

Sacramento City USD

Board Policy

Uniform Complaint Procedures

BP 1312.3

Community Relations

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 46000 and the accompanying administrative regulation.

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve the following complaints:

1. Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, after school education and safety programs, agricultural vocational education, American Indian education centers and early childhood education program assessments, bilingual education, peer assistance and review programs for ~~teacher~~ technical education, career technical and technical education and training programs, child care and development programs, , consolidated categorical aid programs, compensatory education, Economic Impact Aid, English learner programs, federal education programs in Title-III, migrant education, Regional Occupational Centers and Programs, school safety plans, special education programs, State Preschool Programs, ~~Tobacco Prevention Education programs,~~ the Every Student Succeeds Act/No Child Left Behind and any other district-implemented program which is listed in Education Code 64000(a)

(cf. 3553 -Free and Reduced Price Meals)

(cf. 3555 -Nutrition Program Compliance)

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(cf. 5148 -Child Care and Development)

(cf. 5148.2 -Before/After School Programs)

(cf. 6159 -Individualized Education Program)

(cf. 6171 -Title I Programs)

(cf. 6174 -Education for English Language Learners)

(cf. 6175 -Migrant Education Program)

(cf. 6178 -Career Technical Education)

(cf. 6178.1 -Work-Based Learning)

(cf. 6178.2 -Regional Occupational Center/Program)

(cf. 6200 -Adult Education)

2. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any student, employee, or other person participating in district programs and activities, including, but not limited to, those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age,

religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

(cf. 0410 -Nondiscrimination in District Programs and Activities)

(cf. 5145.3 -Nondiscrimination/Harassment)

(cf. 5145.7 -Sexual Harassment)

3. Any complaint alleging district noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student (Education Code 222)

(cf. 5146 -Married/Pregnant/Parenting Students)

4. Any complaint alleging district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)

(cf. 3260 -Fees and Charges)

(cf. 3320 -Claims and Actions Against the District)

5. Any complaint alleging district noncompliance with legal requirements related to the

49701 who transfers into the district after his/her second year of high school in a district noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from Board imposed graduation requirements (Education Code 51225.1, 51225.2)

(cf. 6173 -Education for Homeless Children)

8. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student in ~~grades 9~~ a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code 51228.3)

9. Any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in elementary school (Education Code 51210, 51223)

(cf. 6142.7 -Physical Education and Activity)

10. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy

11. Any other complaint as specified in a district policy

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is acceptable to all parties. ADR such as mediation may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. As appropriate for any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep confidential the identity of the complainant and/or the subject of the complaint if he/she is different from the complainant, as long as the integrity of the complaint process is maintained.

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

When an allegation that is not subject to the UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and related requirements, including the steps and timelines specified in this policy and the accompanying administrative regulation.

(cf. 4131 -Staff Development)

(cf. 4231 -Staff Development)

(cf. 4331 -Staff Development)

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints in accordance with applicable law and district policy.

(cf. 3580 -District Records)

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement

- 99.199.67 Family Educational Rights and Privacy
- 100.3 Prohibition of discrimination on basis of race, color or national origin
- 104.7 Designation of responsible employee for Section 504
- 106.8 Designation of responsible employee for Title IX
- 106.9 Notification of nondiscrimination on basis of sex
- 110.25 Notification of nondiscrimination on the basis of age

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Sample UCP Board Policies and Procedures

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Bullying of Students with Disabilities, August 2013

Dear Colleague Letter: Harassment and Bullying, October 2010

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

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/about/offices/list/ocr>

Policy SACRAMENTO CITY UNIFIED SCHOOL DISTRICT

adopted: November 16, 1998 Sacramento, California

revised: June 7, 2007

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revised: November 20, 2014

revised: November, 2016

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(cf. 3553 -Free and Reduced Price Meals)

(cf. 3555 -Nutrition Program Compliance)

(cf. 5148 -

religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other

from Board-imposed graduation requirements (Education Code 51225.1, 51225.2)

(cf. 6173 -Education for Homeless Children)

8. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student in grades 9 to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code 51228.3)

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(cf. 6142.7 -Physical Education and Activity)

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and military-connected students; course credits; graduation requirements
5122651226.1 Career technical education
51228.151228.3 Course periods without educational content
5206052077 Local control and accountability plan, especially
52075 Complaint for lack of compliance with local control and accountability plan requirements
5216052178 Bilingual education programs
5230052490 Career technical education
5250052616.24 Adult schools
5280052870 School-based program coordination
5440054425 Compensatory education programs
5444054445 Migrant education
5446054529 Compensatory education programs
5600056867 Special education programs
5900059300 Special schools and centers
6400064001 Consolidated application process

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state
1290012996 Fair Employment and Housing Act

PENAL CODE

422.55 Hate crime; definition
422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section
46004687 Uniform complaint procedures
49004965 Nondiscrimination in elementary and secondary education programs
73017372 Title V rural and low-income school programs
1210112213 Title II equal opportunity for individuals with disabilities

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 20

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX of the Education Amendments of 1972

63016577 Title I basic programs

68016871 Title III language instruction for limited English proficient and immigrant students

71017184 Safe and Drug-Free Schools and Communities Act

72017283g Title V promoting informed parental choice and innovative programs

UNITED STATES CODE, TITLE 42

2000d2000e17 Title VI and Title VII Civil Rights Act of 1964, as amended

2000h2-2000h6 Title IX of the Civil Rights Act of 1964

61016107 Age Discrimination Act of 1975

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

35.107

Management Resources: