



## HUMAN RESOURCE SERVICES

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## ANNUAL NOTIFICATION OF THE UNIFORM COMPLAINT PROCEDURES (UCP) July 1, 2020

**HR-04**

Dear Parents or Guardians of Students, Students, Employees, School and District Advisory Committees, Appropriate Private School Officials or Representatives, and Other Interested Parties:

We recognize that our system is inequitable by design and we vigilantly work to confront and interrupt inequities that exist to level the playing field and provide opportunities for everyone to earn, grow and reach their greatness. Our goal is that all students are given an equal opportunity to graduate with the greatest number of postsecondary choices from the widest array of options.

The Sacramento City Unified School District (SCUSD) has the primary responsibility to ensure compliance with applicable state and federal laws and regulations and has established procedures to address allegations of unlawful discrimination, harassment, intimidation and/or bullying complaints alleging violation of state or federal laws governing educational programs against any protected group, and all programs and activities that are subject to the Uniform Complaint Procedures (UCP).

SCUSD shall investigate and seek to resolve complaints using policies and procedures known as the Uniform Complaint Procedures (UCP) adopted by our local Board to address unlawful discrimination, harassment, intimidation, and/or bullying regarding or based on, actual or perceived characteristics such as, age, ancestry, color, ethnic group identification, gender expression, gender identity, gender, gender information, mental or physical disability, medical condition, nationality, national origin, race or ethnicity, immigration status, marital status, religion, sex, or sexual orientation, or on the basis or a person's association with a person or group with one or more of these actual or perceived characteristics, or in any program or activity that receives or benefits from state financial assistance. The UCP shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in Accommodations for Pregnant and Parenting Pupils, Adult Education, After School Education and Safety, Agricultural Career Technical Education, Career Technical Education (federal), Child Care and Developmental Programs, Compensatory Education, Consolidated Education, Course Periods Without Educational Content, Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district and Children of Military families, Every Student Succeeds Act, Local Control and Accountability Plans, Migrant Education, Physical Education Instructional Minutes Pupil fees, Reasonable Accommodations to a

Lactating Pupil, Regional Occupational Centers and Programs, School Plans for Student Achievement, School Safety Plans, School-site Councils, State Preschool, and State Preschool Health and Safety Issues in districts exempt from Licensing.

Complaints must be filed in writing with the following compliance officer(s):

<p>Cancy McArn Chief Human Resources Officer 5735 47<sup>th</sup> Avenue Sacramento, CA 95824 Phone: (916) 643-9050 Fax: (916) 399-2016</p>	<p style="text-align: center;"><b>Student related:</b></p> <p>Stephan Brown Director, Student Hearing &amp; Placement Department 5735 47<sup>th</sup> Avenue Sacramento, CA 95824 Phone: (916) 643-9425 Fax: (916) 399-2029</p>
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Complaints alleging discrimination, harassment, intimidation and/or bullying must be filed within six (6) months from the date the alleged discrimination, harassment, intimidation and/or bullying complaint occurred or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation and/or bullying, unless the time for filing is extended by the superintendent or his or her designee. Complainants are protected from retaliation.

Complaints will be investigated and a written decision or report will be sent to the complainant within sixty (60) days from the receipt of the complaint. This sixty (60) day time period may be extended by written agreement of the complainant. SCUSD's person responsible for investigating the complaint shall conduct and complete the investigation in accordance with Title 5 Code of Regulations (T5CCR) sections 4680-4687 and in accordance with local procedures adopted under section 4621 (T5CCR).

The District will provide an opportunity for the complainant(s) and/or representatives to present evidence or information. 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 a lack of evidence to support the allegations.

If the District refuses to provide the investigator with access to records and/or other information related to the allegation 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 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.

The complainant has a right to appeal SCUSD's decision to the California Department of Education (CDE) by filing a written appeal within 15 days of receiving SCUSD's decision. The appeal must include a copy of the complaint filed with SCUSD and a copy of SCUSD's decision.

