

APPEALS TO THE CALIFORNIA DEPARTMENT OF EDUCATION

If dissatisfied with the County Office of Education's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the County Office's decision.

An appeal to the California Department of Education (CDE) is accepted on a case-by-case basis. The CDE accepts appeals based on one or more of the following:

- Contra Costa County Office of Education (CCCOE) failed to comply with complaint procedures.
- CCCOE failed to implement its final decision from a local investigation.
- CCCOE failed to respond to CDE's request for information regarding the complaint.
- No action was taken by CCCOE within 60 days of receipt of the complaint.
- All concerned persons are not in substantial agreement with the facts or conclusions relating to the allegations in the report.
- CCCOE refuses to conduct an on-site investigation.
- Documents regarding the complaint indicate that CCCOE officials interpreted and applied pertinent governing statutes inappropriately.
- Another compelling rationale.

Appeals to the CDE must include a copy of the locally filed complaint and a copy of the CCCOE decision.

CIVIL LAW REMEDIES

Nothing in this policy precludes a complainant from pursuing available civil law remedies outside of the agency's complaint procedures. Such remedies may include mediation centers, public/private interest attorneys, injunctions, restraining orders, etc. For discrimination complaints, however, a complainant must wait until 60 days has elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the agency has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint.

Contact persons for programs and services covered under Uniform Complaint Procedures

Adult Education	(916) 323-5074
Career/Technical Education	(916) 322-5050
Child Development	(916) 323-6233
Consolidated Categorical Aid Programs	(916) 319-0929
Office of Equal Opportunity, <i>including:</i> <i>Nondiscrimination Requirements and</i> <i>Civil Rights Protections</i>	(916) 445-9174
Facilities (<i>for Williams Settlement cases</i>)	(916) 322-2470
Migrant Education, <i>including: Migrant, Indian,</i> <i>and International Education</i>	(916) 319-0851
Nutrition Services	(916) 445-0850
Special Education.....	(800) 926-0648

For additional general information on Uniform Complaint Procedures, contact the Categorical Programs Complaints Management office, California Department of Education, Legal and Audits Branch, 1430 N Street, Ste. 5408, Sacramento, CA 95814; telephone (916) 319-0929, or visit their website at: <http://www.cde.ca.gov/re/cp/up/>.

Contra Costa County Superintendent of Schools

Joseph A. Ovick, Ed.D.
Superintendent of Schools

Karen Sakata
Associate Superintendent
Human Resources Department



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CONTRA COSTA COUNTY OFFICE OF EDUCATION

Uniform Complaint Procedures

Contra Costa County OFFICE OF EDUCATION

77 Santa Barbara Road
Pleasant Hill, CA 94523-4201

(925) 942-3489



Uniform Complaint Procedures

The Contra Costa County Office of Education (CCCOE) recognizes that the agency has primary responsibility for ensuring that it complies with applicable state and federal laws and regulations governing educational programs. The agency shall investigate and seek to resolve complaints at the local level.

The agency shall follow the Uniform Complaint Procedures (UCP) when addressing complaints alleging that the County Office of Education has violated federal or state laws or regulations. Specifically, unlawful discrimination/harrassment based on ethnic group identification, religion, age, gender, race, ancestry, national origin, color, sexual orientation, or physical or mental disability, or failure to comply with state and/or federal laws in adult education, consolidated categorical aid programs, career technical education, childcare and development programs, nutrition services, Williams Settlement, and special education programs.

Complaints address violations of law or regulations. Under the Uniform Complaint Procedures (UCP) a complaint does not involve personal or professional misconduct by an employee; it involves programmatic noncompliance by the County Office of Education.

The agency acknowledges and respects students' and employees' right 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.

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.

The CCCOE recognizes that a neutral mediator can often suggest an early compromise that is agreeable to all parties in a dispute. The Superintendent shall ensure that the mediation results are consistent with state and federal laws and regulations.

COMPLIANCE OFFICER

The Contra Costa County Office of Education designates the Associate Superintendent of Human Resources as the compliance officer. The compliance officer shall receive and investigate complaints and ensure compliance with law. A designee appointed by the Associate Superintendent of Human Resources may conduct the investigation.

PROCEDURES

The following procedures shall be used to address all complaints that allege that the agency has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint as required for compliance with the California Code of Regulations, Title 5, Section 4632.

FILING OF A COMPLAINT

- Complaint shall be presented in writing to the Associate Superintendent of Human Resources.
- The complaint must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination. (Title 5, Section 4630)

MEDIATION

- Within three days of receiving the complaint, the compliance officer, or designee, shall informally discuss with the complainant the possibility of using informal non-binding mediation.
- If the informal mediation does not resolve the problem within the parameters of the law, the compliance officer, or designee, shall proceed with his/her investigation of the complaint.

INVESTIGATION OF COMPLAINT

- The compliance officer, or designee, shall hold an investigative meeting within five days of receiving the complaint or an unsuccessful attempt to locally mediate the complaint.

RESPONSE/RESOLUTION

- An investigation shall be completed within 60 days after receiving a request for direct intervention or an appeal request, unless the parties have agreed to mediate and agree to extend the timelines. The compliance designee shall prepare and send to the complainant a written report of the County Office of Education's investigation and decision.

COUNTY OFFICE REPORT

The report shall include:

- The findings of the complaint.
- Corrective actions, if any.
- Notice of the complainant's right to appeal the decision to the California Department of Education.
- A detailed statement of all specific issues that were brought up during the investigation.
- In a discrimination complaint, notice of right to seek civil law remedies no sooner than 60 days after filing an appeal with the California Department of Education.