

## **Elk Grove Unified School District**

### **ANNUAL NOTIFICATION OF UNIFORM COMPLAINT PROCEDURES (UCP) 2022-2023 SCHOOL YEAR**

The Elk Grove Unified School District (“District”) annually notifies its students, employees, parents or guardians of students, advisory committees, appropriate private school officials, and other interested parties of its Uniform Complaint Procedures (“UCP”).

This UCP Annual Notice, as well as the District’s Board Policy (“BP”) and Administrative Regulation (“AR”) 1312.3 outlining its UCP, is available on the District’s website.

#### **Complaints Subject to the UCP**

The District’s UCP shall be used to investigate and resolve complaints regarding the following:

1. Adult education programs established pursuant to Education Code sections 8500 to 8538, inclusive, and sections 52500 to 52617, inclusive.
2. Consolidated categorical aid programs as listed in Education Code 64000(a).
3. Migrant child education established pursuant to Education Code sections 54440 to 54445, inclusive.
4. Career technical and technical education and career technical and technical training programs established pursuant to Education Code sections 52300 to 52462, inclusive.
5. Childcare and development programs established pursuant to Education Code sections 8200 to 8498, inclusive.
6. Unlawful discrimination, harassment, intimidation, or bullying against any protected group as identified under Education Code sections 200 and 220 and Government Code section 11135, including any actual or perceived characteristic as set forth in Penal Code section 422.55, or on the basis of an individual’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, that is funded directly by, or that receives or benefits from, any state financial assistance.
7. Lactation accommodations pursuant to Education Code section 222.
8. Educational rights of foster youth pursuant to Education Code sections 48853, 48853.5, and 49069.5, and graduation requirements for foster youth, homeless youth, and other youth pursuant to Education Code section 51225.1.
9. Pupil fees pursuant to Education Code sections 49010 to 49013, inclusive.
10. Courses of study pursuant to Education Code section 51228.3.

11. Instructional minutes for physical education pursuant to Education Code section 51223.
12. Local control and accountability plans pursuant to Education Code section 52075.
13. Juvenile court schools pursuant to Education Code section 48645.7.
14. School safety plans pursuant to Education Code section 32289.
15. Deficiencies related to preschool health and safety issues for a California state preschool program pursuant to Education Code section 8235.5.
16. Any other state or federal educational program the Superintendent deems appropriate.

Nothing shall prevent the District from using its UCP to address complaints that do not involve any of the subjects matters identified above.

### **Complaints Not Subject to the UCP**

Complaints regarding the following are not subject to the District's UCP:

1. Special education programs established pursuant to Education Code sections 56000 to 56865, inclusive, and 59000 to 59300, inclusive. The federal regulations governing complaints about special education programs are found at Code of Federal Regulations, title 34, sections 300.151 to 300.153, inclusive. The state regulations governing complaints about special education programs are found at California Code of Regulations, title 5, sections 3200 to 3205, inclusive.
2. Child nutrition programs established pursuant to Education Code sections 49490 to 49590, inclusive. The federal regulations governing complaints about child nutrition programs are found at Code of Federal Regulations, title 7, sections 210.19(a)(4), 215.1(a), 220.13(c), 225.11(b), 226.6(n) and 250.15(d). The state regulations governing complaints about child nutrition programs are found at California Code of Regulation, title 5, sections 15580 to 15584.
3. Instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments. Complaints regarding these subjects shall be investigated and resolved in accordance with Administrative Regulation 1312.4 – Williams Uniform Complaint Procedures.
4. Employment related discrimination, harassment, or related retaliation. Complaints regarding these subjects shall be investigated and resolved in accordance with either Board Policy 4030 – Nondiscrimination in Employment or Administrative Regulation 4119.12 – Title IX Sexual Harassment Complaint Procedures, as appropriate.

### **Complaints Handled by Other Agencies**

The following complaints shall be referred to other agencies for appropriate resolution and are not subject to the District's UCP, unless otherwise agreed to by separate interagency agreements:

1. Allegations of child abuse or neglect shall be referred to County Department of Social Services (DSS), Protective Services Division, or appropriate law enforcement agency.
2. Health and safety complaints regarding licensed facilities operating a Child Development Program shall be referred to the Department of Social Services (DSS).
3. Where appropriate, employment discrimination complaints shall be referred to the California Department of Fair Employment and Housing (DFEH). The complainant shall be notified in writing, in a timely manner of any DFEH transferal.

### **Statute of Limitations for Filing Complaints Subject to the District's UCP**

Complaints alleging that a pupil is subject to harassment, discrimination, intimidation, or bullying on the basis of the complainant's protected status must be filed within six months of the date the complainant knew or should have known of the alleged conduct. The LEA can extend this deadline for 90 calendar days if there is good cause to do so.

