1000 COMMUNITY RELATIONS

1200 – RELATIONS WITH PUBLIC

TYPES OF COMPLAINTS

The Madera County Board of Education and the Madera County Superintendent of Schools are primarily responsible to ensure compliance with applicable state and federal laws and regulations. The county superintendent/designee shall investigate and seek to resolve, in accordance with our Uniform Complaint Procedures (UCP), any complaints alleging failure to comply with applicable state and federal laws or regulations governing educational programs, including non-compliance with laws relating to pupil fees and the Madera County Superintendent of Schools Local Control and Accountability Plan (LCAP).

A UCP complaint is a written and signed statement by a complainant alleging a violation of federal or state laws or regulations which may include an allegation of unlawful discrimination, harassment, intimidation, bullying or charging pupil fees for participation in an educational activity or non-compliance with the requirements of the Local Control and Accountability Plan (LCAP).

A complainant is any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination, harassment, intimidation, bullying and non-compliance with laws relating to pupil fees or non-compliance with the requirements of the Local Control and Accountability Plan (LCAP). If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, the county superintendent/designee shall assist the complainant in the filing of the complaint.

According to state and federal codes and regulations, the programs and activities subject to the UCP are:

1. Accommodations for Pregnant and Parenting Pupils
2. Adult Education
3. After School Education and Safety
4. Agricultural Career Technical Education
5. Career Technical and Technical Education; Career Technical; Technical Training (State)
6. Career Technical Education (Federal)
7. Child Care and Development
8. Compensatory Education
9. Course Periods without Educational Content

10. Education of Pupils in Foster Care, Pupils Who are Homeless, Former Juvenile Court Pupils Now Enrolled in a School District, and Pupils of Military Families
11. Every Student Succeeds Act/No Child Left Behind (Titles I-VII)
12. Local Control and Accountability Plans (LCAP)
13. Migrant Education
14. Physical Education Instructional Minutes
15. Pupil Fees
16. Reasonable Accommodations to a Lactating Pupil
17. Regional Occupational Centers and Programs
18. School Plans for Student Achievement
19. School Safety Plans
20. School-site Councils
21. State Preschool
22. State Preschool Health and Safety Issues in LEAs Exempt from Licensing

The following complaints shall be referred to other agencies for appropriate resolution and are not subject to our UCP process set forth in this document unless these procedures are made applicable by separate interagency agreements.

Allegations of child abuse shall be referred to Madera County Department of Social Services (DSS), Protective Services Division or appropriate law enforcement agency.

Health and safety complaints regarding a Child Development Program shall be referred to the Department of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.

Employment discrimination, harassment, intimidation, or bullying complaints shall be sent to the State Department of Fair Employment and Housing (DFEH).

Allegations of fraud shall be referred to the Legal Audits and Compliance Branch in the California Department of Education (CDE).

Pupil Fees

A pupil fee is a fee, deposit, or other charge imposed on pupils, or a pupil's parents or guardians, in violation of state codes and constitutional provisions which require educational activities to be provided free of charge to all pupils without regard to their families' ability or willingness to pay fees or request special waivers. Educational activities are those offered by a school, school district, charter school, or county office of education that constitute a fundamental part of education, including but not limited to, curricular and extracurricular activities.

A pupil fee includes, but is not limited to, all of the following:

1. A fee charged to a pupil as a condition for registering for school or classes, or as a

condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.

2. A security deposit or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
3. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

The Local Control Accountability Plan (LCAP)

The LCAP is an important component of the Local Control Funding Formula (LCFF), the revised school finance system that overhauled how California funds its K-12 schools. Under the LCFF, the Madera County Superintendent of Schools is required to prepare an LCAP, which describes how we intend to meet annual goals for our pupils, with specific activities to address state and local priorities identified pursuant to California Education Code Section 52060(d).

