

### **Uniform Complaint Procedures**

The Governing Board recognizes that the district has primary responsibility for insuring that it complies with applicable state and federal laws and regulations. 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 based on ethnicity, religion, age, gender, sexual orientation, actual or perceived, sex, race, ancestry, national origin, color or physical or mental disability. The procedure for addressing these areas is provided in Administrative Regulation 1312.3. Failure to comply with state and/or federal laws in adult education, consolidated categorical aide programs, career technical and technical education and training programs, and special education programs, sufficiency of instructional materials, emergency or urgent facilities conditions that pose a threat to health and safety of pupils or staff, and teacher vacancies or misassignments are addressed in this brochure.*

Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts except to the extent necessary to carry out the investigation, as determined by the superintendent or designee on a case-by-case basis.

Complaints alleging unlawful discrimination may be filed by a person who alleges that he/she personally suffered unlawful discrimination, or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. This procedure is outlined in Administrative Regulation 1312.5. The complaint must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination. (5 CCR 4630)

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.

### **Compliance Officers**

The Governing Board designates the superintendent or designee to receive and investigate complaints and ensure district compliance with law. Contact may be made to:

John Corry, Director of Personnel/Pupil Services  
Cabrillo Unified School District  
498 Kelly Ave.  
Half Moon Bay, Ca 94019  
650-712-7109

### **Notifications**

Students and parents or guardians will receive their annual UCP notice through distribution of the district's annual notification of *Information for Parents and Students* or through a UCP brochure.

Certificated and classified employees, as well as private school officials, will receive their annual notification through the Uniform Complaint Procedures brochure.

District/site advisory councils and committees will receive their annual notification at the first meeting of the school year.

### **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. The compliance officer shall maintain a record of each complaint as required for compliance with the California Code of Regulations, Title 5 Section 4632.

### **Level 1: Filing of a Complaint (Voluntary)**

The complainant shall first meet informally with the site principal where alleged discriminatory incident occurred or district designee if incident occurred away from site. If the complaint is not resolved, a written summary of the meeting shall be made available, upon request, within ten days by the nondiscrimination coordinator.

### **Level 2: Investigation of Complaint**

If a complaint cannot be resolved at Level 1, the complainant may meet with the district nondiscrimination coordinator and present the concerns in writing. Upon request, the district shall provide assistance to the complainant to describe the allegedly discriminating acts, the discriminatory basis, and provide any other pertinent information that may assist the coordinator conduct an investigation. If needed, an additional ten days may be given for continued investigation. A written response from the coordinator to the complainant shall be received within ten working days.

### **Level 3: District Response**

If not resolved at Level 2, the complainant may present the complaint to the Superintendent or designee. The Superintendent may request an additional ten days for continued investigation before responding to the complainant in writing within ten days.

### **Level 4: Final Written Decision**

If not resolved at Level 3, the complainant may file a written appeal to the Governing Board within ten working days after receiving Superintendent's Level 3 response. The Board or a hearing panel shall grant a hearing in Closed Session and render a final written decision within ten working days of the Board meeting.

### **Appeals to the California Dept of Educ.**

The complainant had 15 days to send a written appeal of the District's Level 4 decision to the California Department of Education.

### **Civil Law Remedies**

A complainant may pursue civil law remedies outside of the district's complaint procedures. 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 the right to file a complaint.

### **Complaints to Other Appropriate State or Federal Agencies**

The existence of this complaint procedure does not affect the right of any individual or group to file a discrimination complaint with the Office for Civil Rights, U.S. Department of Education, or any other state or federal agency that can review their grievance.

### **When to File Directly with the Calif. Dept. of Educ.:**

The State Superintendent shall directly intervene when:

1. The local agency fails to comply with complaint procedures;
2. Discrimination is alleged and/or there is indication of immediate loss of benefits such as education or employment for students;
3. The complainant request anonymity and has proven retaliation;
4. The local agency fails to implement the final decision resulting from a local investigative or meditative process;
5. The local agency fails to respond to the complainant within 60 days.
6. For special education issues:
  - a. The public agency (other than the LEA)
    - i. Fails/refuses to follow provisions for free, appropriate public education.
    - ii. Fails to comply with due process procedures.
  - b. The complainant alleges that a student is not receiving services specified in the student's IEP.
  - c. Violation of federal law governing Special Education.

A copy of the district's policy and complaint procedures may be obtained, free of charge, through the Superintendent's office.

# **CABRILLO UNIFIED SCHOOL DISTRICT**

## **Uniform Complaint Procedures**



*“meeting the needs of all of our students”*

**498 Kelly Avenue  
Half Moon Bay, CA 94019**

**650-712-7101**

Fax: 650-726-0279

[www.cabrillo.k12.ca.us](http://www.cabrillo.k12.ca.us)