



Human Resource Services

Uniform Complaint Procedure

Extracted From AR 1312.3 Community Relations

Compliance Officers

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

Chief Human Resources Officer
5735 - 47th Avenue
Sacramento, CA 95824
(916) 643-9050

The Chief Human Resource Services Officer 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.

Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with applicable state and/or federal laws and regulations and/or alleging discrimination in adult education, consolidated categorical aid programs, migrant education, career technical education and training programs, child care and development programs, child nutrition programs, special education programs, and federal school safety planning requirements. (Title 5 California Code of Regulations (T5CCR) 4610)

The District shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination based on, actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, or age, or any program or activity that receives or benefits from state financial assistance. [Government Code 11135, Education Code 200, Education Code 220, T5CCR 4610]

The District shall have the primary responsibility to insure compliance with applicable state and federal laws and regulations. [T5CCR 4620]

The District shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination, and seek to resolve those complaints through appropriate procedures. [T5CCR 4610, 4620, and 4621]

The District shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination, and seek to resolve those complaints through appropriate procedures. [T5CCR 4610, 4620, and 4621]

Additionally, the district shall use uniform complaint procedures to address complaints regarding insufficiency of instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and/or teacher vacancy or misassignment issues as provided in Administrative Regulation 1312.4.

Notifications

The Chief Human Resource Services Officer shall meet the notification requirements of Title 5 California Code of Regulations 4622, including the annual dissemination of district complaint procedures and information about available appeals, civil law remedies and conditions under which a complaint may be taken directly to the California Department of Education. The Chief Human Resource Services Officer shall ensure that complainants understand that they may pursue other remedies, including actions before civil courts or other public agencies.

Complainants will receive written acknowledgement identifying the person(s), employee(s), or agency positions(s), or unit(s) responsible for rec0.4 6 c8()-55(f)-9(or)-55(5)-9(possible)ns

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

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. [T5 CCR 4631]

Step 3: Investigation of Complaint

The compliance officer shall make all reasonable efforts to hold an investigative meeting within five days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

The complainant and/or his/her representative and the district's representatives shall have an opportunity to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses. [T5 CCR 4631]

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 obstructions of the investigation, may result in the dismissal of the complaint because of lack of evidence to support the allegations. [T5CCR 4631]

Refusal by the District to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail to refuse or 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. [T5CCR 4631]

Step 4: Response

Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. The District ensures that complainants are protected from retaliation and that the identity of a complainant alleging discrimination will remain confidential as appropriate, except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee on a case-by-case basis. [T5CCR 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 instances of discrimination. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

Appeals to the California Department of Education

If dissatisfied with the district's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the district's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. [T5 CCR 4652]

When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the district's decision and must include a copy of the locally filed complaint and the district's decision. [T5 CCR 4652]

The California Department of Education may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists. In addition, the California Department of Education may also intervene in those cases where the district has not taken action within 60 calendar days of the date the complaint was filed with the district.

Civil Law Remedies

A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the district has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with Title 5 California Code of Regulations 4622.

Program Administrators

Olivine Roberts, Chief Academic Officer (916) 643-9086	Wanda Roundtree, Interim Director Child Development (916) 643-7800	Becky Bryant, Director Special Education (916) 643-9163
Jessica Bowman, Interim Director I Federal and State Programs 643-9051	Chuck Ernst, Director Distribution Services (916) 277-6715/6475	Barry Evpak, Director, Facilities and Maintenance (916) 264-4075, Ext. 1008

To obtain further information and forms regarding Uniform Compliant Procedures, please contact: Compliance Officer: Jess Serna, Chief Human Resources Officer, Sacramento City Unified School District, 5735 47th Avenue, Sacramento, CA 95824, (916) 643-7474. The form (PSL-F089) may be downloaded from the district web page, www.scusd.edu, Human Resources, Uniform Complaint Procedures (left-hand side).

Contact Student Hearing and Placement Department (916) 643-9425 (Student Complaints) OR Human Resource Services, (916) 643-9050 (All Other Complaints). (T5 CCR 4622)

(Revised: 12-16-11)

Human Resource Services

Complaint Form

For Office Use Only

Check One

Case #:

Employee

Applicant

Parent/Guardian

Public

Student*

Anonymous

Parent/Public: Williams Case Complaint Concerning Deficiencies Related to:

(BP 1312.4, E[1] 1312.4): (continued)

Teacher Vacancy or
Misassignments

A semester begins and a teacher vacancy exists. (A position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position of which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.) *(EC 35186[e][2][A], T5CCR 4682)*

A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20% English learner pupils in the class. *(EC 35186[e][2][B], T5CCR 4682)*

A teacher assigned to teach a class for which the teacher lacks a subject matter competency. *(EC 35186[e][2][C]*

Person(s) Involved in Complaint:	1.			
	2.			
Date of Occurrence (mm/dd/yy):	/	/	Time:	Witness:
Ethnicity (if applicable):	Age (if applicable):		Sex:	Male Female



Human Resource Services

Williams Uniform Complaint Procedure

Filing of Complaint

A complaint alleging any condition(s) specified above shall be filed with the principal of the school or his or her designee, in which the complaint arises. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee within 10 working days.