LEGAL REFERENCE
20 United States Code (U.S.C.) Section 6301 et seq. 34 Code of Federal Regulations (CFR) Section 299.11 EDUCATION CODE SECTIONS 200, 222, 234.1-234.5, 262.3, 8235.5, 8200-8493, 8500-8538, 32280-32289; 33315;, 46015, 47606-47606.5, 47607.3, 48645.5, 48645.7, 48853.5, 48985,49010-49013,49069.5, 51210, 51223, 51225.1, 51228.1-51228.3, 52060-52075, 52300-52462, 52500-52616.4, 54440-54445, 64001, 65000. California Government Code (GC) Sections 11135, 17581.6(f). California Penal Code (PC) Section 422.55. California Welfare and Institutions Code (WIC) Sections 300

Adopted: _____

ANNUAL NOTICE TO PARENTS/GUARDIANS, PUPILS AND EMPLOYEES

The Madera County Board of Education and the Madera County Superintendent of Schools (MCSOS) annually notifies our Parents/Guardians, Pupils and Employees, the MCSOS advisory committee, school advisory committees, appropriate private school officials, and other interested parties of the Uniform Complaint Procedures (UCP) process.

The Madera County Board of Education and the Madera County Superintendent of Schools are primarily responsible for compliance with federal and state laws and regulations, including those related to unlawful discrimination, harassment, intimidation or bullying against any protected group, and all programs and activities that are subject to the UCP.

According to state and federal codes and regulations, the programs and activities subject to the UCP are:

1. Accommodations for Pregnant and Parenting Pupils
2. Adult Education
3. After School Education and Safety
4. Agricultural Career Technical Education
5. Career Technical and Technical Education; Career Technical; Technical Training (State)
6. Career Technical Education (Federal)
7. Child Care and Development
8. Compensatory Education
9. Course Periods without Educational Content
10. Education of Pupils in Foster Care, Pupils Who are Homeless, Former Juvenile Court Pupils Now Enrolled in a School District, and Pupils of Military Families
11. Every Student Succeeds Act/No Child Left Behind (Titles I-VII)
12. Local Control and Accountability Plans (LCAP)
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17. Regional Occupational Centers and Programs
18. School Plans for Student Achievement
19. School Safety Plans
20. School-site Councils
21. State Preschool

22. State Preschool Health and Safety Issues in LEAs Exempt from Licensing

Pupil Fees

A pupil fee includes, but is not limited to, all of the following:

1. A fee charged to a pupil as a condition for registering for school or classes, or as condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.
2. A security deposit or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
3. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

A pupil fees complaint may be filed with the principal of a school or the county superintendent/designee. A pupil fees complaint and/or an LCAP complaint may be filed anonymously; however, the complainant must provide evidence or information leading to evidence to support the complaint.

A pupil enrolled in a school or program provided by MCSOS shall not be required to pay a pupil fee for participation in an educational activity.

A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred.

Additional Information

The county superintendent/designee shall post a standardized notice of the educational rights of pupils in foster care, pupils who are homeless, former juvenile court pupils now enrolled in a school district, and pupils in military families as specified in Education Code Sections 48645.7, 48853, 48853.5, 49069.5 51225.1, and 51225.2. This notice shall include complaint process information, as applicable.

The county superintendent/designee shall post a notice to identify appropriate subjects of state preschool health and safety issues in each California state preschool program classroom in each site notifying parents, guardians, pupils, and teachers of (1) the health and safety requirements under Title 5 of the California Code of Regulations that apply to California state preschool programs pursuant to HSC Section 1596.7925 and (2) where to get a form for a state preschool health and safety issues complaint.

The Madera County Superintendent of Schools/designee responsible to receive UCP complaints is:

Assistant Superintendent, Human Resources
1105 South Madera Avenue
Madera, CA 93637
Telephone: (559) 673-6051
Fax: (559) 673-7318

The county superintendent/designee shall ensure that the employee(s) designated to investigate complaints are knowledgeable about the laws and programs for which they are assigned to investigate.

Complaints will be investigated and a written report with a decision 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. The person responsible for investigating the complaint shall conduct and complete the investigation in accordance with our UCP policies and procedures.

