

ADDENDUM TO AGENDA  
ELK GROVE UNIFIED SCHOOL DISTRICT  
Regular Meeting of the Board of Education  
Board Room, Education Center  
9510 Elk Grove-Florin Road  
Elk Grove, CA 95624  
January 20, 2015  
Closed Session – 5:00 p.m.  
Regular Session – 6:00 p.m.

<u>Item</u>	<u>Time – Approximate</u>
V. Budget Update	
6. Governor’s Budget Update	20- 30 Minutes
X. Discussion	
6A. Finalize Plans for the January 26, 2015, Special Board Meeting for the Purpose of Interviewing and Making a Provisional Appointment of a Board Member from Trustee Area 6.	10 Minutes

**AMERICAN WITH DISABILITIES COMPLIANCE NOTICE**

In compliance with the Americans with Disabilities Act, those requiring special assistance to access the Board meeting room, to access written documents being discussed at the Board meeting, or to otherwise participate at Board meetings, please contact the Board Secretary, Arlene Hein, at (916) 686-7700. Notification of at least 24 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to the Board meeting and to provide any required accommodation, auxiliary aids or services.

**DOCUMENT AVAILABILITY**

Documents provided to a majority of the Governing Board regarding an open session item on this agenda will be made available for public inspection in District office located at 9510 Elk Grove-Florin Road, Elk Grove, CA during normal business hours.

ELK GROVE UNIFIED SCHOOL DISTRICT

Agenda Item No: 6A

**Board Agenda Item**

Supplement No. \_\_\_\_\_

Meeting Date 1-20-15

**Subject:** Finalize Plans for the January 26, 2015, Special Board Meeting  
For the Purpose of Interviewing and Making a Provisional Appointment of a  
Board Member from Trustee Area 6.

**Department:** Board of Education

**Action Requested:**

The Board is requested to review and finalize plans for the January 26, 2015, special meeting to select and interview candidates and make a provisional appointment of a board member from Trustee Area 6.

**Discussion:**

The Board Subcommittee has reviewed applications submitted for the Trustee Area 6 vacancy and determined that twelve applicants will be interviewed. The time of the meeting needs to be determined and the procedures to be followed reviewed and finalized.

**Financial Summary:**

Prepared By: Christopher R. Hoffman Department Approval: \_\_\_\_\_

Prepared By: \_\_\_\_\_ Superintendent Approval: Christopher R. Hoffman 

# **Attachment**

*January 20, 2015*  
**Board Meeting**

**Agenda Item**  
**# 6**



# Governor's 2015-16 Budget Proposal

Presented to the Board of Education  
January 20, 2015



*Presented by:*

*Rich Fagan, Associate Superintendent Finance & School Support*

*Robert Pierce, Associate Superintendent Facilities & Planning*





# Overview

- Themes for the 2015-16 Governor's Budget
- U.S. Economic Outlook
- The California Economy
- What's Not in the Budget
- Cost of Education
- Proposition 98 and Proposition 2
- District Reserves
- Local Control Funding Formula
- Unrestricted General Fund Multi-year Projections
- Discretionary Funds
- Adult Education, CTE, and Special Education
- Deferrals
- Next Steps
- Proposition 39 and State School Facilities

# Themes for the 2015-16

## Governor's Budget

- Positive economic growth continues and fuels public education spending
- Proposition 98 continues to receive most of the new money
- Funding is tight for the non-Proposition 98 side of the State Budget
- Governor stays the course on the Local Control Funding Formula (LCFF) and the Local Control and Accountability Plan (LCAP)
- State makes a firm commitment to Adult Education and Career Technical Education (CTE)
- The Wall of Debt continues to come down and is replaced with the Rainy Day Fund
- Overall, a very good State Budget for public education



# U.S. Economic Outlook

- The national economy is finally beginning to show some signs of life
- The stock market fully recovered last year and continues to make new highs – economic expectations are growing
  - Capital gains are there to be realized
- Real estate has recovered and is showing positive price gains and more normal market activities
- Low energy prices are fueling short-term consumer spending
- Government spending, including education, is increasing again
- The Great Recession officially ended in June of 2009, five years ago
  - Neither the feds nor the state are predicting another recession any time soon
  - However, these are the same folks who completely missed seeing the Great Recession coming



