

eight), the District shall provide a remedy. The remedy shall go to the affected pupil in the case of complaints regarding: Course Periods without Educational Content; Reasonable Accommodations to a Lactating Pupil, and/or Education of Pupils in Foster Care, Pupils Who Are Homeless, Former Juvenile Court Pupils Now Enrolled In Our School District, and Pupils in Military Families. The remedy shall go all affected pupils and parents/guardians in the case of complaints regarding: Pupil Fees, Physical Education Instructional Minutes, and/or LCAP.

The person(s), employees(s), positions(s) or unit(s) responsible for compliance and/or investigations shall be knowledgeable about the laws/programs that he/she is assigned to investigate.

PROCEDURES

The Compliance Officer will follow Board approved procedures as stipulated in Administrative Regulations 1312.3. The compliance officer shall maintain a record of each complaint as required for compliance with the California Code of Regulations, Title 5, Section 4632.

STEP 1: FILING OF A COMPLAINT

The complainant shall submit a completed Complaint Form to the Superintendent's Office.

STEP 2: ALTERNATIVE DISPUTE RESOLUTION

In appropriate cases, the complainant and the compliance officer may use Alternative Dispute Resolution (ADR) such as mediation, conflict resolution, interest-based negotiation or similar techniques to assist them in resolving the complaint.

STEP 3: INVESTIGATION OF COMPLAINT

The compliance officer assigned to investigate the complaint shall provide an opportunity for the District and the complainant and/or the complainant's representatives to present relevant information.

STEP 4: DISTRICT RESPONSE

Complaints will be investigated and a written Decision or report will be sent to the complainant within sixty (60) days from the receipt of the complaint. This time period may be extended by written agreement of the complainant.

STEP 5: FINAL WRITTEN DECISION

If the complainant accepts the compliance officer's proposed resolution, that resolution becomes the District's decision and the District will implement it.

CIVIL LAW REMEDIES

Nothing in this policy precludes a complainant from pursuing civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws outside of the District's complaint procedures.

APPEALS TO THE CALIFORNIA DEPARTMENT OF EDUCATION

If a complainant is dissatisfied with the decision reached by the District, s/he may appeal the decision directly to the State Superintendent of Public Instruction. To appeal, submit a written statement to the Superintendent of Public Instruction within fifteen (15) calendar days of receiving the district's decision. The written statement must contain:

1. A statement of the reasons you are appealing the District's decision;
2. A copy of your complaint; and
3. A copy of the District's decision.

The appeal should be sent to:
California Department of Education
1430 N Street
Sacramento, CA 95814

Any person with a disability or who is unable to prepare a written complaint can receive assistance by contacting the Educational Projects Office at (805) 488-3588 X9220.

The Governing Board recognizes that parents may file complaints concerning deficiencies in instructional materials, teacher vacancy or misassignment, and maintenance of facilities. Please see specific Williams Complaint Procedures in Board Policy 1312.4.

NOTIFICATIONS

Parents are provided with a copy of the Uniform Complaint Procedures each September in their children's annual notification packet. Staff notices are sent through the district mail. Notices to advisory committees are disseminated at their meetings. Students are advised at their schools. Appropriate private school officials are mailed a copy.

A copy of the Hueneme Elementary School District's UCP policy and complaint procedures shall be available free of charge.

(REVISED 07/01/2019)

**HUENEME ELEMENTARY
SCHOOL DISTRICT**
205 No. Ventura Road
Port Hueneme, CA 93041
(805) 488-3588

Uniform Complaint Procedures

2019-2020

For more information:

Mr. David Castellano
Senior Director of Student Support Services
Hueneme Elementary School District
205 No. Ventura Road
Port Hueneme, CA 93041

The Governing Board of the *Hueneme Elementary School District* recognizes it has the primary responsibility to ensure compliance with applicable state and federal laws and regulations. We have established Uniform Complaint Procedures (UCP) to address allegations of discrimination, harassment, intimidation, and bullying, or noncompliance with state and federal laws governing educational programs, the charging of unlawful pupil fees and the non-compliance of our Local Control and Accountability Plan (LCAP).

The Board encourages the early, informal resolution of complaints whenever possible and appropriate. To resolve complaints which cannot be resolved through such informal process, the District shall seek to resolve those complaints in accordance with the procedures set out in the policies and procedures known as the Uniform Complaint Procedures (UCP) adopted by our local Board.

The District shall investigate and seek to resolve, in accordance with our UCP, complaints alleging failure to comply with applicable state and federal laws and regulations included but not limited to, allegations of discrimination, harassment, intimidation or bullying against any protected group as identified in Education Code section 200 and 220 and California Government Code section 11135, including any actual or perceived characteristics as set forth in Penal Code section 422.55 or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any program or activity conducted by the agency, which is funded directly by, or that receives or benefits from any state financial assistance.

The UCP shall also be used when addressing complaints alleging failure to comply with applicable state and federal laws and regulations relating to all programs and activities implemented by the district that are subject to the UCP: After School Education and Safety (ASES), Bilingual Education, Child Nutrition, Compensatory Education, Consolidated Categorical Aid, Course Periods without Educational Content, Education of Pupils in Foster Care and Pupils who are Homeless, former Juvenile Court Pupils now enrolled in a school district and Pupils of Military Families, Every Student Succeeds Act / No Child Left Behind (Titles 1-VII), Local Control

Accountability Plans, Migrant Education, Physical Education Instructional Minutes, Pupil Fees, Reasonable Accommodations to a Lactating Pupil, School Safety Plans, Special Education, State Preschool, Tobacco-Use Prevention Education

A standardized notice of the educational rights of foster and homeless youth, will be posted as specified in Education Code Sections 48853, 48853.5, 48853.5, 49069.5, 51225.1, and 51225.2. This notice shall include complaint process information, as applicable.

A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity. A pupil fees and/or LCAP complaint may be filed anonymously if the complainant provides evidence or information leading to evidence to support an allegation of noncompliance. A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred. The district will attempt in good faith by engaging in reasonable efforts to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to filing the complaint.

Complaints other than complaints relating to pupil fees must be filed in writing with the following compliance officer designated by the Board to receive complaints:

Mr. David Castellano
Senior Director of Student Support Services
Hueneme Elementary School District
205 No. Ventura Road
Port Hueneme, CA 93041
(805) 488-3588

A pupil fees and/or LCAP complaint may be filed with the principal of a school, the Superintendent or his/her designee.

Complaints alleging unlawful discrimination, harassment, intimidation, or bullying, shall be filed no later than six (6) months from the date the alleged discrimination, harassment, intimidation, or bullying, occurred or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying, unless the time for filing is extended by the superintendent or his or her designee.

The District will provide an opportunity for complainants and/or representatives to present evidence or information. Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations. Refusal by the District to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

The complaint will be investigated and a written report will be issued to the complainant within 60 Calendar days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time. The report will contain the following elements: The findings of fact based on the evidence gathered, conclusion of law, disposition of the complaint, the rationale for such a disposition, corrective actions, if any are warranted and notice of the complainant's right to appeal the LEA Decision to the California Department of Education (CDE).

The District shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if he/she is different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

If merit is found in a complaint regarding Pupil Fees; Local Control and Accountability Plan (LCAP); Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in a school district, and pupils in military families; Reasonable Accommodations to a Lactating Pupil; Course Periods without Educational Content (grades nine through twelve); and Physical Education Instructional Minutes (grades one through