

The report of the district'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 district shall arrange a meeting at which a community member-translator will interpret/translate the report for the complainant. This report shall include:

1. The findings of fact based on the evidence gathered. (5 CCR 4631)
2. The conclusion of law. (5CCR 4631)
3. Disposition of the complaint and rationale for such disposition. (5 CCR 4631)
4. Corrective actions, if any are warranted. (5 CCR 4631)
5. Notice of the complainant's right to appeal the district's decision within 15 days to the CDE and procedures to be followed for initiating such an appeal. (5 CCR 4631)
6. For discrimination complaints, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. (Education Code 262.3)

If an employee is disciplined as a result of the complaint, this report shall simply state that effective action was taken and that the employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action.

STEP 5: DISTRICT APPEALS

If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five days, file his/her complaint, in writing with the Board. The Board may consider a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 days of the district initially receiving the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

The Board may (1) uphold the prior decision without a hearing or (2) ask all the parties to attend a Board meeting to present evidence. Any decision by the Board shall be final. The Board may decide not to hear the complaint, in which case the compliance officer's decision is final.

Appeals to the California Department of Education

If dissatisfied with the district's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the district's decision.

When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing 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: (a) a copy of the original complaint, (b) a copy of the decision, (c) summary of the nature and extent of the investigation conducted by the district, if not covered by the decision, (d) a copy of the investigation file include but not limited to all notes, interviews, and documents, (e) a report of any action taken to resolve the complaint, (f) a copy of the district's complaint procedures, (g) other relevant information requested by the CDE. (5 CCR 4633)

Civil Law Remedies

Nothing in this policy precludes a complainant from pursuing available civil law remedies outside of the district's complaint procedures. Such remedies may include mediation centers, public/private interest attorneys, injunctions, restraining orders, etc. For discrimination complaints, however, a complainant must wait until 60 days has 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. A complete copy of the Dublin Unified School District Complaint Procedures are available free of charge and may be obtained at the District Office; 7471 Larkdale Ave., Dublin, CA 94568

Alameda County Office of Education
510-887-0152
Legal Aid Society
510-451-9261

Revised 10/2016



UNIFORM COMPLAINT PROCEDURES (BP 1312.3)

- Discrimination
- Failure to Comply with Federal/State Regulations

Dublin Unified School District
7471 Larkdale Avenue
Dublin, CA 94568
(925) 828-2551

Uniform Complaint Procedures

The Board of Education recognizes that the district has primary responsibility for insuring that it complies with applicable state and federal laws and regulations governing educational programs. The district shall investigate and seek to resolve complaints at the local level. The district shall follow the Uniform Complaint Procedures (UCP) when addressing complaints alleging:

Unlawful discrimination against any protected group as identified under Education Code 200 and 220 and Government Code 135, including actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability or age, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any district program or activity that receives of benefits from state financial assistance. Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and technical training programs, child care and developmental programs, child nutrition programs, and special education programs. (5 CCR 4610)

The Board acknowledges and respects students' and employees' rights to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. This includes keeping the identity of the complainant confidential except to the extent necessary to carry out the investigation, as determined by the Superintendent or designee on a case-by-case basis. The Board prohibits retaliation in any form for the filing of a complaint, the reporting of instances of discrimination or participation in complaint procedures. Such participation shall not in any way affect the status, grades or work assignments of the complainant. (cf 1312.1, 1312.2, 4031, 5141.4)

The Superintendent 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.

The Board recognizes that a neutral mediator can often suggest an early compromise that is agreeable to all parties in a dispute. The Superintendent shall ensure that the mediation results are consistent with state and federal laws and regulations.

COMPLIANCE OFFICERS

The Superintendent designates the following compliance officers to receive and investigate complaints and ensure district compliance with the law:

- *The Assistant Superintendent of Human Resources
- *The Senior Director of Special Education

NOTIFICATIONS

- All parents will receive this brochure at registration each year.
- All employees will receive this brochure as part of their employment packet or with their September pay warrant.
- Students will be informed through inclusion of this information in the school's handbook. Community members will be informed through the local newspapers and local cable TV network.
- "Uniform Complaint Procedures" will be a discussion item on the agenda at the first meeting for the following council/committees: SSC, ELAC, GAC, DELAC.

PROCEDURES

The following procedures shall be used to address all complaints that allege that the district has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint as required for compliance with the California Code of Regulations, Title 5, Section 4632.

INFORMAL RESOLUTION

Every effort should be made to try to resolve a complaint at the earliest possible stage. Whenever possible, individuals are encouraged to attempt to orally resolve concerns with a staff member personally. When a complaint cannot be resolved informally at the site level, a written complaint must be submitted to take further action.

In instances where the complaint may be about discrimination, the complainant may contact the district diversity committee to request an ombudsman to assist with a timely and satisfactory resolution.

STEP 1: FILING OF COMPLAINT

A written complaint should include (1) the name of each employee involved, (2) a brief but specific summary of the complaint and the facts surrounding it, and (3) a specific description of anything you have already done to try to resolve the issue.

In cases of discrimination, a complaint must be filed within six months from the alleged occurrence or when knowledge was first obtained.

The person responsible for investigating the complaint has 30 days to try to resolve the matter and provide a written response to you.

STEP 2: MEDIATION

Within three 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 the arrangements for this process.

Before initiating the mediation of a discrimination complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.

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

The compliance officer shall hold an investigative meeting within five days of receiving the complaint or an unsuccessful attempt to mediate the complaint. 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 district's representatives shall also have an opportunity to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses. (5 CCR 4631)

STEP 4: RESPONSE & FINAL WRITTEN DECISION

Within 30 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.