The complainant has a right to appeal the county superintendent's/designee's decision of complaints regarding specific programs and activities subject to the UCP, pupil fees and the LCAP to the California Department of Education by filing a written appeal within 15 days of receiving the decision. The appeal must be accompanied by a copy of the originally-filed complaint and a copy of the decision.

The county superintendent/designee will advise the complainant of civil law remedies, including but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal discrimination, harassment, intimidation, or bullying laws, if applicable.

Copies of Uniform Complaint Procedures process shall be available free of charge.

Adopted: _____

UCP COMPLAINT INVESTIGATION

The Madera County Superintendent of Schools (MCSOS) designates the following compliance officer(s) in accordance with our Uniform Complaint Procedures (UCP), to receive and investigate any complaints alleging failure to comply with applicable state and federal laws and regulations including, but not limited to, allegations of unlawful discrimination, harassment, intimidation, or bullying or noncompliance with laws relating to all programs and activities implemented by the Madera County Superintendent of Schools that are subject to the UCP, including charging pupil fees for participation in an educational activity or non-compliance with the requirements of the MCSOS Local Control Accountability Plan and ensure compliance.

Compliance Officer

Assistant Superintendent, Human Resources
1105 South Madera Avenue
Madera, CA 93637
Telephone: (559) 673-6051
Fax: (559) 673-7318

The county superintendent/designee shall ensure that the employee(s) designated to investigate complaints are knowledgeable about the laws and programs for which they are assigned to investigate.

The county superintendent/designee will investigate all allegations of unlawful discrimination, harassment, intimidation, or bullying against any protected group as identified in Education Code Section 200 and 220 and Government Code Section 11135, including any actual or perceived characteristics as set forth in Penal Code Section 442.55 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, which is funded directly by, or that receives or benefits from any state financial assistance.

Unlawful discrimination, harassment, intimidation, or bullying complaints shall be filed no later than six 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.

All complaints are protected from retaliation. The county superintendent/designee will advise complainants of the right to pursue civil law remedies under state or federal

discrimination, harassment, intimidation, or bullying laws.

NOTIFICATIONS

The county superintendent/designee shall ensure annual dissemination of a written notice of our complaint procedures to all students, employees, parents or guardians of its students, school and advisory committee members, appropriate private school officials or representatives, and other interested parties that includes information regarding allegations about discrimination, harassment, intimidation, or bullying.

The UCP Annual Notice shall also include information regarding the requirements of Education Code Section 49010 through 49013 relating to pupil fees and information regarding the requirements of Education Code Section 52075 relating to the LCAP.

The UCP Annual Notice shall be in English and in the primary language, pursuant to Education Code Section 48985 or mode of communication of the recipient of the notice.

In order to identify appropriate subjects of state preschool health and safety issues, a notice is posted in each California state preschool program classroom at each site notifying parents, guardians, pupils, and teachers of (1) the health and safety requirements under Title 5 of the California Code of Regulations that apply to California state preschool programs pursuant to HSC Section 1596.7925 and (2) where to get a form for a state preschool health and safety issues complaint.

FILING UCP COMPLAINTS

When Filing Pupil Fees UCP Complaints

A pupil fees complaint may be filed with the principal of a school or the county superintendent/designee. A pupil fees complaint and/or an LCAP complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. A pupil fees complaint shall be filed no later than one year from the date the alleged violation occurred.

When Filing State Preschool Health and Safety Issues UCP Complaints

The preschool program administrator or the designee of the county superintendent shall (1) make all reasonable efforts to investigate any problem within his or her authority. Investigations shall begin within 10 days of the receipt of the complaint and (2) remedy a valid complaint within a reasonable time period, but not to exceed 30 working days from the date the complaint was received and report to the complainant the resolution of the complaint within 45 working days of the initial filing. If the preschool program administrator makes this report, he or she shall also report the same information in the same timeframe to the designee of the county superintendent.

A complainant shall comply with the appeal requirements of 5 CCR section 4632.

