

Grossmont Union High Administrative Regulation

AR 1312.3

Community Relations

Uniform Complaint Procedures

Designation of Person to Receive Complaints

The Governing Board designates the following compliance officer to receive and investigate complaints and to ensure district compliance with law:

Michael Lewis
Grossmont Union High School District
P.O. Box 1043
La Mesa, CA 91944-1043

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

For complaints concerning insufficiency of instructional materials, emergency or urgent facility conditions, and/or teacher vacancy or misassignment issues, the complaint shall be filed with the school principal or his or her designee at the school site where the complaint arises.

Notifications

The compliance officer shall meet the notification requirements of 5 CCR 4622, and all other applicable law, including the annual dissemination of district complaint procedures and information about available appeals, civil law remedies and conditions under which a complaint may be taken directly to the State Department of Education.

(cf. 5145.6 – Notifications Required by Law)

Additionally, the school principal is responsible for ensuring that each classroom has the required standardized notice posted to notify parents and guardians of the opportunity to complain about instructional materials and facility issues. The notice shall be conspicuously posted in each classroom.

Procedures

The following procedures shall be used to address all written complaints by any individual, public agency, or organization based on one or more of the grounds as cited above.

1. Filing of Complaint

Complaints shall be made using the standard form attached.

For complaints concerning insufficiency of instructional materials, emergency or urgent facility conditions, and/or teacher vacancy or misassignment issues, the complaint may be anonymous. However, if the complainant requests a response, he or she must provide contact information.

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.

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, unless the time for filing is extended by the compliance officer, upon written request by the complainant setting forth the reasons for the extension, for good cause for a period not to exceed 90 calendar days following the expiration of the time allowed. The compliance officer shall respond immediately upon receipt of requests for extensions. (5 CCR 4630)

The complaint shall be presented to either the compliance officer or principal/designee, depending on the nature of the complaint. The compliance officer or principal/designee will maintain a log of complaints received, providing each one with a number and a date stamp.

If the complaint concerns insufficiency of instructional materials, emergency or urgent facility conditions, and/or teacher vacancy or misassignment issues, the complaint shall be filed with the school principal or the designee at the school site where the complaint arises. If the complaint is beyond the authority of the school principal, he or she must forward it to the appropriate school district official within 10 working days of receipt of the complaint.

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

2. Investigation of Complaint

The compliance officer shall hold an investigative meeting within five days of receiving the complaint. The compliance officer or principal/designee shall make all reasonable

efforts to investigate any problem within his or her authority. The investigation shall provide an opportunity for the complainant, or the complainant's representative, to present information relevant to the complaint. The investigation may include an opportunity for the parties to the dispute to meet to discuss the complaint or to question each other or each other's witnesses. (5 CCR 4631)

A complainant's refusal to provide the district'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 lack of evidence to support the allegation. (5 CCR 4631)

4. Response

For complaints processed by the compliance officer, a written decision shall be issued to the complainant within 30 calendar days of receiving the complaint. The district's decision shall be written in English and in the language of the complainant whenever feasible or as required by law. This decision shall contain the findings and disposition of the complaint, including corrective actions if any, the rationale for such disposition, notice of the complainant's right to appeal the local educational agency decision to the California Department of Education, and the procedures to be followed for initiating an appeal to the California Department of Education. If an employee is disciplined according to established district policy 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 additional information as to the nature of the disciplinary action. This time period may be extended by written agreement between the complainant and the district.

For complaints processed by the principal or designee, valid complaints must be remedied within a reasonable time period but not to exceed 30 working days from the date the complaint was received. If a response was requested in the complaint, the principal/designee shall prepare and send to the complainant a written report within 45 working days of the initial filing of the complaint. This time period may be extended by written agreement between the complainant and the district.

If an employee is disciplined as a result of the complaint, the decision 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.

5. Appeal

For complaints processed by the compliance officer, if a complainant is dissatisfied with the compliance officer's decision, he/she may, within five calendar days of receiving the written decision, file his/her complaint in writing with the Board. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60 calendar days time limit in which the complaint must be answered.

If dissatisfied with the district's decision, the complainant may appeal in writing to the California Department of Education within 15 calendar days of receiving the district's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the district's decision and must include a copy of the locally filed complaint and the district's decision. (5 CCR 4652)

For complaints processed by the principal or designee, if the complainant is dissatisfied with the resolution of the complaint, he or she has the right to describe the complaint to the Board of the school district at a regularly scheduled hearing of the Board. The Board will then respond to the appeal in writing within 60 calendar days of the district's initial receipt of the complaint or within an extended time period that has been specified in a written agreement with the complainant. The final decision must be issued within 60 calendar days from the date of receipt of the complaint, unless the complainant has agreed in writing to extend the timeline.

If the complaint involves facility issues that pose an emergency or urgent threat, an appeal can be sent directly to the Superintendent of Public Instruction (SPI). The SPI will provide a written report to the State Board of Education describing the complaint and a proposed remedy, as appropriate.

Civil Law Remedies

A complainant may pursue available civil law remedies outside of the district's complaint procedures as provided by law. 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. Except as provided by law, for discrimination complaints, 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 properly notified in writing, as applicable, its students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, and other interested parties of the district's complaint procedures, including the complainant's opportunity to appeal if dissatisfied with a decision.

Direct State Intervention

The California Department of Education may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 and other applicable law exists. In addition, the California Department of Education may also intervene in those cases where the district has not taken action within 60 calendar days of

the date the complaint was first filed with the district.

Reporting Requirements

The district's designee must submit a quarterly report, in the format as attached, to the County Superintendent and the Board on the nature and resolution of complaints addressing insufficient instructional materials, teacher vacancies and misassignments, and emergency or urgent facilities issues.

The summaries must be publicly reported on a quarterly basis at a regularly scheduled meeting of the Board.

Public Records

Complaints, responses and quarterly reports concerning insufficient instructional materials, teacher vacancies and misassignments, and emergency or urgent facilities issues will all be considered public records, to the extent required by law.

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