# The California Economy

- California is riding the same resurgent economic trends that are improving the national economy
  - Job growth is strong and becoming more steady
  - California companies are expanding once again
  - Export activity is growing stronger
- The combination of Proposition 30 (2012) and a stronger economy is driving state General Fund revenues to record levels and increasing state government spending
- While job growth is positive overall, there are still some serious concerns



# What's Not in the State Budget?

- What the State Budget has:
  - No proposal for a statewide school facilities bond, although the Governor lays out tenets for a new facilities funding framework
  - No new funding to address the increased district costs for the California State Teachers' Retirement System (CalSTRS) and California Public Employees' Retirement System (CalPERS) funds
  - No new funding for transportation
  - No expansion of Early Childhood Education beyond the 2014-15 State Budget agreement



# The Cost of Education

- Measured by Quality Counts is the percent of students in districts with per-pupil expenditures at or above the U.S. average of \$11,735
- Seven states (Wyoming, New York, Connecticut, Delaware, Rhode Island, Hawaii, and Maryland) and the District of Columbia report that 100% of students are in districts that spend at or above the U.S. average
- California reported 7.9% of students in districts that spend at or above the U.S. average
- In contrast, the U.S. average is 43.4%





# Proposition 98 Major K-12 Proposals

- The Governor's State Budget proposes:
  - **\$4 billion for LCFF gap closure**
  - **\$1.1 billion for Mandated Cost buy down discretionary one-time uses, including Common Core implementation (one time)**
  - **\$1 billion to eliminate the remaining K-14 apportionment deferrals**
  - **\$500 million for an Adult Education Block Grant**
  - **\$273 million for the Emergency Repair Program (one time)**
  - **\$250 million for one-time CTE incentive grants (each of the next three years)**
  - **\$198 million additional ADA growth in the current year and a \$6.9 million decrease for ADA decline in 2015-16**
  - **\$100 million for Internet connectivity and infrastructure**



## Proposition 2: Proposition 98 Reserve

- Additionally, Proposition 2 established a Proposition 98 reserve (officially called the Public School System Stabilization Account) beginning in 2015-16
- The Proposition 98 reserve does not affect the calculation of the Proposition 98 minimum guarantee
- Transfers to the Proposition 98 reserve are based on capital gains collections and would only occur if specified conditions are met
  - The Proposition 98 maintenance factor as of June 30, 2014, is fully repaid
  - Proposition 98 funding is based on Test 1
  - Full funding for enrollment growth and COLA are provided
  - A maintenance factor is not being created
- Transfers out of the Proposition 98 reserve would be made during years in which the growth in the minimum funding guarantee is insufficient to fund projected enrollment growth and inflationary adjustments





# Trigger Capping District Reserves

- The enactment of SB 858 (Chapter 32/2014) and Proposition 2 together establish a hard cap on school district reserves if certain conditions are met
- Triggering conditions include:
  - The Proposition 98 maintenance factor must be fully repaid
  - Proposition 98 must be funded based on Test 1
  - Proposition 98 is sufficient for enrollment growth and statutory COLA
  - A deposit must be made into the Proposition 98 reserve when capital gains revenues exceed 8% of General Fund revenues
- In defending this controversial budgeting restriction or attempting to ease the growing sense of doom, some have argued that it is highly unlikely that the cap will ever be triggered
  - **THIS CONCLUSION IS WRONG** – It may be triggered sooner than we think!

# Reserve Cap Trigger Summary

Reserve Cap Trigger	2014-15	2015-16	2016-17
Maintenance Factor	<i>Possible</i>	<i>Possible</i>	<i>Probable</i>
Test 1 Funding	<b>Met</b>	<i>Probable</i>	<i>Possible</i>
Enrollment and Growth	<b>Met</b>	<i>Probable</i>	<i>Probable</i>
Capital Gains	<b>Met</b>	<i>Probable</i>	<i>Possible</i>

# 2015-16 Local Control Funding Formula

- Budget proposes \$4 billion for continued implementation of the LCFF
- New funding is estimated to close the gap between 2014-15 funding levels and LCFF full implementation targets by 32.19%
- When combined with 2013-14 and 2014-15 LCFF funding, implementation progress would cover almost 58% of the gap in just three years
- 2014-15 LCFF growth provides an average increase in per-pupil funding of 8.7%, or \$675 per ADA \$550 for EGUSD



