

I. General Information

School districts are required to develop a set of uniform complaint procedures that apply to the filing, investigation and resolution of complaints related to alleged violation by a local agency of federal or state law, or regulations governing educational programs.

A. The following are covered by the South Pasadena Unified School District Uniform Complaint Procedures:

1. Consolidated Categorical Aid Programs
 2. Career Technical and Technical Training programs
 3. Child Nutrition Programs
 4. Special Education Programs
 5. Child Care and Development Programs
 6. Allegations of unlawful discrimination against any protected group, 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 of more of these actual or perceived characteristics, in any program or activity conducted by a local agency which is funded directly by, or that receives or benefits from any state or federal financial assistance.
- B. Complaints pertaining to the following are to be referred to other appropriate state or federal agencies:
1. Allegations of child abuse shall be referred to the Los Angeles County Department of Children Services (DCS) or appropriate law enforcement agency.
 2. Health and safety complaints regarding a Child Development program shall be referred to the Los Angeles County Department of Public Social Services for licensed facilities and to the appropriate Los Angeles County Child Development regional administrator for licensing exempt facilities.
 3. Employment discrimination complaints shall be sent to the State Department of Fair Employment and Housing (DFEH) pursuant to Title 22, California Code of Regulations (CCR) Section 98410. The complainant shall be notified by certified mail or any DFEH transferal.
 4. Allegations of fraud shall be referred to the Superintendent's designee.

II. Definitions

- A. "Appeal" means a request made in writing to a level higher than the original reviewing level by an aggrieved party requesting reconsideration or a reinvestigation of the lower adjudicating body's decision.
- B. "Complainant" means any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination in programs and activities funded directly by the state, or receiving any financial assistance from the state, or federal funds.
- C. "Complaint" means a written and signed statement alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination. If the complainant is unable to put the complaint in writing, due to conditions such as a disability or illiteracy, the public agency shall assist the complainant in the filing of the complaint.
- D. "Complaint investigation" means an administrative process used by the Department or local educational agency for the purpose of gathering data regarding the complaint.
- E. "Complaint procedure" means an internal process used by the Department or local educational agency to process and resolve complaints.
- F. "Days" means calendar days unless designated otherwise.
- G. "Superintendent" means the superintendent of South Pasadena Unified School District.
- H. "District" means South Pasadena Unified School District.
- I. "Department" means the California Department of Education.
- J. "Direct State Intervention" means the steps taken by the Department to investigate complaints or effect compliance.
- K. "Mediation" means a problem-solving activity whereby a third party assists the parties to the dispute in resolving the problem.
- L. "Complaint Agreement" means an agreement between the California Department of Education and a district, following a finding of noncompliance by the Department, developed by the district, and approved by the Department to resolve the noncompliance.
- M. "State Mediation Agreement" means a written, voluntary agreement approved by the Department, which is developed by

the district and complainant with assistance from the Department to resolve the allegations of the complaint.

III. Formal Complaint Procedure

Any individual, public agency, or organization may file a written complaint, alleging a matter which, if true, would constitute a violation by the district of federal or state law or regulation governing the programs identified in General Information, Section A (page 1).

All complainants are assured protection from retaliation. Further, all complainants are assured of confidentiality of persons and facts.

All complainants will be processed in the following manner:

- A. The complainant will submit a written complaint to the Assistant Superintendent, who shall be considered the representative of the District for purposes of receiving and coordinating responses to complaints and related correspondence regarding this policy. A complainant who makes a verbal complaint shall be referred to the Superintendent's designee who will assist any person who is illiterate or disabled in the preparation of a written complaint.
- B. The Assistant Superintendent will acknowledge receipt of the complaint and refer it to the appropriate district office/division within five days.
- C. The Assistant Superintendent will review the complaint to determine if it falls within the exceptions listed in General Information, Section B (page 1), in order to refer the complaint to the proper agency.
- D. Within five days of receipt, designated office/division shall determine whether a complaint has been filed within six months of the alleged violation that is the basis of the complaint. The designated district/division shall:
1. Provide the complainant with a copy of the district policy and appeal procedures.
 2. Determine whether the complainant and the district representative will participate in the mediation to resolve the complaint prior to a formal investigation.
 3. Obtain an extension of time, if appropriate, in order to conduct the mediation.
 4. Grant an extension of time to the complainant, if needed.

For complaints regarding sufficiency of textbooks and instructional materials, school or teacher vacancies or misassignments, or facilities, please see Williams Act flier.

