

UNIFORM COMPLAINT PROCEDURE**COMPLAINTS CONCERNING SCHOOL PERSONNEL AND COMPLAINTS ALLEGING UNLAWFUL DISCRIMINATION OR VIOLATION OF LAWS OR REGULATIONS GOVERNING SPECIFIED DISTRICT PROGRAMS OR ACTIVITIES****I. COMPLAINTS CONCERNING SCHOOL PERSONNEL****A. Purpose**

The District shall have the primary responsibility to ensure compliance with applicable State and Federal laws and regulations (T5CCR 4620).

The purpose of this complaint procedure is to ensure that all complaints against employees will be handled quickly and expeditiously with fair and proper treatment to the person bringing the complaint and to the employee. The District shall investigate complaints alleging failure to comply with applicable State and Federal laws and regulations and/or alleging discrimination, and seek to resolve those complaints in accordance with the procedures set out in Sections 4600 – 4687 of the Title 5 Regulations and in accordance with the policies and procedures of the governing board. (T5CCR 4610, 4620, and 4621)

Notwithstanding the foregoing complaint procedures, the following procedures shall be followed when a written complaint is filed with the District alleging unlawful discrimination regarding actual or perceived sex, sexual orientation, gender, gender identity, gender expression, ethnic group identification, race, ancestry, national origin, religion, color, mental or physical disability, 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. (PC 422.55, EC 220, T5CCR 4610)

B. Procedure

The District will investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group as identified in Education Code Section 200 and 220 and Government Code Section 11135, including any actual or perceived characteristics as set forth in Penal Code Section 422.5 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 program or activity conducted by the District, which is funded directly by or that receives or benefits from any State financial assistance. (EC 11135, EC 200, 220, 234.1, 5CCR and 4610, PC 422.55).

The District shall investigate complaints alleging failure to comply with applicable State and Federal laws and regulations including, but not limited to, allegations about discrimination, harassment, intimidation, bullying and noncompliance with laws relating to pupil fees for participation in an educational activity and seek to resolve those complaints in accordance with the District's Uniform Complaints (EC 234.4,

Fullerton Joint Union High School District
AR 1312.1(b)

49010; 5CCR 4610, 4260-4621) and District's Administrative Regulation Fees and Charges (AR 3260).

If a District school finds merit in a pupil fees complaint, the District school shall provide a remedy to all affected pupils, parents, and guardians that where applicable includes reasonable efforts by the District school to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the State Board (EC 49013 (d)). The District 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 the filing of the complaint (5CCR 4600 (a)). (AR 3260).

The District will annually disseminate a written notice of the District complaint procedures to students, employees, parents, and guardians of students, school and District advisory committees, appropriate private school officials or representatives, and other interested parties that includes information regarding unlawful pupil fees (EC 234.1, 49013, 5CCR and 4622). A pupil fees complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with laws relating to pupil fees (EC 49013(b)). A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred (5CCR and 4630(c)(2)).

1. Step One - Informal

If the complaint is against an employee who is assigned to a school site, the complainant will first discuss the complaint with the principal or designee.

If the complaint is against an employee that is assigned to the District site, the complainant will first discuss the complaint with the appropriate assistant superintendent. The objective of Step One is to resolve the issue informally.

2. Step Two - Principal/Formal Investigation

- a. In the event the complainant is not satisfied with the disposition of the complaint in Step One, he or she may submit the Uniform Complaint Form as a formal signed written complaint to the principal.

If the complaint is regarding a non-school site employee, he or she may submit the Uniform Complaint Form as a formal signed written complaint to the appropriate assistant superintendent.

