

UNIFORM COMPLAINT PROCEDURES

This document contains rules and instructions about the filing, investigation and resolution of a uniform complaint procedures (UCP) complaint regarding an alleged violation by a local educational agency of federal or state laws or regulations governing educational programs, including allegations of unlawful discrimination, harassment, intimidation, bullying, noncompliance with laws relating to pupil fees, and noncompliance with the local control and accountability plan (LCAP).

This document presents information about how the Elk Grove Unified School District (hereinafter “district”) processes UCP complaints concerning particular programs or activities in which we receive state or federal funding. For purposes of this board policy, a complaint is a written and signed statement by a complainant alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation, bullying, charging pupil fees for participation in an educational activity, and noncompliance with the local control and accountability plan (LCAP). A complainant is any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination, harassment, intimidation, bullying and noncompliance with laws relating to pupil fees. If the complainant is unable to put the complaint in writing due to a disability or illiteracy, the district shall assist the complainant in the filing of the complaint.

Programs or activities in which the district receives state or federal funding are:

- Adult Education
- Consolidated Categorical Aid Programs
- Migrant Education
- Career Technical and Technical Education and Training Programs
- Child Care and Developmental Programs
- Child Nutrition Programs
- Special Education Programs
- Homeless Education
- Foster Youth Services
- Comprehensive School Safety Plans
- Local Control and Accountability Plans (LCAP)

A pupil fee is a fee, deposit, or other charge imposed on pupils, or a pupil's parents or guardians, in violation of state codes and constitutional provisions which require educational activities to be provided free of charge to all pupils without regard to their families' ability or willingness to pay fees or request special waivers. Educational activities are those offered by a school, school district, charter school, or county office of education that constitute a fundamental part of education, including, but not limited to, curricular and extracurricular activities.

A pupil fee includes, but is not limited to, all of the following:

1. A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.
2. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
3. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

UNIFORM COMPLAINT PROCEDURES (continued)

This document also applies to the filing of complaints which allege unlawful discrimination, harassment, intimidation, and bullying based on actual or perceived characteristics of age, ancestry, color, ethnic group identification, gender expression, gender identity, gender, physical or mental disability, nationality, national origin, race or ethnicity, religion, sex, sexual orientation, genetic information or any other characteristic identified in Education Code 200 or 220, Penal Code 422.55, or Government Code 11135, or on a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by the district, which is funded by, or that receives or benefits from any state or federal financial assistance.

This document also applies to complaints alleging that the district has not complied with legal requirements related to the implementation of the local control and accountability plan (LCAP) (Education Code 52075).

The following complaints shall be referred to other agencies for appropriate resolution and are not subject to our UCP process set forth in this document unless these procedures are made applicable by separate interagency agreements:

1. Allegations of child abuse shall be referred to the County Department of Social Services (DSS), Protective Services Division or an appropriate law enforcement agency.
2. Health and safety complaints regarding a Child Development Program shall be referred to the Department of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.
3. Employment discrimination complaints shall be sent to the State Department of Fair Employment and Housing (DFEH).
4. Allegations of fraud shall be referred to the Legal, Audits and Compliance Branch in the California Department of Education (CDE).

The responsibilities of the Elk Grove Unified School District

The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations. We shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination, harassment, intimidation, bullying and charging pupil fees for participation in an educational activity and seek to resolve those complaints in accordance with our UCP procedures.

In regard to complaints of noncompliance with laws relating to pupil fees, if the district finds merit in a pupil fees complaint, a remedy shall be provided to all affected pupils, parents and guardians that, where applicable, will include reasonable efforts by the district to ensure full reimbursement to all affected pupils, parents and guardians.

Our UCP policies shall ensure that we will attempt in good faith by engaging in reasonable efforts to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint. (5 CCR 4600(u))

Our UCP policy shall ensure that complainants are protected from retaliation and that the identity of a complainant alleging discrimination, harassment, intimidation, and bullying remain confidential as appropriate. We submitted our UCP policy to our local governing board for approval and adoption and this revised policy was approved on the last date indicated at the bottom of this document.

/

/

/

/

UNIFORM COMPLAINT PROCEDURES (continued)

Complaints other than complaints relating to pupil fees must be filed in writing with the following compliance officers who shall investigate complaints and ensure district compliance with state and federal law and regulations.

