



UNIFORM COMPLAINT POLICY

The Board of Education encourages early, informal resolution of complaints at the school site level whenever possible. However, it recognizes that there are occasions when a more formal process is necessary. Thus, in accordance with 5 CCR §4621 the Board of Education adopts this Uniform Complaint Policy.

Applicable Programs and Types of Complaints

A. The District shall follow this Uniform Complaint Policy and corresponding administrative regulation when addressing complaints alleging unlawful discrimination, harassment, *intimidation, and bullying* against any protected group as identified under Education Code 200 and 220 and Government Code 11135, including those with actual or perceived characteristics such as race or ethnicity, color, ancestry, national origin, nationality, ethnic group identification, age, religion, *actual or potential parental, family or marital status, or the exclusion of any person because of pregnancy or related condition* ~~marital or parental status~~, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information, 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 district or that is funded directly by, or that receives or benefits from any state financial assistance.

B. The District's Uniform Complaint Policy and corresponding administrative regulation shall also be used when addressing complaints alleging failure to comply with state and/or federal laws with respect to adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and career technical and technical training programs, child care and development programs, child nutrition programs, pupil fees and special education programs. (5 CCR§ 4610).

Complaints related to the sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, teacher vacancies and misassignments, intensive instruction and services provided to Cal. Educ. Code §37254 to pupils who have not passed one or both parts of the high school exit examination after the completion of grade 12, and fees, deposits, or other charges related to participation in a curricular or extracurricular activity shall be investigated pursuant to the District's Alternative Uniform Complaint Policy, BP 1312.3 and corresponding administrative regulation,

AR 1312.3. (Cal. Educ. Code §35186).

Complaints relating to any other subject matter not otherwise delineated herein, including but not limited to complaints against individual employees should be resolved informally at the relevant school site level or formally by utilization of the District's General Complaint Policy 1312.1, corresponding regulation, AR 1312.1, and corresponding forms.

Designated Compliance Officer

The Board of Education designates the following Compliance Officer to receive, investigate and prepare a decision with respect to complaints and to ensure the District's compliance with all applicable state and federal laws:

Irvine Unified School District Superintendent
5050 Barranca Parkway
Irvine, CA 92604
Phone: 949-936-5000
Fax: 949-936-5259

The Compliance Officer is authorized to designate his/her duties relating to investigation and preparation of a decision to another District employee on a case by case basis. However, the Compliance Officer shall ensure that the employee who is designated to investigate a complaint and prepare a decision is knowledgeable about the laws, programs or other subject matter for which the/she is designated to investigate. (5 CCR 4621). Designated employees may have access to legal counsel if deemed appropriate and necessary by the Compliance Officer.

Notifications

The Superintendent or his/her designee shall annually provide written notification of the District's Uniform Complaint Policy and Administrative Regulation to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. This notice shall be in English, and if appropriate and necessary pursuant to Cal. Educ. Code §48985, in the student's primary language. The Compliance Officer or his/her designee shall make available copies of the district's Uniform Complaint Policy and Administrative Regulation free of charge. (5 CCR 4622).

The notice shall advise potential complainants that the District is primarily responsible for compliance with federal and state laws and regulations and as such, has adopted a Uniform Complaint Policy and corresponding Administrative Regulation. (5 CCR 4621).

The notice shall also include statements that:

- a. The complaint review shall be completed within 60 calendar days from the date

of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.

b. An unlawful discrimination on the basis of a protected class complaint must be filed not later than six (6) months from the date the alleged discrimination occurs, or six (6) months from the date the complainant first obtains knowledge of the facts of the alleged discrimination.

c. The complainant has a right to appeal the District's decision to the California Department of Education ("CDE") by filing a written appeal within 15 days of receiving the District's decision.

d. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.

e. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable, including the right to file a complaint of discrimination/harassment on the basis of a protected class with the Office for Civil Rights.

Recognition of Right to Privacy

The Board of Education acknowledges and respects every individual's right to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process. This may include keeping the identity of the complainant and/or witnesses confidential, as appropriate and 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. (5 CCR §4630).

Retaliation

The Board of Education prohibits any form of retaliation against any complainant. 5 CCR §4621.

Mediation

The Board of Education recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with AR 1312.2, whenever all parties to a complaint agree to try resolving their problem through mediation, the Compliance Officer or his/her designee shall initiate that process. The Compliance Officer or his/her designee shall ensure that the results are consistent with state and federal laws and regulations.

Policy Adopted: December 6, 2011

Policy Revised: June 26, 2012

Policy Revised:

[Administrative Regulation](#)

[Form 1312.2](#)