



CONFIDENTIAL

TAMALPAIS UNION HIGH SCHOOL DISTRICT

INCIDENT / COMPLAINT REPORT FORM

E 1312.3
E 4119.11
E 4219.11
E 4319.11

To: Principal or Immediate Supervisor _____

Date _____

COMPLAINT LODGED BY: Student Employer Other

_____		_____
Name		School Site/Work Location
_____		_____
Street Address		Telephone (School/Work)
_____		_____
City	Zip Code	Telephone (home/cell)

1. Type of Incident / Complaint: *(attach additional paper if necessary)*

2. Date / Time /Place of Incident(s) / Complaint:

3. Name(s) of Person(s) Involved:

4. Name(s) of Witness(es):

5. Describe prior attempt to resolve complaint with the person, if any: *(attach additional paper if necessary)*

6. Desired resolution to incident / complaint: *(attach additional paper if necessary)*

_____	_____
Complainant's Signature	Date

Copy of Board Policy and Regulations provided.

§ 4650. Basis of Direct State Intervention.

(a) Except for complaints under sections 4680, 4681, 4682 and 4683 regarding instructional materials, teacher vacancies or misassignments, and condition of a facility, the CDE shall directly intervene without waiting for LEA investigation if one or more of the following situations exist:

(1) The complaint includes an allegation, and the CDE verifies, that an LEA failed to comply with the complaint procedures required by this Chapter and its local rules and regulations, including, but not limited to, the failure or refusal of the LEA to cooperate with the investigation;

(2) The complaint relates to an agency that is not an LEA funded through the Child Development or Child Nutrition Programs;

(3) The complainant requests anonymity because he or she would be in danger of retaliation and would suffer immediate and irreparable harm if he or she filed a complaint with the LEA (except for complaints regarding pupil fees, which may be filed anonymously with the principal of a public school);

(4) The complainant alleges that the LEA failed or refused to implement the final decision resulting from its local investigation or local mediation agreement;

(5) The complainant alleges and the CDE verifies that through no fault of the complainant, no action has been taken by the LEA within 60 calendar days of the date the complaint was filed. Prior to direct intervention, the CDE shall attempt to work with the LEA to allow it to complete the investigation and issue a Decision.

(6) The complainant alleges and the CDE verifies that he or she would suffer immediate and irreparable harm as a result of an application of a district-wide policy that is in conflict with state or federal law covered by this Chapter, and that filing a complaint with the LEA would be futile.

(7) For complaints relating to special education, any one of the following shall be a condition for direct state intervention:

(A) The complainant alleges that a public agency, other than an LEA, as specified in Government Code section 7570 et seq., fails or refuses to comply with an applicable law or regulation relating to the provision of free appropriate public education to individuals with disabilities;

(B) The complainant alleges that the LEA or public agency fails or refuses to comply with the due process procedures established pursuant to federal and state law and regulation; or has failed or refused to implement a due process hearing order;

(C) The complainant alleges facts that indicate that the child or group of children may be in immediate physical danger or that the health, safety or welfare of a child or group of children is threatened.

(D) The complainant alleges that an individual with a disability is not receiving the special education or related services specified in his or her individualized educational program (IEP).

(E) The complaint involves a violation of federal law governing special education, 20 U.S.C. section 1400 et seq., or its implementing regulations.

(b) The complaint shall identify the basis, as described in subdivision (a) above, for filing the complaint directly to the CDE. The complainant must present the CDE with clear and verifiable evidence that supports the basis for the direct filing, except as in subdivision (a)(7).

Note: Authority cited: Sections 221.1 and 33031, Education Code; and Section 11138, Government Code.
Reference: Sections 200, 220 and 49013, Education Code; Sections 11135, 11136 and 11138, Government Code; 34 C.F.R. Sections 106.8 and 299.10(a)(2).

HISTORY

1. New section filed 8-26-91; operative 9-25-91 (Register 92, No. 3).
2. Amendment of section and Note filed 12-29-2005; operative 12-29-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 52).
3. Amendment of section heading, section and Note filed 9-17-2013; operative 1-1-2014 (Register 2013, No. 38).

This database is current through 4/19/19 Register 2019, No. 16
5 CCR § 4650, 5 CA ADC § 4650