Adult Education Programs - *Director, College/Career Options; (916) 686-7717*
Consolidated Categorical Aid Programs - *Director, Learning Support Services; (916) 686-7712*
Migrant Education - *Director, Learning Support Services; (916) 686-7712*
Career Technical and Technical Education and Career Technical and Technical Training Programs - *Director, College/Career Options; (916) 686-7709*
Child Care & Development Programs – *Director, College/Career Options; (916) 686-7704*
Child Nutrition Programs - *Director, Food & Nutrition Services; (916) 686-7735*
Special Education Programs – *Director, Special Education; (916) 686-7780*
Homeless Education – *Director, Student Support & Health Services; (916) 686-7568*
Foster Youth Services – *Director, Student Support & Health Services; (916) 686-7568*
Comprehensive School Safety Plans – *Chief, Police Services Department; (916) 686-7786*
Local Control and Accountability Plan (LCAP) – *Director, Learning Support Services (916) 686-7712*

Discrimination, Intimidation, Harassment or Bullying Complaints

Involving District Employee(s):
Associate Superintendent, Human Resources; (916) 686-7795
Involving Student(s):
Associate Superintendent, PreK-6 Education; (916) 686-7704;
Associate Superintendent, Secondary Education (7-12); (916) 686-7706

Student Fees

Complaints of noncompliance with laws relating to pupil fees are filed with a principal of a school. A complaint regarding pupil fees may be filed anonymously if the complaint provides evidence or information to support an allegation of noncompliance with laws relating to pupil fees.

Written complaints pursuant to the UCP can be sent by mail to any of the foregoing compliance officers by mailing the complaint to the attention of the relevant compliance officer and department at Elk Grove Unified School District, 9510 Elk Grove-Florin Road, Elk Grove, CA 95624. Complaints regarding student fees can be delivered or mailed to the principal of the school at the school's address.

We ensure that the persons above, who are responsible for compliance and/or investigations, are knowledgeable about the laws/programs that he/she are assigned to investigate. Designated employees may also have access to legal counsel as determined by the superintendent or designee.

We shall annually notify our pupils, employees, parents or guardians of our pupils, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties, in writing, of our UCP process regarding an alleged violation by the district of federal or state law or regulations governing educational programs, including allegations of unlawful discrimination, harassment, intimidation, bullying noncompliance with laws relating to pupil fees, and noncompliance with the local control and accountability plan (LCAP). The UCP annual notice will be disseminated to all of the six required groups each year and will include information on how to appeal to the California Department of Education. An appeal is a request made in writing to a level higher than the original reviewing level by an aggrieved party requesting reconsideration or a reinvestigation of the lower adjudicating body's decision.

UNIFORM COMPLAINT PROCEDURES (continued)

Our UCP annual notice shall also advise the recipient of any civil law remedies that may be available under state or federal discrimination, harassment, intimidation, and bullying laws, if applicable, and of the appeal process pursuant to Education Code section 262.3. Our UCP annual notice shall be in English and in the primary language, pursuant to section 48985 of the Education Code, or mode of communication of the recipient of the notice.

A copy of the UCP (Board Policy 1312.3) shall be available free of charge. In addition, a copy of the UCP (Board Policy 1312.3), along with a copy of a complaint form that can be used to file a complaint under the UCP, is located on the district's Internet web site at egusd.net. Once the web site is accessed, please follow the links for "Students & Parents" and then "District Policies/Procedures/Notices". It shall also be posted in all district schools and offices, including staff lounges and pupil government meeting rooms.

Filing a written complaint with the Elk Grove Unified School District

Except for Williams complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancies or misassignments, and complaints that allege discrimination, harassment, intimidation, and bullying, any individual, public agency or organization may file a written complaint with our district superintendent or his or her designee alleging a matter which, if true, would constitute a violation by the district of federal or state law or regulation governing a program. A complaint of noncompliance with laws relating to pupil fees may be filed with the principal of a school under the UCP and may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with laws relating to pupil fees.

A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred. (5CCR 4630(c)(2))

An investigation of alleged unlawful discrimination, harassment, intimidation, and bullying shall be initiated by filing a written complaint no later than six (6) months from the date the alleged discrimination, harassment, intimidation, or bullying occurred, or six (6) months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, and bullying. The time for filing may be extended in writing by our district superintendent or his or her designee, upon written request by the complainant setting forth the reasons for the request for an extension of time to file a written complaint. The period for filing may be extended by our superintendent or his or her designee for good cause for a period not to exceed ninety (90) calendar days following the expiration of the six month time period. Our superintendent shall respond immediately upon receipt of a request for an extension of time to file a written complaint.

The complaint shall be filed by one who alleges that he or she has personally suffered unlawful discrimination, harassment, intimidation, and bullying or by one who believes an individual or any specific class of individuals has been subjected to discrimination, harassment, intimidation, and bullying prohibited by this policy.

Investigation and written decision following the filing of a written complaint

An investigation of a discrimination, harassment, intimidation, or bullying complaint shall be conducted in a manner that protects confidentiality of the parties and maintains the integrity of the process.

