



Millbrae School District

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Superintendent

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NOTICE TO PARENTS

Uniform Complaint Procedures: Consolidated Application Programs

The Board of Trustees recognizes that the Millbrae School District has primary responsibility for insuring that the District is in compliance with state and federal laws and regulations governing educational programs. The Superintendent shall seek to resolve complaints at the local level. The Superintendent shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination based on ancestry, color, ethnic group identification, national origin, physical and/or mental disability, race, religion, sex, gender, and sexual orientation in any program or activity that receives or benefits from state financial assistance.

The Board of Trustees directs that the Superintendent prohibit retaliation in any form for the filing of a complaint, the reporting of instances of discrimination, or for participation in complaint procedures. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

For a complaint by a staff member of improper governmental activities that are covered by the act "Reporting by School Employees of Improper Governmental Activities Act" (EC 44114) the protection of that act may be invoked.

The Board acknowledges and respects students and employee rights to privacy. All employees shall be notified upon hire and annually thereafter of the Uniform Complaint Procedures and how and where complaints can be filed. Students and parents shall be notified in writing upon enrollment and at the beginning of each academic year of the Uniform Complaint Procedures and how and where complaints can be filed. Complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts to the extent possible and practicable.

The Superintendent/designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws, District policies, and programs for which they are responsible and are trained annually in proper procedures for investigating complaints and appropriate remedies including but not limited to their roles as neutral fact-finders. Such employees may have access to any files and other resources necessary to investigate a complaint and legal counsel as determined by the Superintendent/designee.

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

Legal References: Education Code 200-2262.3; Prohibition of Discrimination 35146, 35160.5, 35160.5, 44114, 48985, 49060-49079, and 60650; CCR, Title 5 3080, 4600-4671; Government Code 54957-54957.8

UNIFORM COMPLAINT PROCEDURES (UCP)

COMPLIANCE OFFICERS

The Board of Trustees designates the following compliance officers as internal investigators. They are responsible for receiving and investigating complaints and ensuring District compliance with law

<u>PROGRAM</u>	<u>COMPLIANCE OFFICERS</u>	<u>TELEPHONE</u>
<u>Consolidated Categorical Aid Programs</u>	Director of Curriculum & Instruction	650-697-5693
<u>Child Nutrition/Food Services</u>	Chief Business Official	650-697-5693
<u>Special Education</u>	Director of Student Services	650-697-5693
<u>Civil Rights Guarantees</u> <i>(including but not limited to harassment & discrimination)</i>	Classified Employees Chief Business Official	650-697-5693
	Certificated Employees Superintendent	650-697-5693

INTERNAL INVESTIGATOR TRAINING

On an annual basis, internal investigators and all persons responsible for implementing the UCP and related District policies regarding discrimination shall be trained on conducting prompt, thorough and impartial investigations. Specifically, they will receive training on:

- (1) District policies prohibiting discrimination
- (2) Legal requirements prohibiting discrimination
- (3) Proper investigation of complaints of discrimination including but not limited to techniques in neutral fact-finding
- (4) Accessing District staff, files, and other resources pertinent to investigating complaints.

NOTIFICATIONS

The Superintendent/designee shall meet the notification requirements of the Code of Regulations, Title 5, §4622, including the annual dissemination of District complaint procedures and information about available appeals, civil law remedies, (examples of civil law remedies: public interest attorneys, other non-profit media/group in area) and conditions under which a complaint may be taken directly to the California Department of Education. This information will be disseminated annually to employees, parents, and students of Millbrae School District and community members, including school and district advisory committees.

PROCEDURES FOR ADDRESSING COMPLAINTS

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 the Code of Regulations, Title 5 §4632. The District shall use its uniform complaint procedures when addressing all complaints regarding sex equity. Investigations of discrimination complaints shall be conducted in a manner that protects confidentiality of the parties and the facts to the extent possible and practicable. (*Title 5, §4630*) All parties involved in allegation 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 A COMPLAINT

Uniform Complaint Filing forms--available from Millbrae School District Superintendent's Office: 650-697-5693

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

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

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other handicaps, District staff shall help him/her to file the complaint. (*Title 5 §4630*)

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 shall 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. (*Title 5, §4630*)

STEP 2: MEDIATION

Within ten days of receiving the complaint, the Compliance Officer shall informally discuss with the complainant the possibility of using mediation. If all parties agree 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 time lines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time.

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.

STEP 3: INVESTIGATION OF COMPLAINT

The Compliance Officer shall hold an investigative meeting within five days of receiving the complaint or as soon as practicable, or within five working days of 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 investigative procedure shall include (1) interviews with the complainant, the individuals alleged to have engaged in the discriminatory acts, witnesses, and others who may have knowledge of the relevant events; (2) gathering of all relevant documents; and (3) analysis of all information.

Meetings between the complainant and the alleged perpetrator are at the complainant's option.

To ensure that all pertinent facts are made available, the compliance Officer and the complainant may ask other individuals to attend this meeting and provide additional information.

Confidentiality to the complainant, victim, witnesses, and alleged perpetrator is ensured to the extent possible and practicable.

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.

STEP 4: RESPONSE TO THE COMPLAINANT and THE APPEALS PROCESS

Within sixty calendar days of receiving the complaint, the Compliance Officer shall prepare and send to the complainant a written report. This report shall include:

- ∂ The findings and disposition of the complainant, including corrective actions, if any.
- The rationale for the above disposition based on all specific issues that were brought up during the investigation and the extent to which these issues were resolved.
- ≠ Notice of the complainant's right to appeal the decision of the Board of Trustees in the following manner: within five calendar days after issuance of the Compliance Officer's report, the complainant may file his/her appeal in writing to the Board of Trustees. The Compliance Officer shall send the Board's decision to the complainant within sixty days of the District's initial receipt of the complainant or within the time period that is specified in a written agreement with the complainant.
- ≠ Notice of the complainant's right to appeal the decision to the California Department of Education in the following manner: If dissatisfied with the District's decision, the complainant may appeal in writing to the California Department of Education within fifteen 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 shall specify the reason(s) for appealing the District's decision and shall include a copy of the locally filed complaint and the District's decision (*Title 5, §4652*). The report of the District's decision shall be written in English and in the language of the complainant wherever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the District will arrange a meeting at which a community member shall interpret it for the complainant.

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STEP 5: FINAL WRITTEN DECISION

The Compliance Officer's final written decision shall include:

- ∂ Findings about the complaint allegations, which are based on facts established during the investigation;
- Conclusions based on the applicable legal standards;
- ÷ A determination as to necessary corrective actions, punishment and discipline; and
- ≠ A determination as to whom is responsible for implementing corrective actions, punishment, and discipline.

If any employee is disciplined as a result of the complaint, this report shall simply state that corrective action was taken and that the employee was informed of District's expectations. The report shall not give any further information as to the nature of the disciplinary action.

CIVIL LAW REMEDIES

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. For discrimination complaints, however, a complainant must wait until sixty 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 appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR §4622.