# General Fund Unrestricted

## Multi-year Budget Projections

ITEM	2014-15 1ST INTERIM	2015-16	2016-17
State Revenue	\$ 448,307,417	\$ 443,833,741	\$ 443,833,741
Estimated 2015-16		14,998,088	14,998,088
Estimated 2016-17			17,054,436
Contributions/Transfers	(61,620,285)	(68,582,028)	(71,953,416)
Salary and Benefits	(355,967,255)	(363,801,699)	(378,048,843)
Supplies and Operating	(44,372,418)	(33,623,343)	(33,874,371)
Indirect and Transfers	7,150,404	8,562,076	8,760,043
<b>SURPLUS/(DEFICIT)</b>	<b>\$ (6,502,137)</b>	<b>\$ 1,386,835</b>	<b>\$ 769,678</b>
Estimated Beginning Fund Balance	34,279,930	27,777,793	29,164,628
<b>Ending Fund Balance</b>	<b>27,777,793</b>	<b>29,164,628</b>	<b>29,934,306</b>
Contingency Mandated 2% Reserve	11,901,055	11,951,055	12,301,055
Designated Carryover Reserves		-	-
Reserve for Funding Priorities	15,876,738	17,213,573	17,633,251
<b>UNDESIGNATED</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>



# General Fund Unrestricted

## Multi-year Budget Projections

ITEM	2014-15 1ST INTERIM	2015-16 JAN GOV BUDGET	2016-17
State Revenue	\$ 448,307,417	\$ 454,633,741	\$ 443,833,741
Estimated 2015-16		32,755,169	32,755,169
Estimated 2016-17			17,054,436
Contributions/Transfers	(61,620,285)	(67,782,028)	(71,153,416)
Salary and Benefits	(355,967,255)	(363,801,699)	(378,048,843)
Supplies and Operating	(44,372,418)	(33,623,343)	(33,874,371)
Indirect and Transfers	7,150,404	8,562,076	8,760,043
<b>SURPLUS/(DEFICIT)</b>	<b>\$ (6,502,137)</b>	<b>\$ 30,743,916</b>	<b>\$ 19,326,759</b>
Estimated Beginning Fund Balance	34,279,930	27,777,793	58,521,709
<b>Ending Fund Balance</b>	<b>27,777,793</b>	<b>58,521,709</b>	<b>77,848,468</b>
Contingency Mandated 2% Reserve	11,901,055	13,451,055	12,301,055
Designated Carryover Reserves		-	-
Reserve for Funding Priorities	15,876,738	45,070,654	65,547,413
<b>UNDESIGNATED</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>



# Components of Multi Year Projection

- Revenue Include:
  - LCFF increase to the target for 2015-16 and 2016-17 fiscal years estimated to be \$32.7 million and \$17.0 million respectively
  - Flat student enrollment based on 2014-15 CBEDS
- Expenditures Include:
  - Continues 2014-15 staffing levels except for grades 4-6
  - Grades 4-6 staffing ratio drops from 28:1 to 26:1 beginning in 2015-16
  - Special Education growth
  - District Health Care Contribution increase of 2.4% for 2015-16 and 8% for 2016-17
  - Increase in Routine Restricted Maintenance (RRM) contribution to 3% starting in fiscal year 2015-16
  - TK-6 overload stipend not included in 2015-16 or 2016-17 projections
  - Adult Education contribution of \$800,000 removed



# Discretionary Funds

- The Governor’s State Budget proposal provides more than \$1.1 billion in discretionary one-time Proposition 98 funds, including \$20 million for COEs
  - The allocation amounts to about \$180 per ADA for districts
  - The Governor suggests the one-time funds may be used to further investments in the implementation of Common Core State Standards (CCSS)
  - Other uses detailed in the proposal are:
    - To support the implementation of newly adopted English language development and California’s Next Generation Science standards, and
    - To support expenditures that occur due to the evolving accountability structure of the LCFF

I want credit in both buckets







## Adult Education

- The Governor includes a \$500 million block grant for Adult Education in his 2015-16 Budget
- This is new money and does not include any portion of the funds previously required as part of the maintenance of effort (MOE) from K-12 schools
- The 2013-14 State Budget provided \$25 million for two-year Adult Education planning grants to 70 regions for consortia of school districts and community colleges
- In 2013-14 and 2014-15, K-12 districts were required to maintain the same level of spending as they had in 2012-13 for Adult Education



# Career Technical Education

- The Governor proposes \$250 million in each of the next three years for a new transitional CTE Incentive Grant Program, in lieu of continuing the Career Pathways Trust Grant
  - Priority given to LEAs working in partnerships with other LEAs to offer regional programs
  - Unlike the Career Pathways Trust Grant, it is a matching grant program
  - Intended to accelerate the development of new and expanded high-quality CTE programs
  - Between 2011-12 and 2012-13 CTE enrollment decreased 11.8% statewide\*



## Special Education

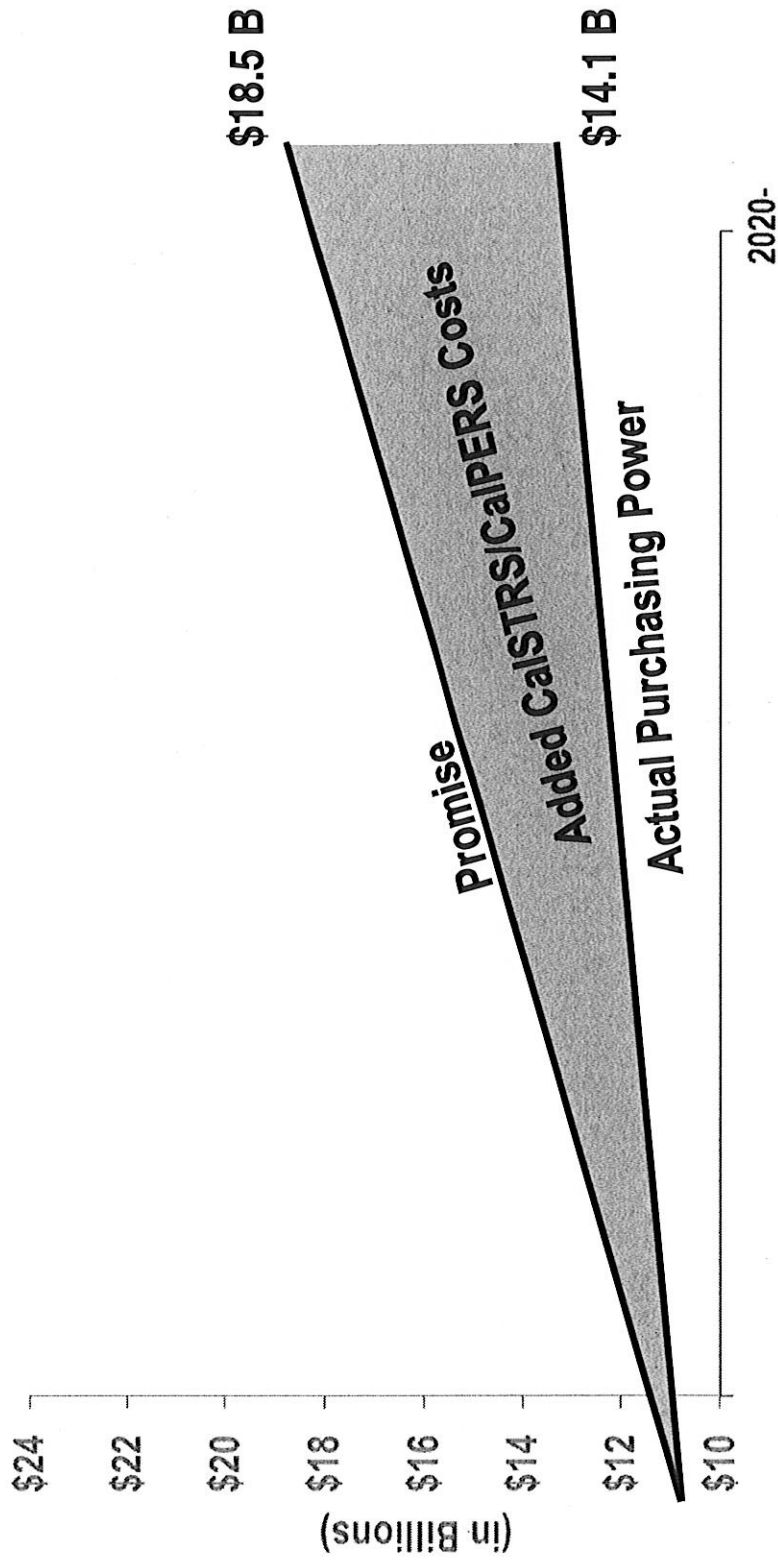
- The Governor's proposed 2015-16 State Budget for special education provides \$59.1 million for a 1.58% COLA
  - Estimated COLA is \$8.33 per ADA
  - \$15.3 million provided for enrollment growth
  - No other major changes are proposed, but separate from the Governor's State Budget, a Special Education Task Force, chaired by State Board of Education Member Carl Cohn, will soon be releasing recommendations regarding future statewide special education policy