UCP complaints regarding state preschool health and safety issues pursuant to HSC Section 1596.7925 shall include the following statements:

1. File with the preschool program administrator/designee.
2. A state preschool health and safety issues complaint pursuant to HSC Section 1596.7925 about problems beyond the authority of the preschool program administrator shall be forwarded in a timely manner, but not to exceed 10 working days to the appropriate local educational agency official for resolution.
3. A state preschool health and safety issues complaint pursuant to HSC Section 1596.7925 may be filed anonymously. A complainant who identifies himself or herself is entitled to a response if he or she indicates that a response is requested. A complaint form shall include a space to mark to indicate whether a response is requested. If Education Code Section 48985 is otherwise applicable, the response, if requested, and report shall be written in English and the primary language in which the complaint was filed.
4. A complaint form for a state preschool health and safety issue pursuant to HSC Section 1596.7925 shall specify the location for filing a complaint. A complainant may add as much text to explain the complaint as he or she wishes.

When Filing All UCP Complaints

The county superintendent/designee shall 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 Madera County Superintendent of Schools 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 with a decision will be issued to the complainant by the county superintendent/designee within 60 days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time.

This report will contact the following elements:

1. The findings of fact based on the evidence gathered;

2. Conclusion of law;
3. Disposition of the complaint;
4. The rationale for such a disposition;
5. Corrective actions, if any are warranted;
6. Notice of the complainant's right to appeal our decision to the California Department of Education;
7. Procedures to be followed for initiating an appeal to the California Department of Education.

UCP COMPLAINT RESOLUTION

If the county superintendent/designee finds merit in a complaint regarding Pupil Fees, Local Control and Accountability Plan (LCAP); and/or Physical Education Instructional Minutes (grades one through eight), the remedy shall go to all affected pupils and parents/guardians.

If the county superintendent/designee finds merit in a complaint regarding Reasonable Accommodations to a Lactating Pupil; Course Periods without Educational Content (grades nine through twelve); and/or 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, the public school or LEA shall provide a remedy to the affected pupil.

The county superintendent/designee ensures that an attempt shall be made in good faith to engage in reasonable efforts to identify and fully reimburse all pupils, parents, and guardians who paid a pupil fee within one year prior to the filing of the complaint.

The county superintendent/designee shall report summarized data on the nature and resolution of all state preschool health and safety issues complaints on a quarterly basis to the Madera County Superintendent of Schools and the Madera County Board of Education. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the Madera County Board of Education. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. The complaints and responses shall be available as public records.

UCP COMPLAINT APPEAL PROCESS

An appeal is a request made in writing to a level higher than the original reviewing level by an aggrieved party requesting reconsideration or a reinvestigation of the lower adjudicating body's decision.

A complainant may appeal the county superintendent's/designee's decision of a UCP complaint to the State Superintendent of Public Instruction or his or her designee at the California Department of Education (here and after known as SSPI) regarding all specified federal and state educational programs subject to the UCP.

A complainant who is not satisfied with the resolution proffered by the preschool program administrator or the designee of the county superintendent has a right to file an appeal to the State Superintendent of Public Instruction within 30 days of the date of the report.

The appeal to the California Department of Education must fully explain the basis for the appeal, stating how the facts of the county superintendent's/designee's decision are incorrect and/or the law is misapplied.

The appeal shall be accompanied by:

1. A copy of the original locally filed complaint; and
2. A copy of the county superintendent's/designee's decision

A complainant not satisfied with the resolution of the preschool program administrator or the designee of the county superintendent has the right to describe the complaint to the Madera County Board of Education at a regularly scheduled meeting.

The SSPI shall comply with the requirements of 5 CCR Section 4633 and shall provide an Investigation Report to the State Board of Education describing the basis for the complaint, the county superintendent's/designee's response to the state preschool health and safety issues complaint and its remedy or proposed remedy.

