

**CLASSIFICATION: Community Relations****ADOPTED: 12/13/95****REVISED: 11/9/16****REVIEWED: 11/9/16****SUBJECT: Resolving Complaints Concerning the  
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Any person or group with a legitimate interest in the programs and services of the County Superintendent of Schools shall have the right to present a request, suggestion, concern or complaint regarding personnel, programs, materials, or operations. It is the intent of the County Board of Education to ensure the means for addressing each public concern and complaint in a fair and impartial manner and for seeking an appropriate remedy.

The County Board of Education believes that the quality of the San Diego County Office of Education programs can be improved when the County Superintendent of Schools and staff listen to complaints and opinions, and resolve differences and/or disagreements through an established, objective process.

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

The County Superintendent of Schools shall maintain administrative regulations for handling complaints in a manner that is prompt and equitable, ensures that the confidentiality of the parties involved is protected as required by law, and meets all other requirements of state and federal law. Information and procedures related to specific types of complaints are presented in the administrative regulations referenced below.

#### COMPLAINTS SUBJECT TO UNIFORM COMPLAINT PROCEDURES

The County Board of Education recognizes that the County Superintendent of Schools is primarily responsible for ensuring local agency compliance with applicable state and federal laws and regulations governing educational programs and activities.

The Board encourages the early, informal resolution of complaints, including the use of alternative dispute resolution methods, whenever appropriate and agreeable to all parties. The County Superintendent of Schools, or designee, shall ensure that the use

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of an alternative method of resolving a complaint is consistent with state and federal laws and regulations.

To resolve complaints that cannot be resolved through an informal process, the County Superintendent of Schools shall maintain an administrative regulation that specifies programs and activities subject to Uniform Complaint Procedures and describes the procedures and requirements for receiving, investigating, and resolving complaints alleging any of the following: (Administrative Regulation 1312.3, Uniform Complaint Procedures)

1. Failure to comply with state or federal laws and regulations in any program or activity implemented by the San Diego County Office of Education that is subject to Uniform Complaint Procedures.
2. Unlawful discrimination, harassment, intimidation, or bullying in programs and activities under the jurisdiction of the County Superintendent of Schools against any protected group as identified in Education Code sections 200 and 220, and Government Code section 11135, including any actual or perceived characteristics as set forth in Penal Code section 422.55, 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 is funded directly by or that receives or benefits from any state financial assistance.

#### COMPLAINTS SUBJECT TO WILLIAMS UNIFORM COMPLAINT PROCEDURES

In compliance with Education Code section 35186, the County Superintendent of Schools shall maintain an administrative regulation that presents uniform complaint procedures specifically to investigate and resolve complaints alleging 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 pupils or staff in schools and programs operated by the County Superintendent of Schools. (Administrative Regulation 1312.4, Williams Uniform Complaint Procedures)

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### COMPLAINTS REGARDING SPECIAL EDUCATION PROGRAMS AND SERVICES

The County Superintendent of Schools 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 Regulation 1312.3, Uniform Complaint Procedures).
2. Disagreements regarding the identification, assessment, or educational placement of a pupil or the provision of a free appropriate public education shall be addressed in accordance with due process hearing procedures. (Administrative Regulation 6159.1, Procedural Safeguards and Procedures, Special Education; Administrative Regulation 6157, Identification, Evaluation, and Education under Section 504)

### COMPLAINTS CONCERNING ADOPTED INSTRUCTIONAL MATERIALS

The County Board of Education takes great care in the adoption of instructional materials but recognizes that occasional objections to specific instructional materials may be made. The County Superintendent of Schools 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 Regulation 1312.2, Resolving Complaints Regarding Adopted Instructional Materials)

### OTHER COMPLAINT PROCESSES

The County Board of Education maintains other policies and the County Superintendent of Schools maintains other administrative regulations regarding complaint processes for sexual harassment, child abuse, and employment discrimination. In addition, collective

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bargaining agreements may contain provisions relating to the filing of complaints about represented employees.

The following complaints shall be referred to the agency specified unless these processes are made applicable by separate interagency agreements:

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to the Department of Social Services and, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator for licensing-exempt facilities.
3. Any complaint alleging employment discrimination shall be addressed in accordance with Board Policy 4003 and Administrative Regulation 4003.1.

However, the existence of these complaint procedures does not affect the right of any individual or group to file a complaint with the California Department of Fair Employment and Housing or to request that the complaint be transferred to that agency.

If so requested, a complaint alleging employment discrimination shall be sent to the California Department of Fair Employment and Housing, and the County Superintendent of Schools, or designee, shall notify the complainant by first class mail of the transfer.

4. Any complaint alleging fraud shall be referred to the Legal, Audits, and Compliance Branch of the California Department of Education.

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**Derivation:** Adopted 12/13/95. Revised 2/11/09. Technical Revision 4/4/11. Revised 4/10/13, 10/14/15, 11/9/16.

**Board Bylaw:** 9271

**Board Policies:** 4002, 4003, 5131.1, 6159, 6159.1, 6157

**Administrative Regulations:** 1312.1, 1312.2, 1312.3, 1312.4, 4003.1, 5131.1, 6157, 6159, 6159.1

**Legal Reference:** Education Code

200, 220, 222, 234, 262.3, 32289, 35186, 48853, 48853.5, 48985, 49013, 49069.5, 51210, 51223, 51225.1, 51225.2, 51228.3, 52075

Government Code

11135, 11138

Penal Code

422.55, 422.6

California Code of Regulations, Title 5,

3080, 4600 - 4687, 4900 - 4965

United States Code, Title 20

1221

United States Code, Title 42

2000d – 2000e-17, 2000h-2 – 2000h-6

Code of Federal Regulations, Title 28

35.107

Code of Federal Regulations, Title 34

99.1 – 99.67, 100.3, 104.7, 106.8, 299.11, 106.9, 110.25, 300.510 - 300.511

Court Decisions

Eliezer Williams et al., vs. State of California, et al., (2004) No. CGC-00-312236, Superior Court, County of San Francisco

**Management Resources:** San Diego County Office of Education Board Bylaws, Board Policies, and Administrative Regulations:

[www.sdcoe.net/Board/Pages/policies.aspx](http://www.sdcoe.net/Board/Pages/policies.aspx)

U.S. Department of Education, Office for Civil Rights:

[www.ed.gov/about/offices/list/ocr](http://www.ed.gov/about/offices/list/ocr)