# Apportionment Deferrals

- The Governor's State Budget proposes to fully extinguish the remaining \$992 million in apportionment deferrals in 2014-15 (\$897.2 million for K-12 and \$94.5 million for community colleges), consistent with enacted trailer bill language accompanying the 2014-15 Budget Act
  - The State Budget provision calls for buying back the remaining apportionment deferrals, if sufficient revenues are realized
    - The Governor's State Budget anticipates Proposition 98 revenues will exceed the budgeted level by \$2.3 billion in the current year
  - In 2011-12, inter-year deferrals reached a peak of \$9.5 billion, or about 20% of the annual payment to schools

# LCFF Implementation Promise



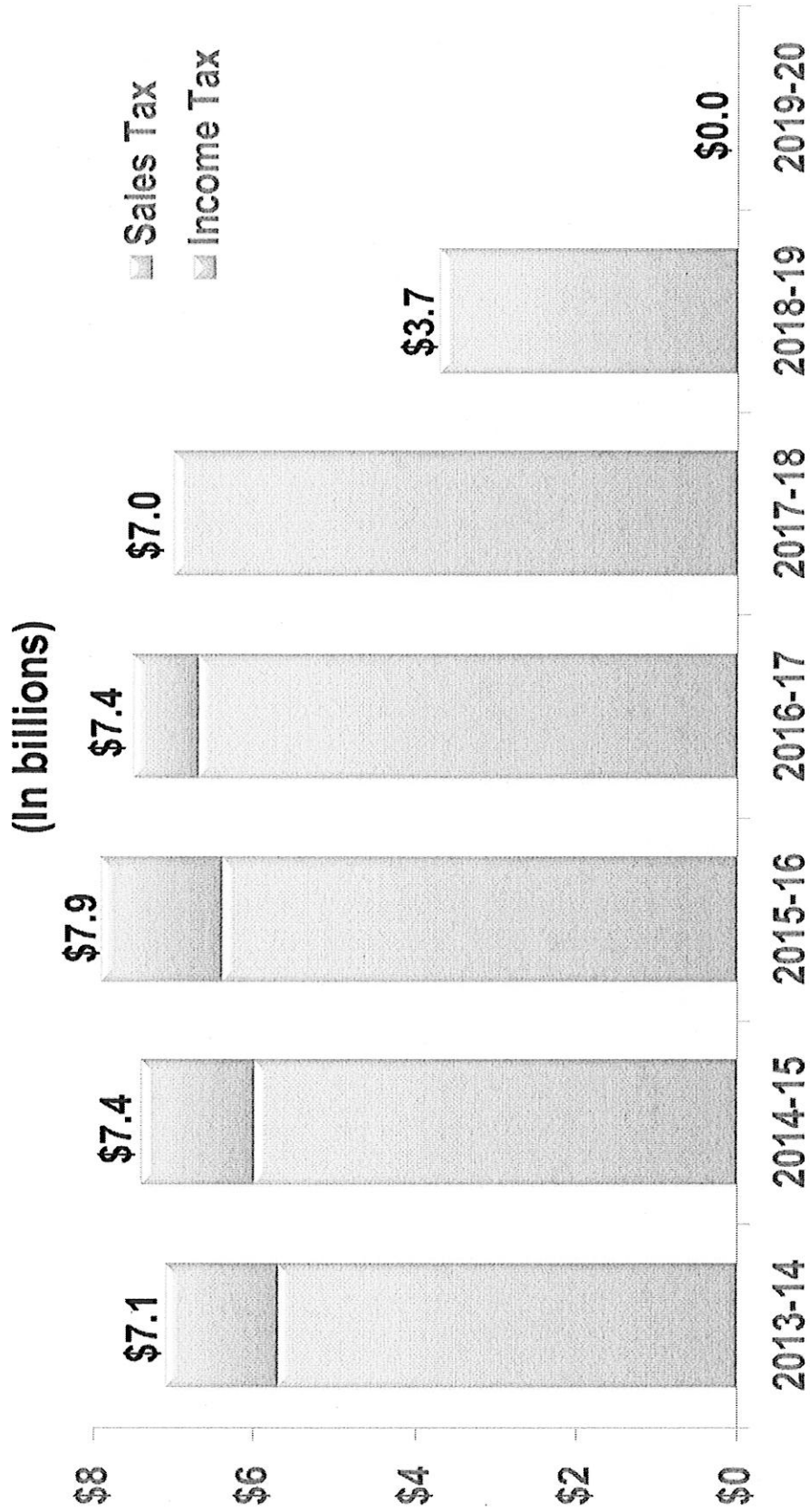


# Managing Volatile Projections

- Multiyear projections are required by AB 1200 (Chapter 1213/1991) and AB 2756 (Chapter 52/2004)
- Multiyear financial planning is a sound business practice that all well-run organizations do regardless of any legal requirements
  - However, it is very challenging to prepare meaningful MYPs in this environment
- The enacted Budget often differs significantly from what was planned
- This year's State Budget proposal includes significant education funding changes and, again, LEAs need to build the MYP based on the best information available
- **Recall that there was a significant decrease in the DOF projected gap funding percentage last year – be conservative**

2015-16 Estimated Gap Closure (May 2014)	2015-16 Estimated Gap Closure (July 2014)	2015-16 Estimated Gap Closure (January 2015)
30.39%	20.68%	32.19%

# Proposition 30 Revenue Gain and Loss





# Next Steps

2014-15 Second Interim Financial Report	March 2015
2015-16 Governor's May Revise	May 2015
2015-16 EGUSD Adopted budget	June 2015





# Governor's Budget Proposal for Facilities



## Governor's Concerns:

- Facilities funding is outside of other educational costs & priorities
- Program uses outdated or inconsistent enrollment projections
- Districts should absorb growth with existing facilities and other means
- State school facilities bond debt paid outside Prop. 98



## Governor's Concerns:

- State bond debt is out of control and is taking too much of the General Fund
- School bonds are part of the problem with the State's "Wall of Debt"
- Program serves districts on a "First-Come, First Served Basis"
- Too Complex – Substantial advantage to large districts



## Governor's Concerns:

- Facility definitions are too standardized without local flexibility
- Districts are discouraged from utilizing modern educational delivery methods
- The School Facility Program (1998) was developed prior to Prop. 39 (2000)