LEGAL REFERENCE
20 United States Code (U.S.C.) Section 6301 et seq. 34 Code of Federal Regulations (CFR) Section 299.11 EDUCATION CODE SECTIONS 200, 222, 234.1-234.5, 262.3, 8235.5, 8200-8493, 8500-8538, 32280-32289; 33315;, 46015, 47606-47606.5, 47607.3, 48645.5, 48645.7, 48853.5, 48985,49010-49013,49069.5, 51210, 51223, 51225.1, 51228.1-51228.3, 52060-52075, 52300-52462, 52500-52616.4, 54440-54445, 64001, 65000. California Government Code (GC) Sections 11135, 17581.6(f). California Penal Code (PC) Section 422.55. California Welfare and Institutions Code (WIC) Sections 300

Adopted: _____

MADERA COUNTY SUPERINTENDENT OF SCHOOLS
UNIFORM COMPLAINT PROCEDURES

COMPLAINT FORM

To be filed with: Madera County Superintendent of Schools (MCSOS)
Attention: Assistant Superintendent, Human Resources
1105 South Madera Avenue, Madera, CA 93637

I have read the school district policy on Uniform Complaint Procedures (UCP) and wish to file a complaint regarding an alleged violation of federal or state law or regulations governing the following educational program which is covered under this procedure.

_____

State the name of the federally-funded educational program in which the alleged violation occurred or other violation covered under the Uniform Complaint Procedure. If this complaint is not subject to the Uniform Complaint Procedure, the MCSOS representative should list below the agency to which the complainant has been referred.

_____

State the agency to which complainant has been referred if this complaint is not covered by the Uniform Complaint Procedures

NATURE OF COMPLAINT:
Describe here the nature of the alleged violation. If this complaint involves the educational service provided to a specific child, please give the name, grade, and school of enrollment. Attach additional pages if necessary.

DATE OF VIOLATION: _____
Must be within six (6) months of today's date. If not, you will be given information regarding an appeal to the State Superintendent of Public Instruction for an extension of time in which to file the complaint.

MEDIATION
I have been offered and _____ *an opportunity for mediation of this complaint.*
(Accept / Reject)

Signed: _____ *Date:* _____

Complainant's address: _____ Telephone Number: _____

Complaint Received by: _____
(Name and Title) (Date)

Distribution: Original – Parent
Copy - Madera County Superintendent of Schools

SUPERINTENDENTE DE ESCUELAS DEL CONDADO DE MADERA
PROCEDIMIENTOS UNIFORMES DE QUEJAS

FORMULARIO DE QUEJA

Ser archivado con: Superintendente de Escuelas del Condado de Madera (MCSOS)
Atención: Asistente del Superintendente de los Recursos Humanos
1105 South Madera Avenue, Madera, CA 93637

He leído la políza del distrito escolar sobre los Procedimientos Uniformes de Quejas (UCP) y deseo presentar una queja con respecto a una presunta violación de las leyes o regulaciones federales o estatales que gobiernan el siguiente programa de educación que está cubierto por este procedimiento.

_____
Indique el nombre del programa educativo con fondos-federales en el que ocurrió la presunta violación u otra violación cubierta por el Procedimiento Uniforme de Quejas. Si esta queja no está sujeta al Procedimiento Uniforme de Quejas, el representante de MCSOS debe enumerar a continuación la agencia a la que se ha remitido al demandante.

_____
Indique la agencia a la que se ha remitido al demandante si esta queja no está cubierta por los Procedimientos Uniformes de Quejas.

NATURALEZA DE LA QUEJA*:*
Describa aquí la naturaleza de la presunta violación. Si esta queja involucra el servicio educativo proporcionado a un niño específico, indique el nombre, el grado y la escuela de inscripción. Adjunte páginas adicionales si es necesario.

*FECHA DE VIOLACIÓN:*_____
Debe ser dentro de los seis (6) meses posteriores a la fecha de hoy. Si no, se le dará información sobre una apelación ante el Superintendente Estatal de Instrucción Pública por una extensión de tiempo para presentar la queja.

MEDICIÓN
Se me ha ofrecido y _____ *una oportunidad de mediación de esta queja.*
acepto/rechazo

Firmado: _____ *Fecha*: _____

Dirección del demandante: _____ Número de Teléfono:_____

Queja Recibida por: _____
(Nombre y Título) (Fecha)

Distribución: Origianal – Padre
Copia – Superintendente de Escuelas del Condado de Madera