

## **Uniform Complaint Procedures**

The Evergreen School Board recognizes that the district has primary responsibility for insuring that it complies with applicable state and federal laws and regulations governing educational programs. The district shall investigate and seek to resolve complaints at the local level, whenever possible. The School shall follow the Uniform Complaint Procedures (UCP) when addressing complaints alleging:

Unlawful discrimination based on actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color or physical or mental disability, or on a person's association with a person or group with one or more of these actual or perceived characteristics in any district program or activity that receives or benefits from state financial assistance. UCP 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 education or training, child care and development, programs, child nutrition programs, and special education programs.

Complaints related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, and teacher vacancies and misassignments shall be investigated pursuant to the district's Williams uniform complaint procedure.

The Board acknowledges and respects every individual's 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, as determined by the Superintendent or designee on a case-by-case basis.

The Board prohibits any form of retaliation against any complainant in the complaint process, including but not limited to a complainant's filing of a complaint or the reporting of instances of discrimination.

The Superintendent 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 MEDIATION**

The Board recognizes that a neutral mediator can often suggest an early compromise that is agreeable to all parties in a dispute. The Superintendent shall ensure that the mediation results are consistent with state and federal laws and regulations.

## **COMPLIANCE OFFICERS**

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

**Brad Mendenhall, Superintendent**  
Evergreen Union School District  
19500 Learning Way  
Cottonwood, CA 96022  
530-347-3411

## **PROCEDURES**

Unlawful discrimination complaints shall be initiated no later than six (6) months from the date the alleged discrimination occurred or the date the complainant first obtained knowledge of the facts of the alleged discrimination.

The complaint review shall be completed and a written decision written within 60 calendar days. The complete procedures are available for review at the school office through the compliance officer. They include the following steps:

### **STEP 1: FILING OF A COMPLAINT**

### **STEP 2: MEDIATION**

### **STEP 3: INVESTIGATION OF COMPLAINT**

### **STEP 4: DISTRICT RESPONSE**

### **STEP 5: FINAL WRITTEN DECISION**

Compliance officers shall maintain a record of each complaint as required for compliance with the California Code of Regulations, Title 5, Section 4632.

## **APPEALS TO THE CALIFORNIA DEPARTMENT OF EDUCATION**

If dissatisfied with the school's decision, the complainant may appeal in writing to the California Department of Education within 15 business days of receiving the school's decision. For good cause, the Director of Public Instruction may grant an extension for filing appeals.

When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the school's decision and must include a copy of the locally filed complaint and the school's decision.

## **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 60 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 the California Code of Regulations, Title 5, Section 4620.

## **REFERRING COMPLAINTS TO OTHER APPROPRIATE STATE OR FEDERAL AGENCIES**

In addition to filing a complaint with the school, complainants may file complaints directly with the California Department of Education or to pursue remedies before civil courts or other public agencies.

# **EVERGREEN UNION SCHOOL DISTRICT**

**2019/2020**

---

# **Uniform Complaint Procedure**

---

Community Options for Resources in Education

@

**Brad Mendenhall  
Superintendent**

**Evergreen Union School District  
19500 Learning Way  
Cottonwood, CA 96022  
530-347-3411**