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"We teach students to create, connect, and collaborate—for life!"

NOTICE OF UNIFORM COMPLAINT PROCEDURES – AR 1312.3

The Board of Education recognizes that the District is primarily responsible for ensuring compliance with state and federal laws and regulations and has established procedures to address allegations of unlawful discrimination, harassment, intimidation, and bullying complaints alleging violation of state or federal laws governing education programs and the charging of unlawful fees.

The District shall investigate and seek to resolve complaints using policies and procedures known as the Uniform Complaint Procedures (UCP). Unlawful discrimination, harassment, intimidation or bullying complaints may be based on actual or perceived characteristics, set forth in section 422.55 of the Penal Code and EC 220, and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sex, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics, in any program or activity that receives or benefits from state financial assistance. (5 CCR 4610) Complaints other than complaints relating to pupil fees must be filed in writing with the compliance officer

The UCP shall also be used when address complaints alleging failure to comply with state and/or federal laws in Adult Education, Categorical Programs, Career and Technical Education Programs, Child Nutrition Programs and Special Education Programs.

Complaints concerning special education programs shall be addressed in accordance with the District's Special Education Local Planning Area. 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 attempt to resolve 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.

A complaint of noncompliance with laws relating to pupil fees may be filed pursuant to the local UCP. A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity. A pupil fee includes, but is not limited to, all of the following:

- 1.** A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.
- 2.** A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
- 3.** A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

Complaints of noncompliance with laws relating to pupil fees are filed with a principal of a school. A complaint regarding pupil fees may be filed anonymously if the complaint provides evidence or information to support an allegation of noncompliance with laws relating to pupil fees. A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred.

The Board acknowledges and respects student and employee rights to privacy. 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.

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 assignment of the complainant.

NOTIFICATION REQUIREMENTS

The Superintendent or designee shall meet the notification requirements 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. 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 include: Ventura County Office of Education • Office for Civil Rights • Department of Fair Employment and Housing • Equal Employment Opportunity Commission.

COMPLIANCE OFFICERS

The Board of Education designates the following compliance officer to receive and investigate complaints and ensure District compliance with law: Superintendent/Designee, Mesa Union School District. 3901 North Mesa School Road. Somis, Ca 93066. (805) 485-1411. 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.

COMPLAINT 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. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4632. Investigations of discrimination complaints shall be conducted in a manner that protects the confidentiality of the parties and the facts. (5 CCR 4630) 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 with the appropriate compliance officer named above. 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) 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 subject 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. (5 CCR 4630) All other program complaints must be received no later than thirty (30) calendar days from the date of the incident or when complainant first received knowledge of the facts that generated concern. The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

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 timeliness for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (5 CCR 4631)

STEP 3: INVESTIGATION OF COMPLAINT

The compliance officer shall hold an investigative meeting within ten (10) days of receiving the complaint or unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his or her representative and district's representatives to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other's witnesses. (5 CCR 4631)

STEP 4: RESPONSE

Within forty-five (45) calendar 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 6 below.

STEP 5: APPEAL TO THE BOARD

If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five (5) calendar days, file his/her complaint in writing with the Board. The Board may consider the matter at its next regular 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 decision of the compliance officer shall be the District's final written decision. If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the District's initially receiving the complaint or within an extended time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

STEP 6: 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:

- The findings and disposition of the complaint, including corrective actions, if any. (5 CCR 4631)
- The rationale for the above disposition. (5 CCR 4631)
- Notice of the complainant's right to appeal the decision within 15 days to the California Department of Education, and procedures to be followed for initiating such an appeal. (5 CCR 4631)
- 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 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 calendar 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) Notwithstanding any other provision of law, a person who alleges that he or she is a victim of discrimination may not seek civil remedies until at least 60 days have elapsed from the filing of an appeal to the State Department of Education

pursuant to Chapter 5.1 (commencing with 4600) of Division 1 of Title 5 of the California Code of Regulations. The moratorium imposed does not apply to injunctive relief and is applicable only if the local educational agency has appropriately, and in a timely manner, apprised the complainant of his or her right to file a complaint. If dissatisfied with the California Department of Education's resolution of a complaint regarding a Chapter I program, the complainant may request its review by the U.S. Secretary of Education. (34 Code of Federal Regulation, 200.74) A copy of the Mesa Union School District's complaint procedures shall be available free of charge. [T5 CCR 4662]