Reports

The Superintendent or designee shall report summarized data on the nature and resolution of all complaints to the Board and the County Superintendent of Schools on a quarterly basis. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. These summaries shall be publicly reported on a quarterly basis at a regularly scheduled Board meeting. (Education Code 35186, T5CCR 4686)

If a response is requested, the response shall be made to the mailing address of the complainant indicated on the complaint. (Education Code 35186(a)(1), T5CCR 4680)

If Section 48985 of the Education Code is applicable, the response, if requested, and report shall be written in English and the primary language in which the complaint was filed. (Education Code 5186(a)(1))

Complaints and written responses shall be public records. (Education Code 35186)

The complainant shall comply with the appeal requirements of Title 5 California Code of Regulations 4632 and 4687.

Forms and Notices

The Superintendent or designee shall ensure that the district's complaint form contains a space to indicate whether the complainant desires a response to his/her complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as he/she wishes. (Education Code 35186)

The Superintendent or designee shall ensure that a notice is posted in each classroom in each school containing the components specified in Education Code 35186.

Program Administrators

Olivine Roberts, Chief Academic Officer (916) 643-9086 Jessica Bowman, Interim Director I Federal and State Programs 643-9051	Wanda Roundtree, Interim Director Child Development (916) 643-7800 Chuck Ernst, Director Distribution Services (916) 277-6715/6475	Becky Bryant, Director Special Education (916) 643-9163 Barry Evpak, Director, Facilities and Maintenance (916) 264-4075, Ext. 1008
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Elementary and Middle Schools

HUMAN RESOURCE SERVICES DIVISION
P.O. Box 246870

HUMAN RESOURCE SERVICES DIVISION

P.O. Box 246870 Sacramento, CA 95824-6870

(916) 643-9050 FAX (916) 643-9454

Jess Serna, Chief Human Resources Officer

Williams Uniform Complaint Procedures

Community Relations E 1312.4

Notice to Parents/Guardians, Pupils, Teachers: Complaint Rights

Parents/Guardians, Pupils, and Teachers:

Education Code 35186 requires that the following notice be posted in each classroom:

1. There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials each pupil, including English learners, must have a textbook or instructional material, or both, to use in class and to take home to complete required homework assignments.
2. School facilities must be clean, safe, and maintained in good repair. Good repair means that the facility is maintained in a manner that assures that it is clean, safe, and functional as determined by the Office of Public School Construction.
- 3.

Student Eligibility Notice

Valenzuela/CAHSEE Intensive Instruction and Services Program Lawsuit Settlement

Note: Education Code Section 37254 requires that the following notice be posted in the school office of each school serving students in grades 10-12, the district office, and on the Internet website of the school district. The notice must comply with the translation requirements of Education Code Section 48985.

NOTICE TO PARENTS/GUARDIANS AND PUPILS: STUDENT ELIGIBILITY FOR ASSISTANCE IN PREPARING FOR THE CALIFORNIA HIGH SCHOOL EXIT EXAM AFTER GRADE 12

Parents/Guardians and Pupils:

Pursuant to California Education Code section 37254, you are hereby notified that:

1. Pupils, including English learners, who have not passed one or both parts of the California High School Exit Examination (CAHSEE) by the end of grade 12 are entitled to receive intensive instruction and services for up to two consecutive academic years after completion of grade 12 or until they pass both parts of the CAHSEE, whichever comes first;
2. English learners, who have not passed one or both parts of the CAHSEE by the end of grade 12, are entitled to receive services to improve English proficiency as needed to pass those parts of the CAHSEE not yet passed for up to two consecutive academic years after completion of grade 12 or until they pass both parts of the CAHSEE, whichever comes first; and
3. Pupils, who have not passed one or both parts of the CAHSEE by the end of grade 12, have the right to file a complaint regarding intensive instruction and services under the Uniform Complaint Procedures if he or she was not provided the opportunity to receive intensive instruction and services for up to two consecutive academic years after completion of grade 12 or until they pass both parts of the CAHSEE, whichever comes first.

If you have any questions about eligibility for services, wish to obtain services, or wish to file a complaint regarding services, please contact Lisa Allen at (916) 643-9162.

(Revised 01-20-11 JH-Hum Res)