

Uniform Complaint Procedures (UCP) Annual Notice for 2017—2018 Jefferson School District

Complaints Alleging Discrimination, Harassment, Intimidation, and Bullying: State and federal law prohibit discrimination in education programs and activities. The District is primarily responsible for compliance with federal and state laws and regulations. (Cal. Code Regs. Tit. 5 4620). Under state law, all pupils have the right to attend classes on school campuses that are safe, secure, and peaceful. (Ed. Code, § 32261.) State law requires school districts to afford all pupils equal rights and opportunities in education, regardless of their actual or perceived characteristics, such as disability (mental and physical), gender (includes gender identity, gender expression, and gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth), nationality (includes citizenship, country of origin and national origin), race or ethnicity (includes ancestry, color, ethnic group identification and ethnic background) religion (includes all aspects of religious belief, observance and practice, including agnosticism and atheism), sexual orientation (heterosexuality, homosexuality, or bisexuality), or association with a person or a group with one or more of these actual or perceived characteristics. (Ed. Code, §§ 210-214, 220 et seq., 234 et seq, 66260-66264, Cal. Code Regs., tit. 5, § 4900 et seq., 20 U.S.C. § 1681 et seq, 29 U.S.C. § 794, 42 U.S.C. § 2000d et seq., 42 U.S.C. §12101 et. seq., 34 C.F.R. § 106.9).

The District prohibits discrimination, harassment, intimidation, bullying and retaliation in all acts related to school activity or attendance. In addition to being the subject of a complaint, a pupil engaging in an act of bullying as defined by Education Code section 48900(r) may be suspended from school or recommended for expulsion. The District's Uniform Complaint Procedure may be used in cases where individuals or a group have suffered discrimination harassment, intimidation, or bullying. (Cal.Code Regs., tit.5.§§ 4610, 4630, 4650, Ed. Code, § 234 et seq., 48900(r))

- a. Any individual, public agency or organization has the right to file a written complaint alleging that he/she has personally suffered unlawful discrimination or that an individual or specific class of individuals has been subjected to unlawful discrimination. (Cal.Code Regs., tit.5. § 4630 (b) (l))
- b. Copies of the District's complaint procedures are available free of charge. (Cal. Code Regs., tit. 5 4622)
- c. Complaints must usually be filed with the district superintendent
- d. Discrimination complaints must be filed within six (6) months of the date the alleged discrimination occurred, or within six (6) months of the date the complainant first obtained knowledge of the facts of the alleged discrimination. Within that six (6) month period, complainant may file a written request with the district superintendent for an extension of up to ninety (90) days following the six (6) month time period. Extensions will not be automatically granted, but may be granted for good cause. (Cal.Code Regs., tit.5.,§ 4630 (b))

Complaints Other Than Discrimination, Harassment, Intimidation, and Bullying: The District has a written complaint procedure which may be used in cases where any individual, public agency or organization alleges violations of state or federal law, other than those relating to discrimination, harassment, intimidation, and bullying.

- a. Written complaints may be made regarding:

- 1) Adult Education; 2) Consolidated Categorical Aid Programs; 3) No Child Left Behind Programs, including improving academic achievement, compensatory education, limited English proficiency and Migrant Education; 4) Career Technical Education; 5) Child Care and Development; 6) Child Nutrition; 7) Special Education; (8) "Williams Complaints; (9) Pupil Fees; (10) Local Control Funding Formula (LCFF) and Local Control and Accountability Plan (LCAP); (11) Course Assignments; (12) Physical Education Instructional Minutes; (13) Foster Youth, Homeless Youth, and former Juvenile Court School Student Services; (14) Regional Occupational Centers and Programs; (Cal. Code Regs., tit. 5, §§ 4610(b), 4630, Ed. Code §§ 222, 35186, 47606.5, 47607.3, 48853.5, 49013, 49069.5, 51210, 51223, 51225.1, 51225.2, 51228.1, 51228.2, 51228.3, 52060-52075, and 52334.7.)

Any individual, public agency or organization has the right to file a written complaint alleging that the District has violated a federal or state law or regulation governing any program listed in items 1-

14 above. (Cal.Code Regs., Tit. 5, § 4630(b)(1)) Copies of the District's complaint procedures are available free of charge. (Cal Code Regs., tit. 5, §4622)

Complaints must usually be filed with superintendent of the District under the timelines established by District policy. (Cal. Code Regs., tit. 5, §4630(b)). Within 60 days from the date of receipt of the complaint, the District's responsible officer or his/her designee shall conduct and complete an investigation of the complaint in accordance with local procedures adopted pursuant to 5 CCR § 4621 and prepare a written decision. The time period may be extended by mutual written agreement of the parties.

b. Williams Complaints: Complaints, including anonymous complaints, may be made and addressed on a shortened time line for the following areas: (Ed. Code. § 35186) (1) Insufficient textbooks and instructional materials; (2) Emergency or urgent school facilities conditions that pose a threat to the health and safety of pupils; or (3) Teacher vacancy or misassignment.

