



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 10.4

Meeting Date: October 6, 2011

Subject: New Board Policy 1312.4 Williams Uniform Complaint Procedure

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: _____)
- Conference/Action
- Action
- Public Hearing

Division: Human Resource Services

Recommendation Approve New Board Policy 1312.4 Williams Uniform Complaint Procedure

Background/Rationale: In February, 2011, the California Department of Education (CDE) conducted a Categorical Program Monitoring (CPM) review. During that review it was noted that the Sacramento City Unified School District did not have a policy relating specifically to Williams Uniform Complaint procedures. The District does have a current policy on Uniform Complaint Procedures however, the CDE requested the Board of Education approve a stand-alone policy for Williams Uniform Complaint procedures.

Family and Community Engagement Office staff distributed this policy to the following District Committees for review and input and sponsored a related workshop on August 24, 2011:

- Student Advisory Committee (SAC)
- District Advisory Committee (DAC)
- English L DACEL

I. Overview/History of Department

In February 2011, the California Monitoring (CPM) review. The Uniform Compliance Procedure specific to the Williams type of U

A Uniform Complaint Procedure discrimination, harassment, or Complaint, another type of UCP emergency or urgent facilities and teacher vacancy or misassign

School districts that receive funding UCP process to help identify and certain federal and state laws, in

II. Driving Governance:

In preparation of the draft policy Department reviewed Board Policy updates required via the CPM Services Department reviewed Engagement Office staff review and input and sponsor

In September 2011, ;

III. Budget:

No funding required

IV. Goals, Objectives:

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Sacramento City USD

Board Policy

BP 1312.4

Community Relations

Williams Uniform Complaint Procedures

The Governing Board recognizes that the district is primarily responsible for complying with applicable state and federal laws and regulations governing educational programs. Sacramento City USD shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination, and seek to resolve those complaints in accordance with the procedures set out in sections 4600- 4687 of the Code of Regulations Title 5 and in accordance with the policies and procedures of the governing board. The district shall use uniform complaint procedures to address Williams's complaints regarding insufficiency of instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and/or teacher vacancy or misassignment issues as provided in Administrative Regulation 1312.4. The district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination based on, 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, or any program or activity that receives or benefits from state financial assistance.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

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The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board of the school district. [EC 35186(d), T5CCR 4686]

The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. [EC 35186(d), T5CCR 4686]

The complaints and responses shall be available as public records. [EC 35186(d), T5CCR 4686]

A complainant who is not satisfied with the resolution proffered by the principal, or the district superintendent or his or her designee, involving a condition of a facility that poses an emergency or urgent threat, as defined in paragraph (1) of subdivision (c) of EC Section 17592.72, has the right to file an appeal to the State Superintendent of Public Instruction within 15 days of receiving the report. [T5CCR 4687]

The school shall have a complaint form available for such Williams Complaints. [EC 35186(a)(1), T5CCR 4680]

The complainant need not use the Williams Complaint form to file a complaint. [T5CCR 4680]

Upon receipt of a written complaint from an individual, public agency or organization, Williams's complaint procedures shall be initiated. The Superintendent or designee shall distribute full information about these procedures.

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstructions of the investigation, may result in the dismissal of the complaint because of lack of evidence to support the allegations. [T5CCR 4631]

Refusal by the District to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail to refuse or cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant. [T5CCR 4631]

The Board acknowledges and respects every individual's 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 or proceedings, as determined by the Superintendent or designee on a case-by-case basis.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

(cf. 1312.3 - Uniform complaint procedures)

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The Board prohibits retaliation in any form for participation in complaint procedures, including but not limited to the filing of a complaint or the reporting of instances of discrimination. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

The Board recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with Williams's complaint procedures, whenever all parties to a complaint agree to try resolving their problem through mediation, the Superintendent or designee shall initiate mediation. The Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulations.

If a response is requested, the response shall be made to the mailing address of the complainant indicated on the complaint. [EC 35186(a)(1), T5CCR 4680]

If Section 48985 of the Education Code is amended to read:

