

UNIFORM COMPLAINT PROCEDURES

As required by California law, the district shall follow the uniform complaint procedures set forth in Administrative Regulation 1312.3 when addressing complaints alleging unlawful discrimination based on actual or perceived ancestry, color, ethnic group identification, national origin, race, religion, sex, gender (including sexual harassment), sexual orientation, or physical and/or mental disability in any program or activity that receives or benefits from state financial assistance. The district shall also follow uniform complaint procedures when addressing complaints alleging failure to comply with state or federal law or when addressing complaints regarding adult basic education, consolidated categorical aid programs, migrant education, vocational education, childcare and development programs, child nutrition programs, and special education programs.

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

(cf. 0421.1 - School-Based Coordinated Programs)

(cf. 0420.2 - School Improvement Program)

(cf. 0430 - Comprehensive Local Plan for Special Education)

(cf. 3553 - Free and Reduced Lunch Program)

(cf. 6171 - Title I Programs)

(cf. 6174 - Education for Students of Limited-English Proficiency)

(cf. 6175 - Migrant Children Program)

(cf. 6178 - Vocational Education)

(cf. 6179 - Child Care and Development Programs)

The Board prohibits retaliation in any form for the filing of a complaint, the reporting of instances of discrimination, or for participation in complaint procedures. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

The Board acknowledges and respects student and employee rights 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.

(cf. 4119.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

UNIFORM COMPLAINT PROCEDURES (continued)

The Superintendent or designee 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.

(cf. 9124 - Attorney)

The Board recognizes that a neutral mediator can often suggest an early compromise that is agreeable to all parties in a dispute. Whenever all parties to a complaint agree to try resolving their problem through mediation, the Superintendent or designee shall initiate a mediation process before beginning a formal compliance investigation. The Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulation.

(cf. 1312.1 - Complaints Concerning School Personnel)

(cf. 1312.2 - Complaints Concerning Instructional Material)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 5141.4 - Child Abuse and Neglect (Reporting Procedures))

Legal Reference:**EDUCATION CODE**

200-262.3 Prohibition of discrimination

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18179 School libraries

35146 Closed sessions

35160 Authority of governing boards

44670.1-44671.5 School personnel staff development and resource centers

48985 Notices in language other than English

49060-49079 Student records

49490-49560 Child nutrition programs

51513 Personal beliefs

52000-52049.1 School improvement programs

52160-52178 Bilingual education programs

52300-52483 Vocational education

52500-52616.24 Adult schools

52800-52863 School-based coordinated programs

54000-54041 Economic impact aid programs

54100-54145 Miller-Unruh Basic Reading Act

UNIFORM COMPLAINT PROCEDURES

Legal Reference: (Continued)

EDUCATION CODE (Continued)

54400-54425 Compensatory education

54440-54445 Migrant education

54460-54529 Compensatory education programs

56000-56885 Special education programs

59000-59300 Special schools and centers

64000 Consolidated application process

GOVERNMENT CODE

54957-54957.8 Closed sessions

CODE OF REGULATIONS, TITLE 5

3080 Application of section 4600-4671

4600-4671 Uniform Complaint Procedures

UNITED STATES CODE, TITLE 20

1221 et seq. General Education Provisions Act, especially:

1221, 1232g Family Educational and Privacy Rights Act of 1974

1231g, 1681 et seq. Title IX, Education Amendments of 1972

3801 et seq. Education Consolidation and Improvement Act of 1981

UNITED STATES CODE, TITLE 29

721, 761 Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000c et seq. Civil Rights Act of 1964

CODE OF FEDERAL REGULATIONS, TITLE 34

100.7(e) Intimidation and retaliation prohibited

Policy

Adopted: September 8, 1992

Revised: April 6, 1998

Revised: July 1, 2002

ELK GROVE UNIFIED SCHOOL DISTRICT

Elk Grove, California

UNIFORM COMPLAINT PROCEDURES

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(cf. 0421.1 - School-Based Coordinated Programs)

The Governing Board designates the following compliance officers to receive complaints and ensure district compliance with law:

