

Galt Joint Union High School District

UNIFORM COMPLAINT PROCEDURES

**Annual Notice to Students, Parents and/or Guardians,
Employees, Advisory Committees, and other interested
parties:**

The Board of Trustees of the Galt Joint Union High School District recognizes that the district is responsible for ensuring that it complies with state and federal laws and regulations governing educational programs. The district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination based on ethnic group identification, religion, age, gender, color, or physical or mental disability in any program or activity that receives or benefits from state or federal financial assistance.

What is a complaint? A complaint is a written statement alleging discrimination, or a violation of a federal or state law within the following programs: Adult Education, Child Development, Consolidated Categorical Aid, including No Child Left Behind, State Compensatory Education, State Program for Students of Limited English Proficiency, School Improvement, Tenth Grade Counseling, Tobacco-Use Prevention Education, Peer Assistance and Review, School Safety and Violence Prevention Act, Migrant and Indian Education, Nutrition Services, Special Education, Discrimination, Harassment, Civil Rights Guarantees.

In addition, the Williams Settlement complaint procedures cover complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils, and teacher vacancy or misassignment. Williams Settlement complaints may be filed anonymously. A complaint form is available for these types of complaints, in the school office or on the school web site. It is not necessary to use the form, as long as the complaint is submitted in writing.

The Board encourages the early, informal resolution of complaints at the school site level whenever possible. At Galt High School, complaints should be directed to the principal, Bernardo Olmos. At Estrellita High School, complaints should be directed to principal Antonio Lara. For Galt Adult School, complaints should be directed to Karin Liu. If resolution cannot take place at the site level, the complaint shall then be directed to the Superintendent, Thomas Gemma, at 417 C Street, Galt, CA 95632 (209) 745-3061.

Upon receipt of a written complaint from an individual, public agency or organization, uniform complaint procedures shall be initiated. The Superintendent or designee shall distribute full information about these procedures and designate a staff member to be responsible for receiving, investigating and resolving the complaint.

The Board recognizes that a neutral mediator can often suggest an early compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving their problem through mediation, the Superintendent or designee shall initiate a mediation process before beginning a formal compliance investigation. The Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulations.

The Board acknowledges and respects student and employee 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 or proceedings, as determined by the Superintendent or designee on a case-by-case basis.

Board Policies that cover confidentiality rights include the following:

(cf. 4119.23/4219.23/4319.23 – Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 – Student Records)
(cf. 9011 – Disclosure of Confidential/Privileged Information)

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. Board Policies that prohibit retaliation include the following:

(cf. 1312.1 – Complaints Concerning District Employees)
(cf. 1312.2 – Complaints Concerning Instructional Materials)
(cf. 4031 – Complaints Concerning Discrimination in Employment)
(cf. 5141.1 – Child Abuse Reporting Procedures)

Compliance Officers

The Board of Trustees designates the following compliance officer to receive and investigate complaints and ensures district compliance with law:

Superintendent
417 C. Street, Suite B, Galt, CA 95632
209-745-0249

The Superintendent or designee 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. *(cf. 9124 – Attorney)*

Timeline: Discrimination complaints must be filed no later than six months from the date of the occurrence, or from the time the complainant first learned of the facts of the discrimination.

The district must resolve the complaint and complete a written report within 60 days of receipt of a complaint.

The district must advise the complainant regarding appeal rights to the California Department of Education within 15 days of receipt of the district's written report.

Notifications

The Superintendent or designee shall meet the notification requirement of 5 CCR 4622, 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 California Department of Education. The Superintendent or designee shall ensure that complainants understand that they may pursue other remedies, including actions before civil courts or other public agencies. (*cf. 5146.6 – Parental Notification*)

The above notification shall state that complainants may seek help from agencies such as legal assistance agencies, local mediation centers or the county office of education. Local resources includes:

Sacramento County Office of Education

Procedures

The following procedures shall be used to address all complaints, which allege that the district has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4632.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled and when a decision or ruling is made.

Step 1: Filing of Complaint

Any individual, public agency or organization may file a written complaint of alleged noncompliance by the district.

A person who alleges that he/she personally suffered unlawful discrimination or a person who believes that has subjected an individual or any specific class of individuals to unlawful discrimination may file complaints alleging 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. (5 CCR 4630)

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and date stamp.

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)

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 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. If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

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. (5CCR 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

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, as described in Step #5 below. 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 the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision is final.

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

Step 5: Final Written Decision

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 will interpret it for the complainant.

The report shall include:

1. The findings and disposition of the complaint, including corrective actions, if any. (5 CCR 4631)
2. The rationale for the above disposition. (5 CCR 4631)

3. Notice of the complainant's right to appeal the decision to the California Department of Education, and procedures to be followed for initiating such an appeal. (5 CCR 4631)
4. A detailed statement of all specific issues that were brought up during the investigation and the extent to which these issues were resolved.

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 the district expectations. The report shall not give any further information as to the nature of the disciplinary action.

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. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. (5 CCR 4652) 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)

Civil Law Remedies

Civil law remedies may be available under state or federal discrimination laws, if applicable. A complainant may pursue available civil law remedies, outside of the district's complaint procedures. 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.