requirements.

COMPLAINTS REGARDING SPECIAL EDUCATION PROGRAMS AND SERVICES

The Superintendent shall implement an administrative regulation regarding special education complaints to ensure that the appropriate local special education authority notifies individuals, agencies, and organizations of their right to file complaints as follows:

1. Alleged violations of law including unlawful discrimination and/or failure to implement an Individualized Education Program (IEP) shall follow the Uniform Complaint Process
2. Individualized Educational Program (IEP) team disagreements regarding the eligibility, program, placement and/or assessment shall follow the Fair Hearing Process.

FAIR HEARING PROCESS

When parents/guardians or other authorized individuals or agencies have a disagreement regarding special education eligibility, program placement and/or assessment, a hearing request may be submitted as provided by the California Department of Education.

COMPLAINTS CONCERNING ADOPTED INSTRUCTIONAL MATERIALS

The Board takes great care in the adoption of instructional materials and also recognizes that occasional objections to specific instructional materials may be made. The Superintendent shall implement an administrative regulation which will permit proper consideration of any complaints against the use of any adopted instructional materials, including library books, films, videotapes, and related materials.

OTHER COMPLAINT PROCESSES

The Board maintains other policies and the Superintendent maintains other administrative regulations regarding complaint processes for sexual harassment, child abuse, and employment discrimination. In addition, collective bargaining agreements may contain provisions relating to the filing of complaints about represented employees. Upon the receipt of a complaint or upon request, the Superintendent shall provide the complainant with information regarding the various policies and administrative regulations and copies of all relevant policies, administrative regulations, and forms.

In the event of a conflict between processes, the more specific process will apply. A determination of the controlling administrative regulation will be made by the Superintendent subject to Board review if requested by the complainant, with the exception of personnel matters.

The Superintendent shall establish necessary administrative regulations for handling complaints in a timely manner and which meet state and federal requirements of law, ensure due process and protect confidentiality of the parties affected.

Each Board member will be apprised of complaints brought by residents of his/her trustee area.

Legal References:

EDUCATION CODE

200 - 262.4	Prohibition of Discrimination
35186	Williams Uniform Complaint Procedure
56500 – 56509	Special Education; Procedural safeguards

GOVERNMENT CODE

950 - 950.8	Actions against public employees
11135	State Programs & Activities; Discrimination
54957 - 54957.7	Brown Act – Open Meeting laws

CALIFORNIA CODE OF REGULATION, TITLE 5

3080	Procedural Safeguards, general provisions
4600 –4687	Uniform Complaint Procedures
4900 – 4965	Nondiscrimination in Elem & Secondary Education programs

Other References:

Board Policy No. 1312.2 - Resolving Complaints Regarding Adopted Instructional Materials

Board Policy No. 1312.3 – Uniform Complaint Procedures

Board Administrative Regulation No. 1312.4 – Williams Uniform Complaint Procedures

Board Administrative Regulation No. 6161.1 - Instructional Media Procedures

Superintendents Policies and Administrative Regulations Nos. 4144 and 4244 – Complaints Concerning District Employees

VCOE and VCSELPA Complaint Procedures and Enforcement / Addendum to Parent Rights