



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item 10.6

Meeting Date: October 20, 2016

Subject: Revision to Board Policy 1312.3: Uniform Complaint Procedures

- Conference/Action
- Action
- Public Hearing

_____)

Division: Legal Services; Human Resources

Recommendation: Approve updates to Board Policy 1312.3, Uniform Complaint Procedures.

Background/Rationale: Revisions are required to ensure continuing compliance with new laws, including authorizing the use of uniform complaint procedures to resolve complaints of noncompliance related to accommodations for lactating students (AB 302, 2015), educational rights of foster youth and homeless students (AB 379, 2015), assignment of students to courses without educational content for more than one week per semester or to courses they have previously completed (AB 1012, 2015), and physical education instructional minutes in elementary schools (AB 1391, 2015). Furthermore, reformatting of the Policy is needed to maintain consistency with CSBA model policy and ensure future updates are accurately implemented.

Financial Considerations: NA

LCAP Goal(s): College, Career and Life Ready Graduates; Safe, Emotionally Healthy and Engaged Students; Family and Community Empowerment; Operational Excellence

Documents Attached:

1. Executive Summary
2. Revised Board Policy 1312.3 – corrected copy
3. Revised Board Policy 1312.3 – final copy

Estimated Time of Presentation: N/A **Approved by:** José L. Banda, Superintendent

11/16

11/16

Agenda Title: Approve Revision to Board Policy 1312. 3: Uniform
Complaint Procedures

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2016

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Sacramento City USD

Board Policy

Uniform Complaint Procedures

BP 1312.3

Community Relations

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve the following complaints:

1. Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, after school education and safety programs, migrant education, career technical and technical education and training programs, child care and

gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

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

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

3. Any complaint alleging district noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding -related needs of the student (Education Code 222)

(cf. 5146 - Married/Pregnant/Parenting Students)

4. Any complaint alleging district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)

(cf. 3260 - Fees and Charges)

(cf. 3320 - Claims and Actions Against the District)

5. Any complaint alleging district noncompliance with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)

(cf. 0460 - Local Control and Accountability Plan)

6. Any complaint, by or on behalf of any student who is a foster youth, alleging district noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the district's educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the grant of an exemption from Board-imposed graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

(cf. 6173.1 - Education for Foster Youth)

8.

knowledge of current law and related requirements, including the steps and timelines specified in this policy and the accompanying administrative regulation.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints in accordance with applicable law and district policy.

(cf. 3580 - District Records)

Non -UCP Complaints

R(i)- 4611

regulations and/or alleging discrimination, harassment, intimidation and/or bullying, and seek to resolve those complaints in accordance with the procedures set out in 5 CCR 4600—4687 and in accordance with the policies and procedures of the Board. The district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination, harassment, intimidation, and/or bullying regarding or based on, actual or perceived characteristics such as, age, ancestry, color, ethnic group identification, gender expression, gender identity, gender, mental or physical disability, disability, medical condition, veteran status, veteran (, g)59, ve n2(tol)-2(ln(m)-2)-6(t)0.6 re f /CS

~~A student enrolled in a district school shall not be required to pay a pupil fee for participation in an educational activity.~~

~~All of the following requirements apply to the prohibition identified above:~~

~~1. All supplies, materials, and equipment needed to participate in educational activities shall be provided to students free of charge.~~

~~2. A fee waiver policy shall not make a pupil fee permissible.~~

~~3. The district shall not establish two educational systems by requiring a minimal educational standard and also offering a second, higher educational standard that students only obtain through payment of a fee or purchase of additional supplies that the school district does not provide.~~

~~4. The district shall not offer course credit or privileges related to educational activities in exchange for money or donations of goods from a student or a student's parents/guardians, and a school district or school shall not remove course credit or privileges related to educational activities, or otherwise discriminate against a student.~~

~~where applicable includes reasonable efforts by the district to identify and ensure full reimbursement to all affected students, parents/guardians who paid a student fee within 90 days prior to the filing of the complaint, subject to procedures established through regulations adopted by the state board. (5 CCR § 4600(u))~~

~~Information regarding the requirements of this pupil fee law shall be included in the annual notification distributed to students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622.~~