IV. Resolution of the Complaint

Each complaint shall be investigated by the appropriate district office/division and shall be resolved within sixty days of the receipt of the written complaint unless an extension of the time lines has been agreed to in writing by the complainant. The district office/division shall:

1. Obtain statements from the complainant and from other individuals who were witnesses to the alleged violation or who can provide relevant information concerning the alleged violation.
2. Review documents that may provide information relevant to the alleged violation.
3. Prepare a written report of the investigative findings, corrective actions, if any, suggested resolutions(s), and a rationale for the findings, along with any supporting documentation within sixty calendar days after receipt of the written complaint. The Decision should contain: (a) the findings of fact based on the evidence gathered, (b) conclusion of law, (c) disposition of the complaint, (d) the rationale for such disposition, (e) corrective actions, if any are warranted, (f) notice of the complainant's right to appeal the local educational agency Decision to the Department, and (g) procedures to be followed for initiating an appeal to the Department.

V. Appeal Procedures

Any complainant(s) may appeal the district's decision to the State Superintendent by filing a written appeal with the State Superintendent within fifteen days after receiving the district's decision. Extension for filing appeals may be granted in writing for good cause.

- A. The complainant shall specify the reason(s) for appealing the decision.
- B. The appeal shall include a copy of the original complaint and a copy of the district's decision.

VI. Direct State Intervention

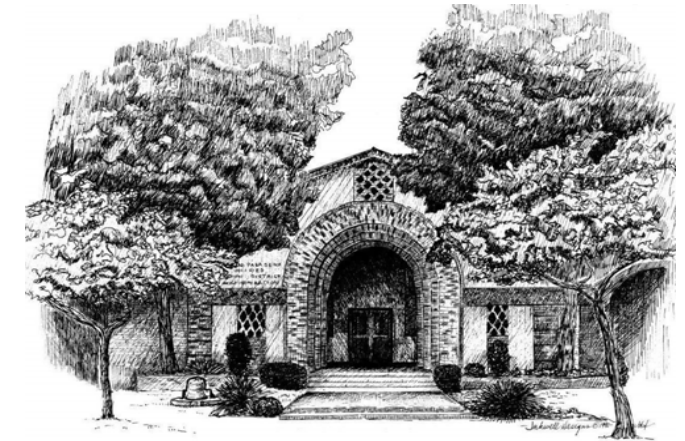
The Department shall directly intervene without waiting for District investigation if one of more of the following situations exist:

- A. The complaint includes an allegation, and the Department verifies, that the District failed to comply with the complaint procedures including, but not limited to, the failure or refusal of the local educational agency to cooperate with the investigation.

- B. The complaint relates to an agency that is not a local educational agency funded through the Child Development or Child Nutrition Programs.
- C. The complainant requests anonymity because he or she would be in danger of retaliation and would suffer immediate and irreparable harm if he or she filed a complaint with the District.
- D. The complainant alleges that the District failed or refused to implement the final decision resulting from its local investigation or local mediation agreement.
- E. The complainant alleges and the Department verifies that through no fault of the complainant, no action has been taken by the District within 60 calendar days of the date the complaint was filed. Prior to direct intervention, the Department shall attempt to work with the local educational agency to allow it to complete the investigation and issue a Decision.
- F. The complainant alleges and the Department verifies that he or she would suffer immediate and irreparable harm as a result of an application of a district-wide policy that is in conflict with state or federal law covered by this Chapter, and that filing a complaint with the District would be futile.

For complaints relating to special education, any one of the following shall be a condition for direct state intervention:

- A. The complainant alleges that a public agency, other than the District, as specified in Government Code section 7570 et seq., fails or refuses to comply with an applicable law or regulation relating to the provision of free appropriate public education to individuals with disabilities.
- B. The complainant alleges that the District fails or refuses to comply with the due process procedures established pursuant to federal and state law and regulation; or has failed or refused to implement a due process hearing order.
- C. The complainant alleges facts that indicate that the child or group of children may be in immediate physical danger or that the health, safety, or welfare of a child or group of children is threatened.
- D. The complainant alleges that an individual with a disability is not receiving the special education or related services specified in his or her individualized educational program (IEP).
- E. The complaint involves a violation of federal law governing special education, 20 U.S.C. section 1400 et seq., or its implementing regulations.



SOUTH PASADENA UNIFIED SCHOOL DISTRICT

UNIFORM COMPLAINT PROCEDURE

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Assistant Superintendent
Instructional Services

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