



# SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 10.5

**Meeting Date:** October 6, 2011

**Subject:** Revised Board Policy 1312.3 Uniform Complaint Procedures

- ☐ 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 Revised Board Policy 1312.3 Uniform Complaint Procedures

**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 needed to revise the Uniform Complaint Procedures Board Policy to align with current legal definitions and state recommendations. As noted in the attached revised Board Policy 1312.3, the recommendations are shaded and include additions to the unlawful basis of discrimination, annual notifications, complaint procedures, refusal by complainant to provide information, refusal by the District to provide information, timelines, written report requirements and appeal rights.

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 1312.3 – Uniform Complaint Procedures

**Estimated Time of Presentation:** 5 minutes

**Submitted by:** Jess Serna, Chief Human Resources Officer

**Approved by:** Jonathan P. Raymond, Superintendent

# Board of Education Executive Summary

## Human Resource Services Department

DRAFT REVISED Board Policy 1312.3 Uniform Complaint Procedures

October 6, 2011



### I. Overview/History of Department or Program

In February 2011 the California Department of Education (CDE) conducted a Categorical Program Monitoring (CPM) review which included Uniform Compliance Procedures (UCP) as a focus. Through this review, the need to revise the existing Board Policy was identified by CDE. A Uniform Complaint Procedures (UCP) complaint is a written statement alleging discrimination, harassment, or a violation of federal or state law or regulation. This board policy provides the framework for processing Uniform Complaints.

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.

### II. Driving Governance:

In preparation of the revised draft policy, the Human Resource Services Department and Legal Services Department incorporated the policy updates identified in the CPM review. 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 revised Uniform Complaint Procedures Policy is to ensure that all required revisions, as directed by the California Department of Education, are reflected in existing policy. These updates include additions to the unlawful basis of discrimination, annual notifications, complaint procedures, refusal by complainant to provide information, refusal by the District to provide information, timelines, written report requirements and appeal rights.

### V. Major Initiatives:

School districts that receive state or federal funding are responsible for ensuring compliance

# **Board of Education Executive Summary**

## **Human Resource Services Department**

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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:**

- 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.

# **DRAFT REVISION**

## **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, 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. [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 categorical 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 its 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 or staff, 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 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 District complaint will be investigated and a written 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 acknowledgement 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 acknowledgement will also include a statement that ensures that such person(s), employee(s), position(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 law 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 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. [T5CCR 4621]

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.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)  
(cf. 5125 - Student Records)  
(cf. 9011 - Disclosure of Confidential/Privileged Information)

The Board recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving their problem through mediation, the Superintendent or

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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 appeal 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 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  
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 for Civil Rights: <http://www.ed.gov/offices/OCR>

Policy SACRAMENTO CITY UNIFIED SCHOOL DISTRICT

adopted: November 16, 1998 Sacramento, California

revised: November 5, 2001

revised: June 7, 2007

revised: \_\_\_\_\_, 2011