Complainant has a right to pursue civil law remedies; available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable. In appropriate cases, an appeal may be filed pursuant to Education Code Section 262.3. A complainant may pursue available civil law remedies

outside of SCUSD's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court

include, but are not limited to, injunctions and restraining orders.

**Pupil Fees/LCAP:**

A pupil enrolled in a District school shall not be required to pay a pupil fee for participation in an educational activity. Complaints alleging pupil fees and/or an LCAP shall be filed no later than one year from the date the alleged violation occurred. (5 CCR §4630(c) (2)). A pupil fees complaint may be filed with the principal of a school or the District's superintendent or his or her designee. A pupil fees complaint and/or an LCAP complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

All of the following requirements apply to the prohibition identified above:

- All supplies, materials, and equipment needed to participate in educational activities shall be provided to pupils free of charge.
- A fee waiver policy shall not make a pupil fee permissible.
- The District shall not establish a two-tier educational system by requiring a minimal educational standard and also offering a second, higher educational standard that pupils may only obtain through payment of a fee or purchase of additional supplies that the school district or school does not provide.
- The District shall not offer course credit or privileges related to educational activities in exchange for money or donations of goods or services from a pupil or a pupil's parents or guardians, and a school district or school shall not remove course credit or privileges related to educational activities, or otherwise discriminate against a pupil, because the pupil or the pupil's parents or guardians did not or will not provide money or donations of goods or services to the school district or school.

UCP complaints regarding state preschool health and safety issues pursuant to HSC Section 1596.7925 shall include the following statements:

- File with the preschool program administrator or his or her designee.
- A state preschool health and safety issues complaint pursuant to HSC Section 1596.7925 about problems beyond the authority of the preschool program administrator shall be forwarded in a timely manner, but not to exceed 10 working days to the appropriate local educational agency official for resolution.
- A state preschool health and safety issues complaint pursuant to HSC Section 1596.7925 may be filed anonymously. A complainant who identifies himself or herself is entitled to a response if he or she indicates that a response is requested. A complaint form shall include a space to mark to indicate whether a response is requested. If Section 48985 of the *EC* is otherwise applicable, the response, if requested, and report shall be written in English and the primary language in which the complaint was filed.

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- A complaint form for a state preschool health and safety issue pursuant to HSC Section 1596.7925 shall specify the location for filing a complaint. A complainant may add as much text to explain the complaint as he or she wishes.

- The District policies and procedures contain the following statements regarding the Investigation of UCP complaints:
- The preschool program administrator or the designee of the District superintendent shall (1) make all reasonable efforts to investigate any problem within his or her authority. Investigations shall begin within 10 days of the receipt of the complaint and (2) remedy a valid complaint within a reasonable time period, but not to exceed 30 working days from the date the complaint was received and report to the complainant the resolution of the complaint within 45 working days of the initial filing. If the preschool program administrator makes this report, he or she shall also report the same information in the same timeframe to the designee of the District superintendent.

In order to identify appropriate subjects of state preschool health and safety issues pursuant to HSC section 1596.7925, a notice shall be posted in each California state preschool program classroom in each school in the District.

- The notice shall (1) state the health and safety requirements under Title 5 of the *California Code of Regulations* that apply to California state preschool programs pursuant to HSC section 1596.7925 and (2) state the location at which to obtain a form to file a state preschool health and safety issues complaint pursuant to HSC section 1596.7925.

The District shall not be prohibited from solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or school districts, schools, and other entities from providing pupils prizes or other recognition for voluntarily participating in fundraising activities.

This is declarative of existing law and shall not be interpreted to prohibit the imposition of a fee, deposit, or other charge otherwise allowed by law.

A complaint of noncompliance with the requirements of this pupil fee law may be filed with the principal of a school under the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations.