- b. The signed written statement using the Uniform Complaint Form found on page (i) shall include:

- (1) The name of each employee involved; and

- (2) A brief but specific summary of the nature of the complaint and the facts surrounding same, sufficient to inform the Principal, appropriate Assistant Superintendent, or designee, and the employee as to the precise nature of the complaint. The summary shall include:
 - (a) A description of the event or behavior basic to the complaint;
 - (b) Circumstances, including time, place and persons present; and
 - (c) Identification of the person making the complaint, including name, address, and telephone number.
 - c. The principal or designee shall conduct an investigation of the complaint. The Principal shall meet with the complainant and within ten (10) school days **after** the meeting with the complainant render a decision and the reasons therefore. If, in the opinion of the supervisor, the complaint would negatively reflect upon the employee, the employee will receive a written copy of the complaint.
3. Step Three - Superintendent or Designee

If the complainant is not satisfied with the disposition of the complaint in Step Two or if no decision has been rendered within ten (10) school days after the meeting with the complainant, the complainant may forward the completed written complaint to the Superintendent Designee within five (5) school days after the decision at Step Two. Within ten (10) school days after receipt of the written complaint by the Superintendent Designee, the Superintendent, Designee, shall meet with the complainant in an effort to resolve the matter. Within ten (10) school days after meeting with the complainant, the Superintendent Designee shall render to the complainant a decision regarding the complaint and will place that decision in writing if requested by the complainant.

4. Step Four- Superintendent

If the complainant is not satisfied with the disposition of the complaint in Step Three or if no decision has been rendered with ten (10) school days after the meeting with the complainant, the complainant may forward the completed written complaint to the Superintendent within five (5) school days after the decision at Step Three. Within ten (10) school days after receipt of the written complaint by the Superintendent Designee, the Superintendent shall meet with the complainant in an effort to resolve the matter. Within ten (10) school days after meeting with the complainant, the Superintendent shall render to the complainant a decision regarding the complaint and will place that decision in writing if requested by the complainant.

Fullerton Joint Union High School District
AR 1312.1(d)

5. Step Five - Board of Trustees

If the complainant is not satisfied with the disposition of the complaint in Step Four or if no decision has been rendered within ten (10) school days after the meeting with the Superintendent, or designee, as stipulated in Step Four, the complainant has the right to, within ten (10) school days, request a hearing in Closed Session with the Superintendent and Board of Trustees. Within fifteen (15) school days after the Closed Session hearing, the Board of Trustees shall render to the complainant a written decision regarding the complaint. The decision of the Board of Trustees as to the disposition of the complaint shall be final.

C. General Provisions

1. The individual employee involved shall be advised of the nature of the complaint and shall be given every opportunity for explanation, comment, and presentation of the facts as he/she sees them if the complaint would be in any way negative to the evaluation of the employee.
2. Since it is important that the complaint be processed as rapidly as possible, the number of days indicated at each step should be considered a maximum and every effort should be made to expedite the process. The time specified, however, may be extended by mutual consent.
3. The District will annually disseminate a written notice of the District's complaint procedures to students, employees, parents or guardians of students, school and District advisory committees, appropriate private school officials and representatives, and other interested parties. (T5CCR 4622)

Annual notice will be facilitated in the following manner:

- a. Employees – Annual update of the faculty hand book.
 - b. Students, parents, and/or guardians – Annual District summer mailer
 - c. Advisory committees – On the meeting agenda of the first meeting of the year.
 - d. Private school officials – Annual mailing of policy letter
 - e. Other interested parties – As requested
4. Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of lack of evidence to support the allegations. (T5CCR 4631).
 5. Refusal by the District to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail to refuse or cooperate in the investigation or engage 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. (T5CCR 4631)

II. COMPLAINTS ALLEGING UNLAWFUL DISCRIMINATION OR VIOLATIONS OF LAWS OR REGULATIONS GOVERNING SPECIFIED DISTRICT PROGRAMS OR ACTIVITIES

A. Purpose

The District prohibits bullying as defined in Administrative Regulation 5642. This includes, but is not limited to, discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics set forth in Penal Code Section 422.55 and Education Code Section 220, and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. Persons wishing to anonymously report bullying may do so by calling 1-800-924-7233, or sending an email to Executive Director of Administrative Services, Dr. Jennifer Williams, at jwilliams@fjuhsd.net. Although anonymous complaints will be investigated, anonymous complaints will not receive the written report to which they would otherwise be entitled under the uniform complaint procedure.

