

Sacramento City USD

Board Policy

Williams Uniform Complaint Procedures

BP 1312.4

Community Relations

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 and in accordance with the policies and procedures of the 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 AR 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)

(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. 1312.3 - 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.

There will be annual dissemination of a written notice of the district's complaint procedures to

students, employees, parents or guardians of its students, school and district advisory committees, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

Williams Complaints shall be filed with the principal of the school or his/her designee, in which the complaint arises. (Education Code 35186(a)(3), 5 CCR 4680)

A complaint about problems beyond the authority of the school principal shall be forwarded in a timely manner, but not to exceed 10 working days, to the appropriate school district official for resolution. (Education Code 35186(a)(3), 5 CCR 4680)

Williams Complaints may be filed anonymously. (Education Code 35186(a)(3), 5 CCR 4680)

The Williams Complaint form shall identify the place for filing the complaint. (Education Code 35186(a)(2), 5 CCR 4680)

The Williams Complaint form will include a space to indicate whether a response is requested. (Education Code 35186(a)(1), 5 CCR 4680)

The principal or the designee of the district superintendent, as applicable, shall make all reasonable efforts to investigate any problem within his or her authority. (Education Code 35186(b), 5 CCR 4685)

The principal, or, where applicable, district superintendent or his or her designee shall remedy a valid complaint within a reasonable time period but not to exceed 30 working days from the date the complaint was received. (Education Code 35186(b), 5 CCR 4685)

The principal, or where applicable, district superintendent or his or her designee, shall report to the complainant the resolution of the complaint within 45 working days of the initial filing, if complainant identifies himself or herself and requested a response. (Education Code 35186(b), 5 CCR 4685)

If the principal makes this report, the principal shall also report the same information in the same timeframe to the district superintendent or his or her designee. (5 CCR 4685)

A complainant who is not satisfied with the resolution of the principal or the district superintendent or his or her designee, has the right to describe the complaint to the Board of the school district at a regularly scheduled meeting of the Board. (Education Code 35186(c), 5 CCR 4686)

The school district shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the Board of the school district. (Education Code 35186(d), 5 CCR 4686)

The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the Board of the school district. (Education Code 35186(d), 5 CCR 4686)

The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. (Education Code 35186(d), 5 CCR 4686)

The complaints and responses shall be available as public records. (Education Code 35186(d), 5 CCR 4686) A complainant who is not satisfied with the resolution proffered by the principal, or the district Superintendent or designee, involving a condition of a facility that poses an emergency or urgent threat, as defined in paragraph (1) of subdivision (c) of Education Code 17592.72, has the right to file an appeal to the State Superintendent of Public Instruction within 15 days of receiving the report. (5 CCR 4687)

The school shall have a complaint form available for such Williams Complaints. (Education Code 35186(a)(1), 5 CCR 4680)

The complainant need not use the Williams Complaint form to file a complaint. (5 CCR 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. (5 CCR 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. (5 CCR 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)

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. (Education Code 35186(a)(1), 5 CCR 4680)

If Education Code 48985 is applicable, the response, if requested, and report shall be written in English and the primary language in which the complaint was filed. (Education Code 5186(a)(1))

The complainant shall comply with the appeal requirements of 5 CCR 4632. (5 CCR 4687)

Legal Reference:

EDUCATION CODE

1240 County superintendent of schools, duties

17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account

33126 School accountability report card

35186 Williams uniform complaint procedure

35292.5 Restrooms, maintenance and cleanliness

37254 Supplemental instruction based on failure to pass exit exam by end of grade 12

48985 Notice to parents in language other than English

60119 Hearing on sufficiency of instructional materials

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures, especially:

4680-4687 Williams complaints

Management Resources:

WEB SITES

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

California County Superintendents Educational Services Association: <http://www.ccsesa.org>

California Department of Education, Williams case: <http://www.cde.ca.gov/eo/ce/wc/index.asp>

State Allocation Board, Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

Policy SACRAMENTO CITY UNIFIED SCHOOL DISTRICT

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