



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 Learners Advisory Committee (DELAC)
- Parent-Teacher Association

Financial Considerations:

No funding required to implement this policy.

Documents Attached:

Attachment A – Board Policy 1312.4 – Williams Uniform Complaint Procedures

Estimated Time of Presentation: 5 minutes

Submitted by: Jess Serna, Chief Human Resources Officer

Approved by: Jonathan P. Raymond, Superintendent

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I. Overview/History of Department or Program

In February 2011, the California Department of Education conducted a Categorical Program Monitoring (CPM) review. There were many focus areas that were reviewed and included Uniform Compliance Procedures. Through this review, the need to develop a Board policy specific to the Williams type of Uniform Complaint Procedures (UCP) complaint was identified.

A Uniform Complaint Procedures (UCP) complaint is a written statement alleging discrimination, harassment, or a violation of federal or state law or regulation. A Williams Complaint, another type of UCP complaint, involves violations regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils, and teacher vacancy or misassignment.

School districts that receive funding for certain programs, i.e., Title 1, are required to use the UCP process to help identify and resolve unlawful discrimination and alleged violations of certain federal and state laws, including Williams Complaints.

II. Driving Governance:

In preparation of the draft policy, the Human Resource Services Department and Legal Services Department reviewed Board Policy 1312.3 (Uniform Complaint Procedures). Next, policy updates required via the CPM review were also incorporated in the draft policy. The Legal Services Department reviewed the policy for legal compliance. 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 Learners Advisory Committee (DELAC)
- Parent-Teacher Association

In September 2011, a final draft policy was moved forward for Board approval.

III. Budget:

No funding required to implement this policy.

IV. Goals, Objectives and Measures:

The goal of the Williams Uniform Complaint Procedures Policy is to provide more specific information than exists in the current Uniform Complaint Procedures Policy regarding the

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investigation of Williams Uniform Complaints. This includes the requirement that the district shall also 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, and teacher vacancy or misassignment issued as provided in Administrative Regulation 1312.4.

The proposed policy also sets forth timelines for the preparation of a written investigative report to be issued to the complainant.

V. Major Initiatives:

School districts that receive state or federal funding are responsible for ensuring compliance 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 policy will establish guidelines and procedures to process Williams Complaints utilizing state required Uniform Complaint Procedures.

VII. Lessons Learned/Next Steps:

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

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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)
(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.

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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. [T5CCR 4622]

Williams Complaints shall be filed with the principal of the school or his or her designee, in which the complaint arises. [EC 35186(a)(3), T5CCR 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. [EC 35186(a)(3), T5CCR 4680]

Williams Complaints may be filed anonymously. [EC 35186(a)(3), T5CCR 4680]

The Williams Complaint form shall identify the place for filing the complaint. [EC 35186(a)(2), T5CCR 4680]

The Williams Complaint form will include a space to indicate whether a response is requested. [EC 35186(a)(1), T5CCR 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. [EC 35186(b), T5CCR 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. [EC 35186(b), T5CCR 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. [EC 35186(b), T5CCR 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. [T5CCR 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 governing board of the school district at a regularly scheduled meeting of the governing board. [EC 35186(c), T5CCR 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 governing board of the school district. [EC 35186(d), T5CCR 4686]

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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 if the Education Code is applicable, the response, if requested, and report shall be written in English and the primary language in which the complaint was filed. [EC5186(a)(1)]

The complainant shall comply with the appeal requirements of T5CCR 4632. [T5CCR 4687]

Legal Reference:

EDUCATION CODE

200-262.3 Prohibition of discrimination
8200-8498 Child care and development programs
8500-8538 Adult basic education
18100-18172 School libraries
32289 School safety plan, uniform complaint procedure
35186 Williams uniform complaint procedure
48985 Notices in language other than English
49060-49079 Student records
49490-49590 Child nutrition programs
52160-52178 Bilingual education programs
52300-52499.6 Vocational education
52500-52616.24 Adult schools
52800-52870 School-based coordinated programs
54000-54041 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
56000-56885 Special education programs
59000-59300 Special schools and centers
62000-62005.5 Evaluation and sunseting of programs
64000-64001 Consolidated application process

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PENAL CODE

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4671 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 High Quality 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, including

7114 Local educational program, safety plans

7201-7283g Title V Promoting Informed Parental Choice and Innovative Programs

7301- 7372 Title VI Rural and Low-Income School Programs

Management Resources:

WEB SITES

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

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

Policy SACRAMENTO CITY UNIFIED SCHOOL DISTRICT

approved: _____, Sacramento, California