If the District finds merit in a complaint regarding Pupil fees, LCAPs, Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district and Pupils of

Military families, Reasonable Accommodations to a Lactating Pupil, Course Periods without Educational Content (grades nine through twelve), the Physical Education Instructional Minutes (grades one through eight), the District shall provide remedy.

In the case of complaints regarding: Course Periods without Educational Content, Reasonable Accommodations to a Lactating Pupil, and Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district and Pupils of Military families, the Annual Notification of UCP

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remedy shall go to the affected pupil.

In the case of complaints regarding: Pupil Fees, Physical Education Instructional Minutes and LCAP, the remedy shall go to all affected pupils and parents/guardians.

A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the requirements.

A pupil fees or LCAP complaint may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint.

The District will investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group as identified in Education Code section 200 and 220 and Government Code section 11135, including any actual or perceived characteristics as set forth in Penal Code section 422.55 or on the basis or a person's association with a person or group with one or more of these actual or perceived characteristics in any program or activity conducted by the District, which is funded directly by, or that receives or benefits from any state financial assistance.

Civil law remedies may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable, and of the appeal pursuant to Education Code Section 262.3. (EC §§234.1, 262.3, 49013; 5 CCR §4622)

If the District finds merit in a complaint regarding Pupil Fees, LCAP, or Physical Education Instructional Minutes (grades one through eight), or the California Department of Education finds merit in an appeal, the District shall provide a remedy to all affected pupils, parents, and guardians that, where applicable, includes reasonable efforts by the District to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.

If the District finds merit in a complaint regarding Reasonable Accommodations to a Lactating Pupil; Course Periods without Educational Content (grades nine through twelve); or Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in a school district, and pupils in military families, the District shall provide a remedy to the affected pupil.

- The District will attempt in good faith by engaging in reasonable efforts to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint.

The District policies and procedures include the following statements on how to file an appeal regarding State Preschool Health and Safety Issues in District's Exempt from Licensing:

- A complainant not satisfied with the resolution of the preschool program administrator or the designee of the District superintendent has the right to describe the complaint to the governing board of the local educational agency at a regularly scheduled hearing of the governing board or body, as applicable, of the District.

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- A complainant who is not satisfied with the resolution proffered by the preschool program administrator or the designee of the District superintendent has the right to file an appeal to the State Superintendent of Public Instruction (SSPI) within 30 days of the date of the report.
- A complainant shall comply with the appeal requirements of 5 CCR Section 4632.
- The SSPI or his or her designee shall comply with the requirements of 5 CCR Section 4633 and shall provide a written decision to the State Board of Education describing the basis for the complaint, the District's response to the state preschool health and safety issues

pursuant to HSC Section 1596.7925 complaint and its remedy or proposed remedy and, as appropriate, a proposed remedy for the issue described in the complaint, if different from the District's remedy.

The District shall report summarized data on the nature and resolution of all state preschool health and safety issues complaints pursuant to HSC Section 1596.7925 on a quarterly basis to the county superintendent of schools and the governing board or body, as applicable, of the District. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the District's governing board. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. Please note that all Uniform Complaints and responses are public records.

Information regarding the requirements of this pupil fee law shall be included in the annual notification distributed to pupils, parents and guardians, employees, and other interested parties pursuant to Section 4622 of Title 5 of the California Code of Regulations.

The District shall establish local policies and procedures to implement the provisions of this law. (cf. Education Code 49011—49013)

The District shall post a standardized notice of the educational rights of pupils in foster care, pupils who are homeless, former Juvenile Court Pupils now enrolled in a school district and Pupils of Military families as specified in Education Code Sections 48853, 48853.5, 49069.5, 51225.1, and 51225.2. This notice shall include complaint process information, as applicable.

A copy of SCUSD's UCP policy and complaint procedures shall be available free of charge and via the District website [www.scusd.edu](http://www.scusd.edu) .

(Revision 1; 7/2020)