

Board
Human

Board of Education Executive Summary

Human Resource Services Department

DRAFT REVISION Board Policy 1312.3 Uniform Complaint Procedures

October 6, 2011



with applicable state and federal laws regarding the investigation of allegations of unlawful discrimination and complaints alleging violation of state or federal laws governing educational programs. Failure to comply with these regulations could result in the reduction or elimination of categorical funding.

VI. Results:

The proposed revised policy will update UCP guidelines and procedures in accordance with the California Department of Education's CPM February 2011 review.

VII. Lessons Learned/Next Steps:

- x Updates will be shared with employees, students, parents/guardians, advisory committees and other interested parties (e.g. Adult Education).
- x Update District's Uniform Complaint Procedures website page.
- x Update Complaint/Investigatory Training modules for administrators and management staff.

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Sacramento City USD

Board Policy

BP 1312.3
Community Relations
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 5 CCR 4600- 4687 and in accordance with the policies and procedures of the governing board. The district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination based on, actual or perceived sex, sexual orientation, gender, identity 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. [GC 11135, EC 200, EC 220, T5CCR 4610]

Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education, consolidated technical aid programs, migrant education, career technical education and training programs, child care and development programs, child nutrition programs, special education programs, and federal school safety planning requirements. [T5CCR 4610]

The District shall have the primary responsibility to insure compliance with applicable state and federal laws and regulations. [T5CCR 4620]

The District 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 District's Uniform Complaint Procedures. [T5CCR 4610, 4620, and 4621]

There will be annual dissemination of a written notice of the District's complaint procedures to students, employees, parents or guardians of students, school and district advisory committees, appropriate private school officials or representatives and other interested parties. [T5CCR 4622]

Additionally, the district shall use uniform complaint procedures to address complaints regarding insufficiency of instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils off-site and/or teacher vacancy or misassignment issues as provided in Administrative Regulation 1312.4.

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(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 0420.2 - School Improvement Program)
(cf. 0430 - Comprehensive Local Plan for Special Education)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 3553 - Free and Reduced -Price Meals)
(cf. 4031 - Complaints Concerning Discrimination in Employment)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5148 - Child Care and Development)
(cf. 6159 - Individualized Education Program)
(cf. 6171 - Title I Programs)
(cf. 6174 - Education for English Language Learners)
(cf. 6175 - Migrant Education Program)
(cf. 6178 - Vocational Education)
(cf. 6200 - Adult Education)

The Board encourages the early, informal resolution of complaints at the site level whenever possible.

Upon receipt of a written complaint from an individual, public agency or organization, uniform 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 obstruction 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 District complaint will be investigated and an interim report will be issued to the complainant within 60 days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time.

Complainants will receive written acknowledgment identifying the person(s), employee(s), or agency positions(s), or unit(s) responsible for receiving complaints, investigating complaints and ensuring District compliance. The written acknowledgment will also include a statement that ensures that such person(s), employee(s), or unit(s) responsible for compliance

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and/or investigation shall be knowledgeable about the laws/programs that he/she is assigned to investigate. [T5CCR 4621, 4631]

Complainants have the right to pursue civil remedies under state or federal discrimination laws. [T5CCR 4622]

Unlawful discrimination complaints shall be filed no later than six months from the date the alleged discrimination occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination. [T5CCR 4630]

The District will provide an opportunity for complainants and/or representatives to present evidence or information.

The report will contain the following elements [T5CCR 4631]:

1. The findings of fact based on the evidence gathered.
2. Conclusion of law.
3. Disposition of the complaint.
4. The rationale for such a disposition.
5. Corrective actions, if any are warranted.
6. Notice of the complainant's right to appeal the District's decision to the California Department of Education (CDE).
7. Procedures to be followed for initiating an appeal to CDE.

The District ensures that complainants are protected from retaliation and that the identity of a complainant alleging discrimination will remain confidential as appropriate.

The Board acknowledges and respects every individual's right to privacy. Discrimination complaints shall be investigated in a manner that

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designee shall initiate mediation. The Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulations.

The complainant shall comply with the applicable requirements of Code of Regulations Title 5 section 4632.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
8200-8498 Child care and development programs
8500-8538 Adult basic education
18100-18203 School libraries
32289 School safety plan, uniform complaint procedure
35186 Williams uniform complaint procedure
41500-41513 Categorical education block grants
48985 Notices in language other than English
49060-49079 Student records
49490-49590 Child nutrition programs
52160-52178 Bilingual education programs
52300-52490 Career-technical education
52500-52616.24 Adult schools
52800-52870 School-based coordinated programs
54000-54028 Economic impact aid programs
54100-54145 Miller-Unruh Basic Reading Act
54400-54425 Compensatory education programs
54440-54445 Migrant education
54460-54529 Compensatory education programs
56000-56867 Special education programs
59000-59300 Special schools and centers
64000-64001 Consolidated application process

PENAL CODE

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section
4600-4687 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

6301-6577 Title I basic programs
6601-6777 Title II preparing and recruiting highly qualified teachers and principals
6801-6871 Title III language instruction for limited English proficient and immigrant students
7101-7184 Safe and Drug-Free Schools and Communities Act
7201-7283g Title V promoting informed parental choice and innovative programs

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7301-7372 Title V rural and low-income school programs

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office of Civil Rights: <http://www.ed.gov/offices/OCR>

Policy SACRAMENTO CITY UNIFIED SCHOOL DISTRICT

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revised: November 5, 2001

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revised: _____, 2011