

UNIFORM COMPLAINT PROCEDURES

The Governing Board recognizes that the district is responsible for complying with applicable state and federal laws and regulations governing educational programs. (T5 CCR 4620) 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 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 in any program or activity that receives or benefits from state financial assistance. Uniform complaint procedures shall 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, childcare and development programs, child nutrition programs, special education programs, and federal school safety planning requirements. Additionally, the district shall use uniform complaint procedures to address complaints regarding insufficiency of instructional materials, emergency or urgent facility conditions that pose a threat to the health and safety of pupils and staff, and/or teacher vacancy or misassignment issues as provided in Administrative Regulation 1312.4.

The Board encourages the early, informal resolution of complaints at the site level whenever possible. The program or site administrator should serve as an intermediary to resolve concerns whenever possible.

Responsibility for Uniform Complaint Procedures

The Chief Human Resources Officer will receive and investigate complaints and ensure district compliance with the law. The Chief Human Resources Officer will also assist complainants in understanding that they may pursue other remedies including actions before civil court or other public agencies. (T5 CCR 4621, 4622)

Dissemination

Who: This document will be disseminated annually to students, employees, parents/guardians, staff, volunteers, Advisory Committees, appropriate private school officials or representatives, and other interested parties.

How: This document will be distributed to all offices, included in the Parents' Rights Packets, at General Staff Meetings, Advisory Council Meetings (School Site Council, District Advisory Committee, English Learner Advisory Committee), volunteers, etc.

Filing a Complaint and Timeline

• **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)

• **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 at the complainant's choosing will interpret it for the complainant.

Appeals

If dissatisfied with the district's decision, the complainant may appeal in writing to the California Department of Education 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 California Department of Education, 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 California Department of Education 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 California Department of Education 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 California Department of Education 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.

- California Code of Regulations, Title 5
- California Education Code
- Department of Fair Employment and Housing
- California Government Code, Section 11135
- United States Code, Title 20
- Title VI, Civil Rights Act of 1964 (2 U.S.C. Section 2000d)
- Title IX, Education Amendments of 1972 (20 U.S.C. Sections 1681, et. seq.)
- Sections 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794)
- Americans with Disabilities Act (42 U.S.C. Sections 12101, et seq.)

Direct State Intervention

A complaint may be filed directly with the California Department of Education, without first exhausting the district Uniform Complaint Procedure, if one or more certain conditions exist (Title 5 California Code of Regulations Section 4650). For more information regarding the right to direct state intervention, please contact Compliance Officer, Chief Human Resources Officer at 643-7471.

To obtain further information and forms regarding Uniform Complaint Procedures, please contact: **Compliance Officer**, Chief Human Resources Officer, Sacramento City Unified School District, 5735 47th Avenue, Sacramento, CA 95824, (916) 643-7471. Forms (PSL-F089) may be downloaded from Internet/Intranet.

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).

(Revised: 06-01-11)

ACCREDITATION CONTACTS:

The Charles A. Jones Career and Education Center is Accredited by the Commission of the **Council on Occupational Education:**

7840 Roswell Rd. Bldg 300 Suite #325, Atlanta, GA 30350 (770) 396-3898
Toll Free Number (800) 917-2081
Fax: (770) 396-3790
Website: www.council.org

WASC (Western Association of Schools & Colleges):

Northern California Office
533 Airport Blvd, Suite #200, Burlingame, CA 94010..... (650) 696-1060