

**KERN COUNTY SUPERINTENDENT OF SCHOOLS  
UNIFORM COMPLAINT POLICY AND PROCEDURES****NOTICE TO STUDENTS, EMPLOYEES, PARENTS OR  
GUARDIANS OF STUDENTS, DISTRICT/COUNTY OFFICE ADVISORY COMMITTEES,  
SCHOOL ADVISORY COMMITTEES, APPROPRIATE PRIVATE SCHOOL  
OFFICIALS OR REPRESENTATIVES AND OTHER INTERESTED PARTIES**

The Kern County Superintendent of Schools is primarily responsible for compliance with state and federal laws relating to the programs it operates. The Kern County Superintendent of Schools has adopted a Uniform Complaint Policy and Procedures for use when addressing complaints alleging unlawful discrimination, harassment, intimidation or bullying based on any characteristic identified under Education Code section 200 or 220, Penal Code section 422.55 or Government Code section 11135, including actual or perceived characteristics of age, sex, sexual orientation, gender, gender identity, gender expression, ethnicity, ethnic group identification, race, ancestry, nationality, national origin, immigration status, religion, color, marital or parental status, genetic information, or mental or physical disability, 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 financial assistance. Uniform Complaint Procedures shall also be used when addressing complaints alleging failure to comply with the prohibition against requiring students to pay fees, deposits or other charges for participation in educational activities, failure to comply with the legal requirements pertaining to the Local Control Accountability Plan (LCAP), the requirements for adoption of a school safety plan, or the failure to comply with state and/or federal laws relating to specified programs.

The Kern County Superintendent of Schools has designated the following position as the Compliance Officer responsible for receiving complaints under the Uniform Complaint Policy and Procedures:

Assistant Superintendent-Educational Services  
Kern County Superintendent of Schools  
1300 17<sup>th</sup> Street – CITY CENTRE  
Bakersfield, CA 93301-4533  
Telephone (661) 636-4646  
E-mail: [devonflue@kern.org](mailto:devonflue@kern.org)

You can obtain a copy of the Kern County Superintendent of Schools Uniform Complaint Policy and Procedures free of charge from the Compliance Officer. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the office in accordance with the procedures specified in SP 4030 - Nondiscrimination in Employment. Complaints related to the sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, teacher vacancies and misassignments shall be investigated pursuant to the Kern County Superintendent of Schools separate "Williams Uniform Complaint Procedure."

The review of complaints shall be completed within 60 calendar days from the date of receipt unless the complainant agrees in writing to an extension of the timeline. An unlawful discrimination, harassment, intimidation, or bullying complaint must be filed not later than six months from the date the alleged discrimination, harassment, intimidation, or bullying occurs, or six months from the date the complainant

first obtains knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying. However, upon written request by the complainant, the Superintendent or designee may extend the filing period for up to 90 calendar days. A complaint alleging noncompliance with the law regarding the prohibition against requiring students to pay student fees, deposits, and charges shall be filed no later than one year from the date the alleged violation occurred and may be filed with the principal of a school. The Kern County Superintendent of Schools will attempt in good faith by engaging in reasonable efforts to identify and fully reimburse all pupils, parents, and guardians who paid a pupil fee within one year prior to the filing of the complaint. A complaint alleging noncompliance with the law regarding pupil fees or a complaint of noncompliance with the legal requirements pertaining to the LCAP may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. The complainant has a right to appeal the decision of the Kern County Superintendent of Schools to the California Department of Education or to the State Superintendent of Public Instruction for complaints alleging noncompliance with the legal requirements pertaining to the LCAP by filing a written appeal within 15 days of receiving the decision of the Kern County Superintendent of Schools. The appeal to CDE must include a copy of the complaint filed with the Kern County Superintendent of Schools and a copy of the decision of the Kern County Superintendent of Schools.

A complainant may pursue available civil law remedies outside of the Kern County Superintendent of Schools complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. In appropriate cases, an appeal may be filed directly with the California Department of Education pursuant to Education Code section 262.3 and Title 5, California Code of Regulations, section 4650. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions, restraining orders or other remedies or orders that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable. For complaints alleging discrimination, harassment, intimidation or bullying based on state law, however, a complainant must wait until 60 days have 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 or to discrimination based on federal law and is applicable only if the Kern County Superintendent of Schools has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint.

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History: policy approved 3/26/08; revised 8/4/09, 11/22/11, 3/13/13, 10/8/13, 6/17/14, 8/24/15, 9/21/15, 8/17/17, 6/5/18 (E4100), 7/17/18