A complaint of noncompliance with Education Code section 35186 may be filed with the school principal or designee under the Uniform Complaint Procedures. A complainant not satisfied with the resolution of a Williams Complaint has the right to bring the complaint to the district governing board at a regularly scheduled hearing. In the case of a complaint regarding emergency or urgent school facilities conditions, a complainant has the right to appeal to the State Superintendent of Public Instruction.

c. Pupil Fees Complaints: A complaint of noncompliance with Education Code section 49010 et seq. may be filed with the school principal under the Uniform Complaint Procedures. A complaint shall be filed not later than one calendar year from the date the alleged violation occurred. A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

Responsible Official: The District official responsible for processing complaints is: Office of the Superintendent, 1219 Whispering Wind Drive, Tracy, 95377.

Complaints Made Directly to the State Superintendent:

Complaints may be filed directly with the State Superintendent of Public Instruction in the following cases: (1) Complaints alleging that the District failed to comply with the complaint procedures described herein, including failure or refusal to cooperate with the investigation.; (2) Complaints regarding Child Development and Child Nutrition programs not administered by the District.; (3) Complaints requesting anonymity, but only where complainant also provides clear and convincing evidence that complainant would be in danger of retaliation if filing complaint at District level; (4) Complaints alleging that the District failed or refused to implement a final decision regarding complaint originally filed with the District.; (5) Complaints alleging that the District took no action within sixty (60) days regarding a complaint originally filed with the District.; (6) Complaints alleging immediate and irreparable harm as a result of applying a district-wide policy in conflict with state or federal law and that complaining at the local level would be futile.; (7) Complaints relating to Special Education, but only if: a) District unlawfully refuses to provide a free appropriate public education to handicapped students; or b) District refuses to comply with due process procedures or fails to implement due process hearing order; or c) Children may be in immediate physical danger, or their health, safety or welfare is threatened; or d) A handicapped pupil is not receiving the services specified in his/her Individual Educational Program (IEP); or e) The complaint involves a violation of federal law. (8) The District refuses to respond to the State Superintendent's request for information regarding complaint originally filed with the District. (Cal.Code Regs., tit.5. §§ 4630, 4650)

Appeals:

- a. Except for Williams Complaints, a complainant may appeal the District's decision to the California Department of Education. (Ed. Code. § 262.3 (a), Cal.Code Regs., tit.5. §4632)
 - (1) Appeals must be filed within fifteen (15) days of receiving the District decision.
 - (2) Appeals must be in writing.
 - (3) Appeals must specify the reason(s) for appealing the District decision, including whether the facts are incorrect and/or the law has been misapplied.
 - (4) Appeals must include a copy of the original complaint and a copy of the District decision.
 - (5) Pupil fee complaints appealed to the California Department of Education will receive a written appeal decision within 60 days of the department's receipt of the appeal.
 - (6) If the school/District finds merit in a complaint, or the California Department of Education finds merit in an appeal, the school/District must provide a remedy to all affected

pupils, parents, and guardians. For pupil fee complaints, this includes reasonable efforts by the school to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.

- b. If a complaint is denied, in full or in part, by the Department of Education, the complainant may request reconsideration by the State Superintendent of Public Instruction. (Cal.Code Regs., tit.5. §4665)
 - (1) Reconsideration must be requested within thirty-five (35) days of receiving the Department of Education report.
 - (2) The original decision denying the complaint will remain in effect and enforceable unless and until the State Superintendent of Public Instruction modifies that decision.

Civil Law Remedies:

In addition to the above described complaint procedures, or upon completion of that procedure, complainants may have civil law remedies under state or federal discrimination, harassment, intimidation, or bullying laws. These civil law remedies can include, but are not limited to, injunctions and restraining orders. These civil law remedies are granted by a court of law and may be used, in part, to prevent the District from acting in an unlawful manner. Delay in pursuing civil law remedies before a court of law may result in loss of rights to those remedies. Any questions regarding civil law remedies should be directed to an attorney.
(Ed. Code. §262.3 (b), Cal.Code Regs., tit.5., §4622)