

UNIFORM COMPLAINT PROCEDURE

The district shall follow the uniform complaint procedure describe below when addressing complaints alleging unlawful discrimination based on actual or perceived gender, sexual orientation, 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 or more of these actual or perceived characteristics, in any program or activity that receives or benefits from state financial assistance. The uniform complaint procedure described below shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education, consolidated categorical aid programs, migrant education, Career Technical and Technical Education and Training Programs, child care and developmental programs, child nutrition programs, special education programs and federal safety planning requirements. Individuals, agencies, organizations, students and interested third parties have the right to file a complaint using this procedure described below. The district shall have the primary responsibility to ensure compliance with applicable state and federal laws and regulations.

Complaints must be filed in writing with the following compliance officer:

Eric Gross, Principal / Superintendent,
P.O. Box H, 50 Ocean Street, Davenport, CA 95017

Complaints alleging discrimination must be filed not later that six (6) month from the date the alleging discrimination incurred or the date the complainant first obtained knowledge of the facts of the alleged discrimination, unless the time for filing is extended by the Superintendent or his or her designee.

Complaints will be investigated and a written decision sent to the complainant within sixty (60) days from the receipt of the complaint. This sixty day time period may be extended by written agreement of the complainant. The District person responsible for investigating the complaint shall conduct and complete the investigation in accordance with sections 4680-4687 and in accordance with local procedures adopted under section 4621. If the complainant is not satisfied with the local educational agency's decision, the complainant may file within fifteen (15) days of receipt of the decision a written appeal with the California Department of Education (CDE) in Sacramento, California. The appeal to CDE must include a copy of the locally filed complaint and a copy of the District decision.

Complainants may also pursue available civil law remedies, including, but not limited to injunctions, restraining orders or other orders in federal or state court. Further information about such remedies may be available through a public or private interest attorney, the County lawyer Referral Service, Legal Aid Society, a mediator, or dispute resolution service.

In order to promote fair and constructive communication, the Pacific School District Board of Trustees has adopted the following procedures to resolve complaints concerning school personnel. Every effort should be made to resolve a complaint at the earliest possible stage.

1. Complaints concerning school personnel should be made directly by the complainant to the person against whom the complaint is lodged. Parents/guardians are encouraged to attempt to orally resolve concerns with the staff member personally.

2. If the complaint is not resolved at this level, the complainant may submit the complaint in writing to the school administrator. When necessary, district administration shall assist in the preparation of the written complaint so as to meet the requirement of this regulation. The administrative staff shall inform the complainant that such assistance is available if he/she is unable to prepare the written complaint without help. A written complaint must include the name of each employee involved and a brief but specific summary of the complaint and the facts surrounding it. It must also include a specific description of a prior attempt to discuss the complaint with the employee involved and the failure to resolve the matter. The administrator is responsible for investigating complaints and will attempt to resolve the complaint to the satisfaction of the person(s) involved. If the complaint is resolved, the administrator will so advise all concerned parties.
3. If the complaint remains unresolved after review, the administrator shall prepare a report and analysis of the situation that includes a written decision concerning the complaint. Complainants should consider and accept the administrator's decision as final. However, the complainant, the employee or administrator may ask to address the Governing Board regarding the complaint.
4. All written complaints regarding the district personnel other than administrators shall be initially filed with the administrator. If the written complaint concerns the administrator it shall be initially filed with the Governing Board.
5. Except when a complaint is directed against the administrator, no party to a complaint may address the Governing Board, either in closed or open session, unless the Board has received the administrator's written report concerning the complaint. The administrator's report shall contain, but not be limited to:
 - a. The name of each employee involved.
 - b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Governing Board and the employee(s) as to the precise nature of the complaint and to allow the employee(s) to prepare a defense.
 - c. A copy of the signed original complaint.
 - d. A summary of the action taken by the administrator with his/her specific finding that disposition of the case at the administrator's level has not been possible and the reasons why.

All parties to a complaint, including the school administration, may be asked to attend a Governing Board Meeting or part of such meeting for the purpose of presenting all available evidence and allowing every opportunity for explaining and clarifying the issue. Complaints concerning an employee shall be addressed in a closed session of the Governing Board unless the employee requests that the issue be addressed in open session. (Cf. 9321---Closed Sessions). The decision of the Governing Board following the hearing shall be final.