



# HUMAN RESOURCES & EMPLOYEE COMPENSATION SERVICES

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## ANNUAL NOTIFICATION OF THE UNIFORM COMPLAINT PROCEDURES (UCP) October 3, 2014

For students, employees, parents or guardians of its students, school and district advisory committees, appropriate private school officials or representatives, and other interested parties

The Sacramento City Unified School District (SCUSD) has the primary responsibility to insure compliance with applicable state and federal laws and regulations and has established procedures to address allegations of unlawful discrimination, harassment, intimidation and/or bullying complaints alleging violation of state or federal laws governing educational programs.

SCUSD shall investigate and seek to resolve complaints using policies and procedures known as the Uniform Complaint Procedures (UCP) adopted by our local board. 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, nationality, national origin, race or ethnicity, religion, sex, or sexual orientation, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, or in any program or activity that receives or benefits from state financial assistance. The UCP shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in 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, Federal Safety Planning Requirements, and pertaining to prohibitive requirements to pay pupil fees for participation in an educational activity.

Complaints must be filed in writing with the following compliance officer(s):

	<b>Student related:</b>
Cancy McArn Assistant Superintendent, Human Resources & Employee Compensation 5735 47 <sup>th</sup> Avenue Sacramento, CA 95824 Phone: (916) 643-9050 Fax: (916) 399-2016	Stephan Brown Director, Student Hearing & Placement Department 5735 47 <sup>th</sup> Avenue Sacramento, CA 95824 Phone: (916) 643-9425 Fax: (916) 643-2125

Complaints alleging discrimination, harassment, intimidation and/or bullying must be filed within six (6) months from the date the alleged discrimination, harassment, intimidation and/or bullying complaint occurred or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation and/or bullying, unless the time for filing is extended by the superintendent or his or her designee.

Complaints will be investigated and a written Decision or report will be sent to the complainant within sixty (60) days from the receipt of the complaint. This sixty (60) day time period may be extended by written agreement of the complainant. SCUSD's person responsible for investigating the complaint shall conduct and complete the investigation in accordance with Title 5 Code of Regulations (T5CCR) sections 4680-4687 and in accordance with local procedures adopted under section 4621 (T5CCR).

The complainant has a right to appeal SCUSD's Decision to the California Department of Education (CDE) by filing a written appeal within 15 days of receiving SCUSD's Decision. The appeal must include a copy of the complaint filed with SCUSD and a copy of SCUSD's Decision.

Civil law remedies may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable. In appropriate cases, an appeal may be filed pursuant to Education Code Section 262.3. A complainant may pursue available civil law remedies outside of SCUSD'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.

**Pupil Fees:**

A pupil enrolled in a District school shall not be required to pay a pupil fee for participation in an educational activity. Complaints alleging pupil fees shall be filed no later than one year from the date the alleged violation occurred. (5 CCR §4630(c) (2))

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

- 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.
- The District 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.
- The District 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.

The District shall not be prohibited 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.

This is declarative of existing law and shall not be interpreted to prohibit the imposition of a fee, deposit, or other charge otherwise allowed by law.

A complaint of noncompliance with the requirements of this pupil fee law may be filed with the principal of a school under the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations.

A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the requirements.

A complainant not satisfied with the decision of a District has a right to appeal the decision to the California Department of Education by filing a written appeal within 15 days of receiving SCUSD's Decision. The appeal must include a copy of the complaint filed with SCUSD and a copy of SCUSD's Decision.

Civil law remedies may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable, and of the appeal pursuant to Education Code Section 262.3. (EC §§234.1, 262.3, 49013; 5 CCR §4622)

If the District finds merit in a complaint, or the California Department of Education finds merit in an appeal, the District shall provide a remedy to all affected pupils, parents, and guardians that, where applicable, includes reasonable efforts by the District to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.

Information regarding the requirements of this pupil fee law shall be included in the annual notification distributed to pupils, parents and guardians, employees, and other interested parties pursuant to Section 4622 of Title 5 of the California Code of Regulations.

The District shall establish local policies and procedures to implement the provisions of this law. (cf. Education Code 49011—49013)

A copy of SCUSD's UCP policy and complaint procedures shall be available free of charge and via the District website [www.scusd.edu](http://www.scusd.edu) .