Compliance Officers

- Adult Basic Education - Director, Adult Education; Telephone 686-7717
- Consolidated Categorical Aid Programs - Director, State & Federal Programs; Telephone 686-7712
- Migrant Education - Director, State & Federal Programs; Telephone 686-7712
- Vocational Education - Director, Career & Educational Options; Telephone 686-7726
- Child Care & Development Programs Associate Superintendent, Elementary Education; Telephone 686-7704
- Child Nutrition Programs - Director, Food & Nutritional Services; Telephone 686-7735
- Special Education Programs - Assistant Superintendent, Student Services; Telephone 686-7780
- Discrimination Complaints
 - Involving District Employee(s) Assistant Superintendent for Human Resources, Telephone 686-7795
 - Involving Student(s) – Associate Superintendent, Education Services – Telephone 686-7785

The address to use in submitting all complaints is Elk Grove Unified School District, 9510 Elk Grove-Florin Road, Elk Grove, California 95624.

UNIFORM COMPLAINT PROCEDURES (continued)

Notifications

The Superintendent or designee shall meet the notification requirements of the Code of Regulations, Title 5, Section 4622, including the 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 California Department of Education.

(cf. 5145.6 - Notifications Required by Law)

Procedures

Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with the Code of Regulations, Title 5, Section 4632.

The district will use its uniform complaint procedures when addressing all complaints alleging unlawful discrimination based on actual or perceived ancestry, color, ethnic group identification, national origin, race, religion, sex, gender (including sexual harassment), sexual orientation, or physical and/or mental disability in any program or activity that receives or benefits from state financial assistance. The district shall also follow uniform complaint procedures when addressing complaints alleging failure to comply with state or federal law regarding adult basic education, consolidated categorical aid programs, migrant education, vocational education, childcare and development programs, child nutrition programs, and special education programs.

Investigations of discrimination complaints based upon the protected categories listed above shall be conducted in a manner that protects confidentiality of the parties and the facts. (Title 5, Section 4630)

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

Step 1: Filing of Complaint

For non-discrimination complaints, any individual, public agency or organization may file a written complaint of alleged noncompliance.

UNIFORM COMPLAINT PROCEDURES (continued)

The complaint shall be presented to the Superintendent or designee, who will then give it to the appropriate compliance officer. If there is not a designated and/or appropriate compliance officer, the Superintendent or designee(s) shall be the compliance officer.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other handicaps, district staff shall help him/her to file the complaint. (Title 5, Section 4600)

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 (6) months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination. (Title 5, Section 4630)

Step 2: Mediation

Prior to the initiation of a formal compliance investigation, the compliance officer may informally discuss with the complainant the possibility of using mediation. If all parties agree to mediation, the compliance officer shall make all arrangements for this process.

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

The use of mediation shall not extend the district's time lines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time.

Step 3: Investigation of Complaint

The compliance officer shall hold an investigative meeting upon receipt of the complaint or after an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to present information relevant to the complaint. (Title 5, Section 4631)

Complaints alleging discrimination based upon one of the protected categories listed above shall be investigated in a manner designed to respect the confidentiality of the parties and facts. Participants in a complaint or investigation process are required to maintain appropriate confidentiality and to abide by specific directives from administrators regarding confidentiality.

UNIFORM COMPLAINT PROCEDURES (continued)

To ensure that all pertinent facts are made available, the compliance officer and the complainant may ask other individuals to attend this meeting and provide additional information.

Step 4: Response

Within sixty (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.

Step 5: Final Written Decision

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 will arrange a meeting at which a community member will interpret it for the complainant.

(cf. 5145.6 - Notifications Required by Law)

This report shall include:

1. The findings and disposition of the complaint, including corrective actions if any.
2. The rationale for the above disposition.
3. Notice of the complainant's right to appeal within fifteen (15) days the decision to the California Department of Education, and procedures to be followed for initiating such an appeal.
4. A detailed statement of all specific issues that were brought up during the investigation and the extent to which these issues were resolved.

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.

Community Relations

UNIFORM COMPLAINT PROCEDURES (continued)

Appeals to the California Department of Education

If dissatisfied with the district's decision, the complainant may appeal in writing to the California Department of Education within fifteen (15) days of receiving the district's decision.

For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals.

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. (Title 5, Section 4652)

Civil Law Remedies

Nothing in this policy precludes a discrimination complainant from pursuing available civil law remedies outside the district's complaint procedures. Such remedies include but are not limited to injunctions, restraining orders, etc. For discrimination complaints, however, a complainant must wait until sixty (60) days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies other than injunctive relief. (Education Code section 262.3).

Regulation
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