Notwithstanding the foregoing complaint procedures, the following procedures shall be followed where a written complaint is filed with the District alleging unlawful discrimination or a violation of federal or state laws or regulations governing the following programs:

1. Adult Basic Education established pursuant to Education Code Sections 8500 through 8538 and 52500 through 52616.5;
2. Consolidated Categorical Aid Programs as listed in Education Code Section 6400(a);
3. Migrant Education established pursuant to Education Code Sections 54440 through 54445;
4. Vocational Education established pursuant to Education Code Sections 52300 through 52480;
5. Child Care and Development Programs established pursuant to Education Code Sections 83200 through 8493;
6. Child Nutrition Programs established pursuant to Education Code Sections 49490 through 49560; and
7. Special Education Programs established pursuant to Education Code Sections 56000 through 56885 and 59000 through 59300 and title 20 United States Code Section 1400 et. seq., Title 29, United States Code Section 706(8)(9) and 794.

Fullerton Joint Union High School District
AR 1312.1(f)

B. Procedure

1. Step One – Informal

If the unlawful discrimination complaint may be addressed at the site level, the complainant will first discuss the complaint with the Principal. The objective of Step One is to resolve the issue informally. The complaint may be communicated informally using the form provided on page (j and k).

In the event the complainant is not satisfied with the disposition of the complaint in Step One, he or she may submit the complaint as a formal signed written complaint using the Uniform Complaint Procedure Form for discrimination found on pages (j) to the District level officer.

2. Step Two - Filing of Complaint

The Executive Director, Administrative Services, or Assistant Superintendent, Education and Assessment Services, or Director, Special Education shall be the District's Compliance Officer(s). The Compliance Officer is knowledgeable about the above-referenced programs and applicable laws and shall be responsible for receiving and investigating complaints alleging unlawful discrimination or violations of laws regarding the programs listed above.

A complaint of unlawful discrimination must be filed no later than six months from the date the alleged discrimination occurred or not later than six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination. Upon written request of the complainant and for good cause, the State Superintendent of Public Instruction may extend the time for filing for up to 90 days.

3. Step Three - District Investigation

Investigation of the complaint shall provide an opportunity for the complainant and/or complainant's representative and District representatives to present information relevant to the complaint. The investigation process will protect the confidentiality of the complainant and the complainant shall be protected from retaliation.

4. Step Four - District Findings and Decision

The District's investigation shall be completed and a written decision prepared within 60 days from receipt of the complaint. This time may be extended by written

agreement of the complainant. A report of findings will be assembled containing facts based on evidence gathered and the conclusion of applicable law.

The District's decision shall contain the findings and disposition of the complaint, including any corrective actions, the rationale for such disposition, notice of the complainant's right to appeal the District's decision to the State Department of Education within 15 days of receipt of the District's written decision, and the procedures to be followed for initiating an appeal to the State Department of Education. In addition, the decision shall include notice of the complainant's right to pursue local civil law remedies under State or Federal discrimination laws. (T5CCR 4622)

III. COMPLAINTS CONCERNING THE REQUIREMENTS FOR ADOPTION OF A LOCAL CONTROL AND ACCOUNTABILITY PLAN (LCAP)

A. Purpose

In addition, pursuant to Education Code Section 52075, individuals may file a complaint under the District's Uniform Complaint Procedure on page (i) alleging that the school district has not complied with the LCAP requirements in the Education Code. The complaint may be filed anonymously. If the complainant is not satisfied with the decision of the school district, the individual may appeal the decision to the State Superintendent of Public Instruction. The State Superintendent of Public Instruction is required to issue a decision on the appeal within 60 days of the Superintendent of Public Instruction's receipt of the appeal.

If the school district finds merit in the complaint or the Superintendent of Public Instruction finds merit in an appeal, the school district will provide a remedy to all affected pupils, parents, and guardians.

B. Procedure

1. Step One – Informal

If the concern related to non-compliance with the LCAP may be addressed at the site level, the complainant will first discuss the complaint with the Principal. The objective of Step One is to resolve the issue informally.

