

VISTA UNIFIED SCHOOL DISTRICT

BOARD POLICY NO. 1312: RESOLVING COMPLAINTS CONCERNING THE VISTA UNIFIED SCHOOL DISTRICT

Any person or group with a legitimate interest in the programs and services of the Vista Unified School District shall have the right to present a request, suggestion, concern or complaint regarding personnel, programs, materials, or operations. It is the intent of the Board of Trustees to provide the means for addressing each public concern and complaint in a fair and impartial manner and to seek an appropriate remedy.

The Board of Trustees believes that the quality of the Vista Unified School District's programs can be improved when the Superintendent and staff listen to complaints and opinions, and resolve differences and/or disagreements through an established, objective process.

Individual members of the Board of Trustees do not have authority to resolve complaints. If approached directly with a complaint, Board members should refer the complainant to the Superintendent or his/her designee so that the issue can receive proper consideration.

The Superintendent maintains administrative procedures for handling complaints in a manner that is timely and meets the requirement of state and federal law.

In the event of a conflict between processes, the more specific process will apply. Final determination of the controlling administrative procedure will be made by the Superintendent.

UNIFORM COMPLAINT PROCEDURES

The Board of Trustees recognizes that the Superintendent has a duty to ensure local agency compliance with state and federal laws and regulations governing educational programs. The Superintendent shall follow Uniform Complaint Procedures when addressing complaints alleging:

1. Failure to comply with state or federal laws and regulations in consolidated categorical aid programs, migrant education, career technical education, child care and development programs, child nutrition programs, and special education programs, as specified in California Code of Regulations, title 5 section 4610, to the extent that such programs are offered by the Vista Unified School District. (Administrative Procedure 1312.3, Uniform Complaint Procedures)
2. Complainants have the right to file complaints against an employee of the District or any other person that he/she suspects has engaged in abuse of a child at a school site or sexual harassment. (Administrative Procedure 1312.1, Resolving Complaints Concerning Employees and Board Policy 4003, Nondiscrimination—Harassment of Employees)
3. Unlawful discrimination against any protected group specified in Education Code sections 200 and 220 and Government Code section 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 program or activity that receives or benefits from state or federal funding. (Administrative Procedure 1312.3, Uniform Complaint Procedures)

4. Failure to comply with federal school safety planning requirements of the No Child Left Behind Act of 2001. (Administrative Procedure 1312.3, Uniform Complaint Procedures)
5. Deficiencies related to instructional materials, teacher vacancies or misassignments, and/or emergency or urgent facilities conditions that pose a threat to health and safety of students or staff in schools and programs operated by the Superintendent (*Williams Settlement*). (Administrative Procedure 1312.4, Uniform Complaint Procedures, Student Learning)
6. Deficiencies related to the provision of intensive instruction and services after grade 12 to students who have not passed one or both parts of the California High School Exit Examination (*Valenzuela Settlement*). (Administrative Procedure 1312.4, Uniform Complaint Procedures, Student Learning)

COMPLAINTS REGARDING SPECIAL EDUCATION PROGRAMS AND SERVICES

The Superintendent maintains administrative regulations for handling complaints regarding special education programs and services as follows:

1. Allegations of violations of state or federal law regarding special education, including unlawful discrimination and/or failure to implement an Individualized Education Program (IEP), shall be addressed in accordance with Uniform Complaint Procedures. (Administrative Procedure 1312.3, Uniform Complaint Procedures)
2. Disagreements regarding the identification, assessment, or educational placement of a student or the provision of a free appropriate public education shall be addressed in accordance with due process hearing procedures.

COMPLAINTS CONCERNING ADOPTED INSTRUCTIONAL MATERIALS

The Board of Trustees takes great care in the adoption of instructional materials but recognizes that occasional objections to specific instructional materials may be made. The Superintendent maintains an administrative regulation to ensure proper consideration of any complaints regarding the content or use of adopted instructional materials, including textbooks, technology-based materials, other educational materials, and tests. (Administrative Procedure 1312.2, Resolving Complaints Regarding Adopted Instructional Materials)

Complaints concerning access by students to required textbooks or instructional materials that are in good and usable condition shall be addressed in accordance with Uniform Complaint Procedures. (Administrative Procedure 1312.4, Uniform Complaint Procedures, Student Learning)

OTHER COMPLAINT PROCESSES

The Board of Trustees maintains other policies and the Superintendent maintains other administrative procedures regarding complaint processes for sexual harassment, child abuse, and employment discrimination. In addition, collective bargaining agreements may contain provisions relating to the filing of complaints about represented employees.

Legal Reference:

Education Code: 200, 220, 260-262.4, 32289, 35186, 56346, 56500-56509

Government Code: 11135

California Code of Regulations, Title 5: 3080, 3081, 4600-4671

United States Code, Title 20: 1221 et seq., 1400-1482, 1681 et seq., 6301 et seq.

United States Code, Title 29: 794 Rehabilitation Act of 1973, Section 504

United States Code, Title 42: 1931 et seq. Title VII, Civil Rights Act of 1964

DATE POLICY ADOPTED BY THE BOARD: AUGUST 6, 2009