Complaints alleging all other types of allegations subject to the District's UCP must be filed within one year of the date the complainant knew or should have known of the alleged conduct.

For complaints relating to Local Control and Accountability Plans (LCAP), the date of the alleged violation is the date when the reviewing authority approves the LCAP or annual update that was adopted by the District.

### **Filing a Complaint**

Any and all complaints subject to the District's UCP may be submitted to (1) any school site principal, (2) the District's Legal Compliance Specialist (contact information is listed below), (3) the District Superintendent, and/or any of their respective designees.

A complaint alleging violations of pupil fees or LCAP may be filed anonymously, that is, without an identifying signature, if the complainant provides evidence or information leading to evidence to support an allegation of noncompliance.

In general, the District encourages complainants to provide their contact information so that the District can communicate with complainants for the purpose of streamlining its investigation. The District does its best to maintain confidentiality in all complaint investigations but cannot guarantee the anonymity of complainants.

### **Investigation Protocols**

All complaints subject to the District's UCP will be processed in accordance with the protocols set forth in AR 1312.3, a copy of which can be found on the District's website.

### **Investigation Timelines**

The District takes all complaints seriously. The District strives to complete complaint investigations and issue investigation findings within sixty (60) days from the receipt of the complaint. However, this time period may be extended for good cause if the complainant consents to an extension of time in writing.

### **Appeal Rights**

Complainants may appeal investigation findings to the California Department of Education (CDE).

In addition, the District will advise complainants of civil law remedies, including injunctions, restraining orders, or other remedies or orders that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable.

### **Additional Notices**

#### **1. Educational Rights.**

The District shall post a standardized notice, in addition to this notice, with educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families and pupils formerly in Juvenile Court now enrolled in a school district.

The District shall post a standardized notice of the educational rights of foster and homeless youth, former juvenile court pupils now enrolled in a school district, and pupils in military families as specified in Education Code Sections 48645.7, 48853, 48853.5, 49069.5, 51225.1 and 51225.2. This notice shall include complaint process information, as applicable.

#### **2. State Preschool Health and Safety Issues.**

In order to identify appropriate subjects of state preschool health and safety issues pursuant to Section 1596.7925 of the California *Health and Safety Code (HSC)* a notice shall be posted in each California state preschool program classroom in each school in our agency.

The notice is in addition to this UCP annual notice and addresses parents, guardians, pupils, and teachers of (1) the health and safety requirements under Title 5 of the California *Code of Regulations (5 CCR)* that apply to California state preschool programs pursuant to *HSC* Section 1596.7925, and (2) the location at which to obtain a form to file a complaint.

### **Pupil Fees**

A pupil enrolled in any of our public schools shall not be required to pay a pupil fee for participation in an educational activity. (See Education Code section 49011 and Section 5 of Article IX of the California Constitution.)

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, uniform, or other materials or equipment.
3. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or uniforms associated with an educational activity.

All supplies, materials, and equipment needed to participate in educational activities shall be provided to pupils free of charge.

A fee waiver policy shall not make a pupil fee permissible.

A school district or school shall not establish a two-tier educational system by requiring a minimal educational standard and also offering a second, higher educational standard that pupils may only obtain through payment of a fee or purchase of additional supplies that the school district or school does not provide.

A school district or school shall not offer course credit or privileges related to educational activities in exchange for money or donations of goods or services from a pupil or a pupil's parents or guardians, and a school district or school shall not remove course credit or privileges related to educational activities, or otherwise discriminate against a pupil, because the pupil or the pupil's parents or guardians did not or will not provide money or donations of goods or services to the school district or school.

Solicitation of *voluntary* donations of funds or property, *voluntary* participation in fundraising activities, or school districts, schools, and other entities from providing pupils prizes or other recognition for *voluntarily* participating in fundraising activities is permissible.

### **Contact Information**

If you would like additional information regarding the District's UCP, you may contact:

Position Title: Legal Compliance Specialist  
Unit or office: Human Resources  
Address: 9510 Elk Grove-Florin Road, Elk Grove, CA 95624  
Phone: (916) 686-7795  
E-mail address: [legalcompliance@egusd.net](mailto:legalcompliance@egusd.net)

The above position, responsible for compliance and investigations, is knowledgeable about the laws and programs assigned to investigate. The position above is responsible for assigning investigators responsible for investigating and resolving complaints. The position above is responsible for communicating with complainants and respondents if there is a change in investigator.

A copy of BP/AR Uniform Complaint Procedures is available, free of charge, on the District's website at the following link:

[https://www.egusd.net/District/About-EGUSD/PoliciesProceduresNotices/  
#Uniform\\_Complaint\\_Procedures/Annual\\_Notice](https://www.egusd.net/District/About-EGUSD/PoliciesProceduresNotices/#Uniform_Complaint_Procedures/Annual_Notice)