~~The district shall establish local policies and procedures to implement the provisions of this law. (Education Code 49019.13)~~

~~The district shall have the primary responsibility to insure compliance with applicable state and federal laws and regulations. (5 CCR 4620)~~

~~The district shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination, harassment, intimidation and/or bullying, and seek to resolve those complaints in accordance with the district's Uniform Complaint Procedures. (5 CCR 4610, 4620, and 4621)~~

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

~~Assistant Superintendent, Human Resource Services & Employee Compensation~~

~~5735 47th Avenue
Sacramento, CA 95824
Phone: (916) 64050
Fax: (916) 32016~~

~~Student related:~~

~~Director, Student Hearing and Placement Department
5735 47th Avenue
Sacramento, CA 95824
Phone: (916) 64025
Fax: (916) 32029~~

~~The Assistant Superintendent, Human Resource & Employee Compensation Services 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.~~

~~The Assistant Superintendent, Human Resource & Employee Compensation Services shall meet the notification requirements of 5 CCR 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 to the California Department of Education. The Assistant Superintendent, Human Resource & Employee Compensation Services shall ensure~~

~~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. (5 CCR 4631)~~

~~The district complaint will be investigated and a written report will be issued to the complainant.~~

~~The Board acknowledges and respects every individual's right to privacy. Discrimination, harassment, intimidation and/or bullying complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. This includes keeping the identity of complainant confidential except to the extent necessary to carry out the investigation or proceedings, as directed by the Superintendent or designee on a case-by-case basis. (5-CCR 4621)~~

~~The Board prohibits retaliation in any form for participation in complaint procedures, including but not limited to the filing of a complaint or the reporting of information of harassment, intimidation and/or bullying. Such participation shall not in any way affect the status, grades or work assignments of the complainant.~~

~~(cf. 4119.23/4219.23/4319.23(f4(nt)-Tj 5b-2(g)z6(en)(de) -7(e)4(c)l2(e)4((en4(s)-1(s)4(c~~

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, O
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>

Policy SACRAMENTO CITY UNIFIED SCHOOL DISTRICT

adopted: November 16, 1998 Sacramento, California

revised: June 7, 2007

revised: October 6, 2011

revised: May 2, 2013

revised: June 19, 2014

revised: November 20, 2014

revised: October , 2016

Sacramento City USD

Board Policy

Uniform Complaint Procedures

programs. The Board encourages early resolution of complaints which may require a more formal procedure. Complaint processes specified in 5 CCR 4700 and the regulation.

The district's uniform complaint procedures (UCP) apply to the following complaints:

1. Any complaint alleging district violation of any state or federal governing adult education programs, after school programs, career technical and technical education programs, child development programs, child nutrition programs, special categorical aid programs, and any other district programs. Education Code 64000(a) (5 CCR 4610)

(cf. 3553 Free and Reduced Price Meals)
(cf. 3555 Nutrition Program Compliance)
(cf. 5141.4 Child Abuse Prevention and Reporting)
(cf. 5148 Child Care and Development)
(cf. 5148.2 Before/After School Programs)
(cf. 6159 Individualized Education Program)
(cf. 6171 Title I Programs)
(cf. 6174 Education for English Language Learners)
(cf. 6175 Migrant Education Program)
(cf. 6178 Career Technical Education)
(cf. 6178.1 WorkBased Learning)
(cf. 6178.2 Regional Occupational Center/Program)
(cf. 6200 Adult Education)

2. Any complaint alleging the occurrence of unlawful discriminatory harassment, intimidation, or bullying of any person participating in district programs and activities or programs or activities funded directly by or that receive assistance, based on the person's actual or perceived race, ancestry, nationality, national origin, ethnic group, pregnancy, or parental status, physical or mental

gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

(cf. 0410 Nondiscrimination in District Programs and Activities)

(cf. 5145.3 Nondiscrimination/Harassment)

(cf. 5145.7 Sexual Harassment)

8. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code 51228.3)

(cf. 6152Class Assignment)

9. Any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in elementary school (Education Code 51210, 51223)

(cf. 6142.7 -

knowledge of current law and related requirements, including the steps and timelines specific

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