In the event the complainant is not satisfied with the disposition of the complaint in Step One, he or she may submit the complaint as a formal signed written complaint using the form provided on page (i) to the District level officer.

2. Step Two - Filing of Complaint

The Assistant Superintendent, Education and Assessment Services, shall be the District's Compliance Officer. The Compliance Officer is knowledgeable about the

Fullerton Joint Union High School District
AR 1312.1(h)

above-referenced programs and applicable laws and shall be responsible for receiving and investigating complaints alleging unlawful discrimination or violations of laws regarding the programs listed above.

A complaint of unlawful discrimination must be filed no later than six months from the date the alleged discrimination occurred or not later than six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination. Upon written request of the complainant and for good cause, the State Superintendent of Public Instruction may extend the time for filing for up to 90 days.

3. Step Three - District Investigation

Investigation of the complaint shall provide an opportunity for the complainant and/or complainant's representative and District representatives to present information relevant to the complaint. The investigation process will protect the confidentiality of the complainant and the complainant shall be protected from retaliation.

4. Step Four - District Findings and Decision

The District's investigation shall be completed and a written decision prepared within 60 days from receipt of the complaint. This time may be extended by written agreement of the complainant. A report of findings will be assembled containing facts based on evidence gathered and the conclusion of applicable law.

The District's decision shall contain the findings and disposition of the complaint, including any corrective actions, the rationale for such disposition, notice of the complainant's right to appeal the District's decision to the State Department of Education within 15 days of receipt of the District's written decision, and the procedures to be followed for initiating an appeal to the State Department of Education. In addition, the decision shall include notice of the complainant's right to pursue local civil law remedies under State or Federal discrimination laws. (T5CCR 4622)

Reference: California Code of Regulations, Title 5, Sections 4600-4687, T5CCR 4620, T5CCR 4610, 4620, and 4621, AB9: Seth's Law, AB 1575, AB 97, Education Code Section 234, 231.1, 234.2, 234.3, 234.5, 49010, 49011, 49012, 49013, 52075

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Uniform Complaint Procedure
General Complaint Reporting Form

In accordance with the District's Uniform Complaint Procedures (5 CCR 4620), each school district shall follow uniform complaint procedures when addressing complaints.

I. Complainant Contact Information

Name: _____
Address _____
City: _____ Zip: _____
Home Phone: _____ Work/Cell Phone: _____

II. Complainant

You are filing this complaint on behalf of: _____
 your child or a (student) yourself

III. School Information

School Name: _____ Principal's Name: _____

IV. Details of Complaint

Please answer the following questions to the best of your ability. Attach additional sheets of paper if you need more space.

Please **describe** the issue that you experienced, in as much detail as possible. Include names of others involved and witnesses if appropriate. Include location, date (s)

Signature: _____

Received by: _____ Date Filed: _____
Title: _____

PLEASE PROVIDE A DUPLICATE COPY TO THE COMPLAINANT.

Fullerton Joint Union High School District
AR 1312.1(j)

Uniform Complaint Procedure
Discrimination/Harassment Complaint Reporting Form

In accordance with the District’s Uniform Complaint Procedures (5 CCR 4620), each school district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination against any protected group. Protected groups put forth under title IX and in California are enumerated by Education Code Sections 200 and 220, Government Code Section 11135, and include actual or perceived sex, sexual orientation, gender, ethnicity, race, ancestry, national origin, religion, color, mental or physical disability, and age, as well as association with member of a protected class. Additionally, it is the policy of the State of California, pursuant to Section 200, that all persons should enjoy freedom from discrimination and/or harassment of any kind in the education institutions of the State. This also includes sexual harassment, which is a form of sexual discrimination. (EC 231.5).