Except for Williams Complaints, within 60 calendar days from the date of the receipt of the written complaint, we shall conduct and complete an investigation of the complaint in accordance with this UCP policy and prepare a written decision, also known as a final report. This time period may be extended by written agreement with the complainant.

The investigation shall include an opportunity for the complainant, or the complainant's representative, or both, to present the complaint(s) and evidence or information leading to evidence to support the allegations of non-compliance with state and federal laws and/or regulations.

UNIFORM COMPLAINT PROCEDURES (continued)

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 obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

Refusal by the district to provide the investigator with access to records and/or other information related to the allegation in the written complaint, or to otherwise fail or refuse to 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.

We shall issue a decision based on the evidence. The decision shall be in writing and sent to the complainant within sixty (60) calendar days from receipt of the written complaint by the district. The decision shall be written in English and, when required by Education Code section 48985, in the complainant's primary language. The decision should contain:

- The findings of fact based on the evidence gathered,
- Conclusion(s) of law,
- Disposition of the complaint,
- The rationale for such disposition,
- Corrective actions, if any are warranted,
- Notice of the complainant's right to appeal the district's decision to the California Department of Education, and
- Procedures to be followed for initiating an appeal to the California Department of Education.

Nothing in this document shall prohibit anyone involved in the complaint from utilizing alternative methods to resolve the allegations, such as mediation. Nor are we prohibited from resolving complaints prior to the formal filing of a written complaint. Mediation is a problem solving activity whereby a third party assists the parties to the dispute in resolving the complaint.

The district's Williams uniform complaint procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to the following:

1. Sufficiency of textbooks or instructional materials,
2. Emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff,
3. Teacher vacancies and misassignments,

/

/

/

/

/

UNIFORM COMPLAINT PROCEDURES (continued)**Oral reporting of concerns of unlawful discrimination**

Any individual who believes that he/she or another student or group has been subjected to unlawful discrimination, may orally report the alleged discrimination to the involved student's teacher (or a teacher of a student in the alleged group), or to the principal, or to the principal's designee of the school site where the alleged discrimination occurred. If the report of alleged discrimination is made to the student's teacher or a teacher of a student in the alleged group, that teacher shall notify the principal of the report. The principal or principal's designee shall, in process of following up on the report, inform the individual making the report of the right to file a written complaint.

Oral reports of unlawful discrimination involving the student's teacher shall be made to the school site principal or to the school site principal's designee. Oral reports of unlawful discrimination involving the principal's designee shall be made directly to the school site principal. Oral reports of unlawful discrimination involving the principal shall be made directly to the compliance officer.

The district, at its option, may document an oral report of alleged discrimination in writing for the person making the report to sign. The purpose of this shall be to memorialize the district's understanding of the specific concerns being alleged. This action shall not be interpreted to be the filing of a formal written complaint by the individual making the report unless so requested by the individual making the report.

The principal/designee shall inform the individual making the report of the resolution options including the option to file a formal written complaint which shall be formally investigated and responded to consistent with this policy. If a complainant wishes to file a formal written complaint but is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of a written complaint.

If the individual making the oral report does not want to file a written complaint, does not want to be identified, or does not give names of the perpetrators, the school may still have a duty to respond in some way depending on the seriousness of the allegations and the risk of future harm to the student or others (for example, the notification of other district administration, law enforcement or Child Protective Services). However, the extent to which these concerns can be investigated and/or responded to may be limited given the lack of information made available to the district. A written decision (final report) shall be required only for written complaints submitted consistent with this Board Policy 1312.3.

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 procedures**35186 Williams uniform complaint procedures**48985 Notices in language other than English**49010-49013 Student fees**49060-49079 Student records**49490-49590 Child nutrition programs**52060-52077 Local control and accountability plan, especially**Legal Reference continued: (see next page)*

UNIFORM COMPLAINT PROCEDURES (continued)

Legal Reference: (continued):

52075 Complaint for lack of compliance with local control and accountability plan requirements

52160-52178 Bilingual education programs

52300-52490 Career technical education

52500-52616.24 Adult schools

52800-52870 School-based program coordination

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

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

12900-12996 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

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

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

6301-6577 Title I basic programs

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

7301-7372 Title V rural and low-income school programs

12101-12213 Title II equal opportunity for individuals with disabilities

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

Legal Reference continued: (see next page)

UNIFORM COMPLAINT PROCEDURES (continued)

Legal Reference: (continued)

UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended

2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

6101-6107 Age Discrimination Act of 1975

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 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:

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

Questions and Answers on Title IX and Sexual Violence, April 2014

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

Dear Colleague Letter: Sexual Violence, April 2011

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:

Adopted: September 8, 1992

Revised: April 6, 1998

July 1, 2002

March 6, 2007

March 5, 2013

January 20, 2015

**Elk Grove Unified School District
Elk Grove, California**