

**Mount Pleasant Elementary
School District
Uniform Complaint Procedures**

The Mount Pleasant Elementary 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 early at the local level. The district shall follow these Procedures (UCP) set forth in board policy 1312.3(a).

A complaint is a written statement alleging: Unlawful discrimination **based on a person's actual or perceived sex, gender, or sexual orientation, ethnic group, race,** ancestry, national origin, religion, age, color or physical or mental disability, or failure to comply with state and/or federal laws, consolidated categorical aid programs, migrant education, child nutrition programs, special education programs, and facilities.

Complaints may also be made due to failure to provide students with instructional materials, safe, and decent school facilities, and qualified teachers.

Not all complaints fall under the scope of the UCP. Many concerns are the responsibility of the District, including, hiring and evaluation of staff, classrooms assignments, student advancement and retention, selection of textbooks and materials, student discipline, facilities, homework policies and practices, use of general education funds and dress code and school uniforms.

The Board acknowledges and respects students and employee 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. Complaints alleging failure to provide students with equal access to instructional materials, safe and decent school facilities, and qualified teachers shall be public record. The Board prohibits retaliation in any form for the filing of a complaint, the reporting of instances of alleged discrimination, or for participating in complaint procedures. (Such participation shall not in any way affect the status, grades, or work assignment of the Complainant.)

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.

COMPLIANCE OFFICERS

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

**George Perez, Superintendent
Mount Pleasant Elementary School District
3434 Marten Ave
San Jose, CA 95148
(408) 223-3710**

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

The Board recognizes that informal resolution can often be agreeable to all parties in a dispute.

NOTIFICATIONS

The district shall meet the notification requirements of 5 CCR 4622, including the annual dissemination of district complaint

procedures and information about available appeals, civil law remedies and conditions under which a complaint may be taken directly to the California Department of Education.

PROCEDURES

STEP 1: FILING OF A COMPLAINT

Complainants should submit complaints in writing to the Director Student Support Services, Mount Pleasant School District Personnel Office. The Director shall be considered the representative of the District for the purposes of receiving and coordinating responses to complaints. If you are unable to put a complaint in writing due to a condition such as illiteracy or disabilities, district staff will help you file the complaint.

Complaints alleging failure to provide students with equal access to instructional materials, safe and safe school facilities, and qualified teachers may be filed anonymously. Such complaints will be resolved using the Williams Uniform Complaint procedures and timelines.

Complaints alleging unlawful discrimination must be initiated no later than six months from the date when the alleged discrimination occurred or when you first obtained knowledge of the facts, unless the time for filing is extended by the Superintendent, upon written request.

The Director will refer the complaint to the appropriate site or district office and a meeting will be held within ten days, to gather information regarding the complaint.

STEP 2: INVESTIGATION OF COMPLAINT

Each Complaint shall be investigated by the appropriate site or district office and shall be resolved within sixty business days of the original receipt of the written complaint unless an extension of the timelines has been agreed upon in writing. The site or district shall:

1. Provide an opportunity for complainants and/or representatives to present relevant information. The investigation may include an opportunity for the people in the dispute to meet and discuss the dispute.
2. Review documents that may provide information relevant to the alleged violation.

STEP 3: DISTRICT RESPONSE

A written report of the district's decision will be prepared and sent to the complainant within sixty calendar days of receipt of the complaint. The report contains:

1. Findings and disposition of the complaint
2. Corrective actions, if any
3. Rationale for the findings, along with any supporting documentation
4. District appeal process
5. Notice of the right to appeal the decision to the California Department of Education within 15 days and the procedures to be followed for the appeal.
6. In a discrimination complaint, notice of the right to seek civil law remedies no sooner than sixty days have elapsed since filing an appeal with CDE, with the exception of injunctive relief, for which the moratorium does not apply.

Complaints alleging failure to provide students with equal access to instructional materials, safe and decent school facilities, and qualified teachers will be remedied within a reasonable time period, not to exceed 30 business days from the date the complaint was received.

APPEALS

If any party disagrees with the supervisor's written decision, he or she may appeal the decision to a compliance officer of the District. Following the decision of the compliance officer, either party may appeal the decision to the District's Board of Trustees.

Complaints alleging failure to provide students with equal access to instructional materials, safe and decent school facilities, and qualified teachers shall have the right to describe the complaint to the governing board of the district and appeal the decision to the Superintendent of Public Instruction.

The appeal must:

1. Specify the reason(s) for appealing the decision.
2. Include a copy of the original complaint and a copy of the district's decision.

CIVIL LAW REMEDIES

A complainant may also 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.

This notice shall be posted in all offices and distributed annually to parents in the District's annual notice to parents. This notice shall also be distributed to all staff and posted on the district's website, and will be made available to other interested parties at no cost.

Williams Settlement Complaints

Complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils, and teacher vacancy or miss-assignment may be filed anonymously. Schools shall have a complaint form available for these types of complaints. Schools will not reject a complaint if the form is not used as long as the complaint is submitted in writing.

Uniform Complaint Procedure

MOUNT PLEASANT ELEMENTARY SCHOOL DISTRICT

**3434 Marten Ave
San Jose, CA 95148
(408) 223-3740**

**For more information contact:
Laurie Clarque Breton,
Director Student Support Services**



Revised 2008-2009