I. Contact Information

Name: _____
Address _____
City: _____ Zip: _____
Home Phone: _____ Work/Cell Phone: _____

II. Complainant

You are filing this complaint on behalf of: _____
 yourself your child or a (student) another student a group

III. School Information

School Name: _____
Principal’s Name: _____
Address: _____
City/State/Zip: _____

IV. Basis of Discrimination or Harassment:

Please check the following box(s), based on the type(s) of harassment you experienced, including *actual* or *perceived* (Education Code Sections 200 and 220, Government Code Section 11135):

- | | |
|---|---|
| <input type="checkbox"/> Sexual orientation | <input type="checkbox"/> Ancestry |
| <input type="checkbox"/> Gender | <input type="checkbox"/> Mental or physical disability |
| <input type="checkbox"/> Ethnicity | <input type="checkbox"/> Age |
| <input type="checkbox"/> Race | <input type="checkbox"/> Association with any of these categories |
| <input type="checkbox"/> National origin | <input type="checkbox"/> Sexual Harassment |
| <input type="checkbox"/> Religion | <input type="checkbox"/> Sex (Title IX) |
| <input type="checkbox"/> Color | <input type="checkbox"/> Other |

*According to state law, “Gender means sex, and includes a person’s gender identity and gender related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth. CA Education Code Section 210.7 and CA Penal Code Section 422.56(c).

V. Details of Complaint

Please answer the following questions to the best of your ability. Attach additional sheets of paper if you need more space.

Please **describe** the type of harassment or discrimination that you experienced, including the events or action, in as much detail as possible:

List the **people** involved in harassing or discriminating against you:

List any **witnesses** of the incident:

Describe the **location where** the harassment/discrimination occurred:

Please list **all the date(s) and times** when the harassment/discrimination occurred or when the alleged harassment/discrimination first came to your attention:

What steps, if any, have you taken to resolve this issue before filing a complaint?

Signature of person filing complaint

Date

Received by:

Date Filed:

Title:

UNIFORM COMPLAINT PROCEDURES

Administrative Regulation (AR) 1312 provides for the handling of complaints alleging unlawful discrimination or violations of laws or regulations governing specified District programs or activities. The Fullerton Joint Union High School District (District) shall have the primary responsibility to ensure compliance with the applicable State and Federal laws and regulations. The following procedures shall be followed where a written complaint is filed with the District alleging unlawful discrimination or a violation of Federal or State laws or regulations governing the following programs: Adult Basic Education, Consolidated Categorical Aid Programs, Vocational Education, Child Care and Development Programs, Child Nutrition Programs, and Special Education Programs.

Jennifer Williams, Executive Director of Administrative Services, shall be the District's Compliance Officer for complaints dealing with students. Ed Atkinson, Assistant Superintendent of Human Resources, shall be the District's compliance officer for complaints dealing with staff members and shall also be the District's Title IX Coordinator. These individuals shall be responsible for receiving and investigating complaints.

A complaint of unlawful discrimination must be filed no later than six months from the date the alleged discrimination occurred or not later than six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination. The District's investigation shall be completed and a written decision prepared within 60 days from receipt of the complaint.

The District's decision shall contain the findings and disposition of the complaint, including any corrective actions, the rationale for such disposition, notice of the complainant's right to appeal the District's decision to the State Department of Education within 15 days of receiving the District's decision, and the procedures to be followed for initiating an appeal to the State Department of Education. Copies of the local education agency complaint procedures shall be available free of charge.

Although not specified in AR 1312, allegations of unlawful discrimination on the basis of ethnicity, religion, age, sex, gender, gender identity, gender expressions, race, ancestry, national origin, color, sexual orientation, physical or mental disability, or a person's association with a person with one or more of these actual or perceived characteristics, are also governed by these procedures (per Education Code Section 220). The complainant shall be protected from retaliation, and all information about the complaint will be confidential. In addition, complaints pertaining to the following are to be referred to other appropriate State or Federal agencies: (1) allegations of child abuse, (2) health and safety complaints regarding a child development program, (3) discrimination issues involving child nutrition programs or Title IX, (4) employment discrimination complaints, and (5) allegations of fraud. Local community legal assistance agencies are available. Legal resources can be located in the telephone book under legal services.