

# RIALTO UNIFIED SCHOOL DISTRICT COMPLAINT PROCEDURES

## Annual Notice to Employees/Students/Parents or Guardians/the District Advisory Committee & School Advisory Committee/Appropriate Private School Officials or Representatives/ and Other Interested Parties

The Rialto Unified School District has the primary responsibility to insure compliance with applicable state and federal laws and regulations. In compliance with Title V of the California Code of Regulations, Uniform Complaint Procedures, the District is committed to providing an internal process for any individual, including a person's duly authorized representative or an interested third party, public agency, or organization, to file a written complaint alleging violation by the District of federal or state law or regulations, including allegations of discrimination in programs and activities funded directly by the state or receiving any financial assistance from the state.

Any individual, including a person's duly authorized representative or an interested third party, public agency or organization may file a written complaint relating to Federal Consolidated Categorical Aid Programs, State Consolidated Categorical Aid Programs, Special Education and unlawful discrimination. Federal programs include No Child Left Behind Act of 2001: Title I (Basic Programs), Title II (Teacher Quality and Technology), Title III (Limited English Proficient), Title IV (Safe and Drug Free Schools), Title V (Innovative Strategies); Title VI (Rural Education Achievement Program); Adult Education, Career/Technical Education, Child Development, Consolidated Categorical Aid Programs, Indian Education, Nutrition Services and Special Education. State Consolidated Categorical Aid Programs include Economic Impact Aid (State Compensatory Education), Economic Impact Aid (California Economic Impact Aid-Limited English Proficient), Peer Assistance and Review, School Improvement Program, School Safety and Violence Prevention, and Tobacco Use Prevention Education; unlawful discrimination because of actual or perceived sex, sexual orientation, gender (identity or expression), ethnic group identification, race, ancestry, national origin, religion, color or mental or physical disability, 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.

### Filing a Complaint under the Uniform Complaint Procedure

1. The complaint must be filed with the Senior Director of Personnel Services not later than six (6) months from the date of the alleged violation(s) of federal or state laws or regulations or the date of alleged discrimination or illegal harassment, intimidation, and bullying (including sexual harassment) or six (6) months from the date the complainant first obtained knowledge of the facts of the alleged discrimination unless the time for filing is extended by the Superintendent or his/her designee.
2. An investigation of a discrimination complaint (including sexual harassment) will be conducted in a manner that protects the confidentiality of the parties and the facts, as appropriate and allows all involved parties to present evidence.
3. The investigation of the complaint will be initiated and completed within thirty (30) days from the receipt of the complaint by the Senior Director of Personnel Services. The time period may be extended under certain circumstances. Sexual harassment complaints will be promptly investigated.
4. The Senior Director of Personnel Services' determination on the merits of the complaint will be put in writing and issued in the primary language of or interpreted for the complainant according to Education Code 48985. The report shall include: (a) The findings of fact based on the evidence gathered (b) The conclusion(s) of law (c) Disposition of the complaint (d) Rationale for such disposition (e) Corrective actions, if any are warranted (f) Notice of the complainant's right to appeal the LEA's Decision to CDE (g) Procedure to be followed for initiating an appeal to CDE (see #5).
5. The complainant has the right to appeal and/or review the Senior Director of Personnel Services' decision through the appeal process by notifying the Board within five (5) days of the Director's decision. Any complainant may appeal the District's decision to the Superintendent of Public Instruction, State Department of Education, within fifteen (15) days of receiving the District's decision. The appeal must include a copy of the complaint filed with the Local Education Agency (LEA) and a copy of the LEA's decision.
6. Nothing in the District's complaint procedure will preclude the complainant from pursuing other available civil remedies. 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.
7. The District prohibits retaliation in any form for the filing of a complaint, the reporting of instances of discrimination (including reporting sexual harassment), or for participation in any part of the complaint procedures.
8. If you are alleging that you are a victim of discrimination, harassment, intimidation or bullying, pursuant to Section 262.3 of the General Education Code Provisions, you may not seek civil remedies until at least sixty (60) days have elapsed from the filing of an appeal to the State Department of Education. The moratorium does not apply to injunctive relief and is applicable only if the District has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.
9. The Uniform Complaint Procedures shall be used to address any complaint alleging the District's failure to comply with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities and for failure to comply with the requirements for the development and adoption of a school safety plan.

For further information on any part of the complaint procedures, including filing a complaint or requesting a copy of the District's complaint procedures free of charge, please contact the Senior Director of Personnel Services, Rialto Unified School District, 182 E. Walnut Avenue, Rialto, CA 92376, (909) 820-7700 Ext. 2431.