

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 San Bernardino City 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 unlawful discrimination, harassment, intimidation, bullying, unlawful pupil fees, and complaints alleging violation of state and federal laws governing educational programs.

Any individual, including a person's duly authorized representative or an interested third party, public agency or organization, may file a written complaint alleging failure to comply with state and/or federal laws related to Federal 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), Adult Education, Career/Technical and Technical Education and Training Programs, Child Care and Development Programs, Indian Education, Special Education Programs, Safety Planning Requirements, State Consolidated Categorical Aid Programs: Economic Impact Aid (SCE), Economic Impact Aid (EIA-LEP), Peer Assistance and Review, School Improvement Program, School Safety and Violence Prevention, Tenth Grade Counseling, and Tobacco Use Prevention Education and other programs. These established procedures adopted by our school board are also used when addressing complaints pertaining to unlawful discrimination, harassment, intimidation, or bullying based on actual or perceived age, ancestry, color, ethnic group identification, gender expression and identity, gender, mental or physical disability, nationality, national origin, race or ethnicity, religion, sex, sexual orientation or on a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity that receives or benefits from state financial assistance.

Filing a Complaint Under the Uniform Complaint Procedures

1. The complaint must be filed with the District's Affirmative Action Office not later than six months from the date the alleged violation(s) of federal or state laws or regulations or the date of alleged discrimination, harassment, intimidation, or bullying. There are exceptions that may extend the timeliness of filing a complaint. The Affirmative Action Office is responsible for compliance and/or investigations and is knowledgeable about the laws/programs they are assigned to process.
2. An investigation of a discrimination, harassment, intimidation or bullying complaint (including sexual harassment) will be conducted in a manner that protects the confidentiality of the parties and the facts, as appropriate.
3. The investigation of the complaint will be initiated and completed within sixty days from the receipt of the complaint by the Affirmative Action Office. The time period may be extended

under certain circumstances. Sexual harassment complaints will be promptly investigated.

4. The complainant and/or representative and the respondent, against whom allegations were made, will have the opportunity to present evidence or information under state or federal discrimination, harassment, intimidation or bullying laws, if applicable.
5. The Affirmative Action Office's determination on the merits of the complaint will be put in writing and issued to the complainant.
6. If a public school finds merit in a pupil fees complaint, the public school shall provide a remedy to all affected pupils, parents and guardians that where applicable includes reasonable efforts by the public school to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.
7. The complainant has the right to appeal and/or review the Affirmative Action Office's decision through the appeal process. The complainant has a right to appeal the District's decision to the California Department of Education by filing a written appeal within 15 days of receiving the District's decision. The appeal must include a copy of the complaint filed with the District and a copy of the District's decision.
8. Civil law remedies may be available under state or federal discrimination, harassment, intimidation, and bullying laws, if applicable. In appropriate cases, an appeal may be filed pursuant to Education Code Section 262.3. A complainant may pursue available civil law remedies outside of the District's SBCUSD 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. The Affirmative Action Office has information available on local civil remedies, and the time line for seeking legal remedies in discrimination, harassment, intimidation or bullying complaints under state or federal discrimination, harassment, intimidation or bullying laws, if applicable.
9. The District prohibits retaliation in any form for the filing of a complaint, the reporting of instances of discrimination, harassment, intimidation or bullying (including reporting sexual harassment), or for participation in any part of the complaint procedures.
10. 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 provision, you may not seek civil remedies until at least 60 days have elapsed from the filing of an appeal to the State Department of Education.

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 Affirmative Action Office, San Bernardino City Unified School District, 777 North F Street, San Bernardino, California 92410, (909) 381-1122.