- Local bond success since Prop. 39 = 80%
- The School Facility Program was developed prior to LCFF



# Governor's Proposal To

## Address Concerns:


- Increase tools for Local Control
- Expand local funding capacity
  - Increase overall bond debt caps
  - Increase tax limits of Prop. 39
- Restructure developer fees
  - Create a single statewide fee
  - Fee would be between Level II and III
  - Negotiated at local level



# Governor's Proposal To

## Address Concerns:

- Expand use of Routine Restricted Maintenance to allow these funds for capital outlay projects
- Take advantage of local bond success
- Utilize Prop. 98 monies for capital projects
- Advance the dialogue on the future of school facilities.



## Targeted State Funding Based on Districts with Highest Need

"School Districts and Developers should have a clear understanding of which limited circumstances will qualify for State assistance"





## Deferred Maintenance

- The Deferred Maintenance as a State Program is gone and is now permanently part of the LCFF base grant
- Priority 1 of the LCAP requires school facilities to be maintained in good repair
- Consider deferred maintenance and other capital facilities needs in the context of the entire budget and include them in the LCAP





## Routine Restricted Maintenance (RRM)

- Budget flexibility reducing the minimum requirement expires after 2014-15 and the 3% RRM contribution requirement returns in 2015-16
- Priority 1 of the LCAP requires that school facilities be maintained in good repair as defined in the Education Code
- LEAs must consider the needs of the agency when planning General Fund expenditures



## Other Programs

- Emergency Repair Program (ERP)
  - Additional \$273.4 million in one-time Prop. 98 dollars for ERP
  - These funds will retire the State's facilities funding obligation under the terms of the *Williams lawsuit settlement agreement*
- SB 854 – Contractor Prequalification and DIR Registration
- Prop. 39 – \$320 million for K-12
- Technical Infrastructure – \$100 million

# **Revised Attachment**

*January 20, 2015*  
**Board Meeting**

## **Agenda Item # 17**

Board Policy 1312.3, Uniform Complaint Procedures

The proposed policy has been revised to include additional language provided by the California Department of Education.

**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.

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**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,

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**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

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