

## COMPLIANCE OFFICERS

The Chief Human Resource Officer, Cancy McArn, shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Superintendent or designee.

Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with applicable state and/or federal laws and regulations and/or alleging discrimination in adult education, consolidated categorical aid programs, migrant education, career technical education and training programs, child care/development programs, child nutrition programs, special education programs, and federal school safety planning requirements, After School Education and Safety, Compensatory Education, Every Student Succeeds Act/No Child Left Behind, Local Control Accountability Plans, Tobacco-Use Prevention Education and pertaining to prohibitive requirements to pay pupil fees for participation in an educational activity. (Title 5 California Code of Regulations (T5CCR) 4610)

The district shall follow uniform complaint procedures when addressing complaints alleging 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, mental or physical disability, nationality, national origin, race or ethnicity, 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 Adult Education, Consolidated Categorical Aid Programs, Migrant Education, California Peer Assistance and Review Programs for Teachers, Career Technical and Technical Education and Career Technical and Technical Training Programs, Career Technical Education, Course Periods Without Educational Content, Economic Impact Aid, Education of Pupils in Foster Care and Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district, English Learner Programs, Regional Occupational Centers and Programs, School Safety Plans, State Preschool, Child Care and Developmental Programs, Child Nutrition Programs, Special Education Programs, Federal Safety Planning Requirements, After School Education and Safety, Compensatory Education, Every Student Succeeds Act/No Child Left Behind, Local Control Accountability Plans (including Charter Schools as describe in ECS47606.5 and S47607.3), Tobacco-Use Prevention Education, Agricultural Vocational Education, American Indian Education Centers and Early Childhood Education Program Assessments, Bilingual Education, Physical Education Instructional Minutes and pertaining to prohibitive requirements to pay pupil fees for participation in an educational activity. The UCP shall also be used to resolve complaints of noncompliance with requirements related to reasonable accommodations for lactating students or pupil, educational rights of foster youth and homeless students, assignment of students to courses without educational content for more than one week per semester or to courses they have previously completed, and physical educational instructional minutes in elementary schools. [Government Code 11135, Education Code 200, 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.

The UCP shall also be used to resolve complaints of noncompliance with requirements related to accommodations for lactating students, educational rights of foster youth and homeless students, assignment of students to courses without educational content for more than one week per semester or to courses they have previously completed, and physical educational instructional minutes in elementary schools.

The district shall post a standardized notice of the educational rights of foster and homeless youth, as specified in Education Code Sections 48853, 48853.5, 48853.5, 49069.5, 51225.1, and 51225.2 and will follow Uniform Complaint procedures when addressing complaints alleging that the district has not complied with this requirement. This notice shall include complaint process information, as applicable.

## PROGRAM ADMINISTRATORS

Iris Taylor, Chief Academic Officer  
(916) 643-9086

Jacque Bonini, Director  
Child Development  
(916) 643-7800

Becky Bryant, Director  
Special Education  
(916) 643-9163

Lisa Hayes, Director  
Federal and State Programs  
(916) 643-9051

Ron Hill, Interim Director  
Distribution Services  
(916) 277-6715/6475

Barry Evpak, Director,  
Facilities and Maintenance  
(916) 264-4075, Ext. 1008

To obtain further information and forms regarding Uniform Compliant Procedures, please contact:

### \*Compliance Officers:

<p>Cancy McArn, Chief Human Resource Officer Human Resource Services (916) 643-7474</p>	<p><b>Student related:</b> Stephan Brown, Director II Student Hearing &amp; Placement (916) 643-9425</p>
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(Brochure Revision: July 18, 2017)

**UNIFORM COMPLAINT (UC) PROCEDURES SHALL BE AVAILABLE FREE OF CHARGE:** Contact Student Hearing and Placement Department (916) 643-9425 (Student Complaints) OR Human Resource Services, (916) 643-9050 (All Other Complaints). (T5 CCR 4622)

The Sacramento City Unified School District is committed in all of its activities, policies, programs, and procedures to provide equal opportunity for all and to address any 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, mental or physical disability, nationality, national origin, race or ethnicity, 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.

# Uniform Complaint Procedures

(Extracted from BP/AR 1312.3)



HUMAN RESOURCE SERVICES

**Step 1: Filing of Complaint**

Any individual, public agency or organization may file a written complaint of alleged noncompliance by the district.

Complaints alleging unlawful discrimination may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination. (T5 CCR 4632)

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, district staff shall help him/her to file the complaint. (T5 CCR 4600)

**Step 2: Mediation**

Within three days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a discrimination complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.

If the mediation process does not resolve the problem within the parameters of the law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (T5 CCR 4631)

**Step 3: Investigation of Complaint**

The compliance officer shall make all reasonable efforts to hold an investigative meeting within five days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

The complainant and/or his/her representative and the district's representatives shall have an opportunity to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses. (T5 CCR 4631)

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]

**Step 4: Response**

Within 60 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in Step 5 below, unless the complainant agrees in writing to extend the time line. (T5 CCR 4631)

**Step 5: Final Written Decision**

The report of the district's decision shall be in writing and sent to the complainant. (T5 CCR 4631)

The report of the district's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the district shall arrange a meeting at which a community member of the complainant's choosing will interpret it for the complainant.

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); and (7) procedures to be followed for initiating an appeal to CDE.

If an employee is disciplined as a result of the complaint, this report shall simply state that effective action was taken and that the employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action.

Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. The district ensures that complainants are protected from retaliation and that the identity of a complainant alleging discrimination will remain confidential as appropriate, 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.

**APPEALS**

If dissatisfied with the district's decision, the complainant may appeal in writing to the CDE within 15 days of receiving the district's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. (T5 CCR 4652)

When appealing to the CDE, the complainant must specify the reason(s) for appealing the district's decision and must include a copy of the locally filed complaint and the district's decision. (T5 CCR 4652)

The CDE may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in T5 CCR 4650 exists. In addition, the CDE may also intervene in those cases where the district has not taken action within 60 calendar days of the date the complaint was filed with the district.

**CIVIL LAW REMEDIES**

A complainant may pursue available civil law remedies outside of the district'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. For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the district has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with T5 CCR 4622.

**NOTIFICATIONS**

The Chief Human Resources Officer shall meet the notification requirements of Title 5 CCR 4622: (1) annual dissemination of district complaint procedures and information about available appeals, civil law remedies and conditions under which a complaint may be taken directly to the CDE; and (2) ensure that complainants understand that they may pursue other remedies, including actions before civil courts or other public agencies.

Complainants will receive written acknowledgement including a statement that ensures the investigator is knowledgeable about the laws/programs that he/she is assigned to investigate. [T5CCR 4621, 4631]