

**UNIFORM COMPLAINT PROCEDURES**

The Monterey County Board of Education recognizes that the Monterey County Superintendent of Schools has primary responsibility for insuring that the Monterey County Office of Education is in compliance with state and federal laws and regulations governing educational programs. The County Superintendent shall investigate complaints alleging failure to comply with such laws and/or alleging discrimination and shall seek to resolve those complaints in accordance with MCOE's uniform complaint procedures. The County Board encourages the County Superintendent to seek early, informal resolution of complaints at the site level whenever possible, and to ensure that prompt, thorough and impartial investigations are conducted.

The County Superintendent shall follow uniform complaint procedures when addressing complaints alleging any unlawful discrimination against any protected group as identified under Education Code 200 and 220 and Government Code 11135, including actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, or age, 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 MCOE program or activity that receives or benefits from state financial assistance.

Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in 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 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 MCOE's Williams/Valenzuela Uniform Complaint Procedures (BP 1312.4).

The County Superintendent shall prohibit retaliation in any form for the filing of a complaint, the reporting of instances of discrimination, or for participation in complaint procedures. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

For a complaint by a staff member of improper governmental activities that are covered by the act "Reporting by School Employees of Improper Governmental Activities Act" (EC 44114) the protection of that act may be invoked.

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The Board of Education acknowledges and respects students and employee rights to privacy. All employees will be notified upon hire and at regular intervals of the Uniform Complaint Procedures and how and where complaints can be filed. Students and parents will be notified in writing upon enrollment and at the beginning of each academic year of the Uniform Complaint Procedures and how and where complaints can be filed. Complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts to the extent possible and practicable.

The Board of Education recognizes that a neutral mediator can often suggest an early compromise that is agreeable to all parties in a dispute. Whenever all parties to a complaint agree to try resolving their problem through mediation, the Superintendent or designee shall initiate a mediation process before beginning a formal compliance investigation. The Superintendent shall ensure that mediation results are consistent with state and federal laws and regulations.

The Superintendent shall ensure that employees designated to investigate complaints are knowledgeable about the laws, MCOE policies, and programs for which they are responsible, and are trained annually in proper procedures for investigating complaints and appropriate remedies including but not limited to their roles as neutral fact-finders. Such employees may have access to any files and other resources necessary to investigate a complaint, and legal counsel as determined by the Superintendent.

Legal Reference: Education Code: 200-262.4 Prohibition of discrimination,  
32289, 35186, 44110-44114,  
Penal Code: 422.6 Interference with constitutional rights  
Code of Regulations: Title 5; 3080, 4600-4687, 4900-4965  
Government Code 11135

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