

DOWNEY UNIFIED UNIFORM COMPLAINT PROCEDURES

The Downey Unified School District is primarily responsible for compliance with federal and state laws and regulations. These procedures are intended to provide an orderly process to be used by parents, employees, District and school councils/ committees, students, and other interested parties when addressing complaints alleging:

- Unlawful discrimination, including discriminatory harassment, intimidation or bullying in District programs and activities against any person based on his/her actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics in any program or activity including but not limited to those funded directly by or that receives or benefits from any state financial assistance. Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws or regulations governing adult education and Regional Occupational Centers and programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs, federal school safety planning requirements, lactation accommodations, foster and homeless students, course periods without education content and physical education instructional minutes.
- Any complaint alleging District violation of the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities.
- Any complaint alleging that the District has not complied with legal requirements related to the implementation of the Local Control Accountability Plan (LCAP).

A complaint must be filed no later than 6 months from the date the complainant first obtains knowledge of the concern. These uniform procedures require the complainant to submit a written complaint to the Assistant Superintendent, Certificated Human Resources who will coordinate an investigation and response within 60 days of receipt of the written complaint, unless the complainant agrees in writing to extend the time line. If the District finds merit in a complaint, the District shall provide a remedy to all affected pupils, parents/guardians.

Procedures for Filing a Complaint

1. The complainant shall first attempt to resolve the complaint with the site or program administrator.
2. If a resolution cannot be reached, the complainant shall file a complaint following Uniform Complaint Procedures. Copies of the Uniform Complaint Procedures are available from the Office of the Superintendent or local school site.
3. A complaint is a written and signed statement alleging unlawful discrimination or harassment.

4. The complaint must be filed with the Assistant Superintendent, Certificated HR at (562) 469-6541.
5. If a complainant is unable to put a complaint in writing because of a handicapping condition or language problem, District staff will assist in preparing the complaint.
6. All complaints regarding unlawful discrimination must be filed within six months of the alleged occurrence or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination.

Mediation

After receiving the complaint, the Superintendent's designee, Assistant Superintendent of Certificated Human Resources, shall informally discuss with the complainant the possibility of using mediation. The designee shall be responsible to receive complaints, investigate complaints, and insure District compliance.

The use of mediation shall not extend the District's time line for investigating and resolving the complaint in 60 days unless the complainant agrees in writing to the extension.

If the complainant refuses mediation or the mediation process does not resolve the issue, the Superintendent's designee shall proceed with the investigation of the complaint.

Investigation of Complaint

The Superintendent's designee shall gather data and hold investigative meetings of sufficient length and depth to complete a written report of the investigation and the findings/ decisions.

The complainant and/or represent-tative will be given an opportunity to present evidence relative to the complaint during the investigative process. 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 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 refuse or fail 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.

Written Report/Decision

Within 60 calendar days of receipt of the complaint, the Superintendent's designee shall prepare and send to the complainant and the Superintendent a written report with the following components unless the complainant agrees in writing to an extension of time:

1. The report shall be written in English and the primary language of the complainant as required by EC 48985.
2. Findings of fact based on the evidence gathered and disposition of the complaint.
3. Conclusion of law.

4. Rationale for disposition.
5. Corrective actions (if any).
6. Notice of complainant's right of appeal to the Superintendent within three days.
7. Notice of complainant's right of appeal to the California Department of Education (CDE) within 15 days.
8. In a discrimination complaint, notice of the right to civil law remedies no sooner than 60 days after filing an appeal with the CDE.
9. Procedures to be followed for initiating an appeal to CDE.

Civil Law Remedies

Nothing in these procedures or District policy precludes a complainant from pursuing available civil law remedies. Such remedies may include mediation centers, public/private interest attorneys, injunctions, restraining orders, etc. For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the date of filing an appeal with the CDE before pursuing civil law remedies. For assistance, a complainant may contact.

- Legal Aid (800) 834-5001
- Bellflower Public Defender's Office
(562) 804-8083
- L.A. County Bar Association
(213) 243-1500
- California State Bar (213) 765-1000

A complaint may be filed at any time with the California State Dept. of Education, 721 Capitol Mall, Sacramento, CA 95814.

Contact persons for programs covered under the Uniform Complaint Procedures:

Career-Technical Education (CTE) Director, Support Programs @ (562) 469-6600

Child/School Nutrition – Director, Food Services @ (562) 469-6671

Consolidated Categorical Aid: State Programs for English Learner Students; Title I, Title VI; and Improving American's Schools Act (IASA), – Director, Instructional Support Programs @ (562) 469-6568.

Gender Equity/Title IX Uniform Complaint Procedure – Assistant Superintendent, Certificated H.R. @ (562) 469-6542.

Special Education – Director, Special Education @ (562) 469-6582.

Uniform Complaint Procedure – Assistant Superintendent, Human Resources @ (562) 469-6542.