

RANCHO SANTA FE SCHOOL DISTRICT

Board Policy No. 6006: UNIFORM COMPLAINT PROCEDURES

A. Purpose and Scope

The procedures provided in paragraph D of this Policy apply to the filing, investigation, and resolution of complaints regarding alleged violations of federal or state laws or regulations, including discrimination, governing the educational programs or activities which receive state or federal funding set forth in subparagraphs A. 1 - A. 9 below. The procedures provided in subparagraph D of this Policy also apply to the filing, investigation, and resolution of complaints regarding alleged violations of Education Code sections 52060-52077 covering the Local Control and Accountability Plan (“LCAP”).

The procedures in paragraph E of this Policy apply to complaints set forth in subparagraphs A. 10-13 below involving the insufficiency of instructional materials, facilities that pose an emergency or urgent threat to the health or safety of pupils or staff, restrooms that are not clean, properly maintained or open, and complaints involving the mis-assignment of teachers or vacant teacher positions. The procedures in paragraph E of this Policy also apply to complaints involving the prohibition on pupil fees under Education Code sections 49010-49013.

1. Adult Basic Education Programs established pursuant to Education Code sections 8500 through 8538 and 52500 through 52616.5.
2. Consolidated Categorical Aid programs as listed in Education Code section 64000(a).
3. Migrant Education established pursuant to Education Code sections 54440 through 54445.
4. Career Technical and Technical Education and Career Technical and Technical Training Programs established pursuant to Education Code sections 52300 through 52480.
5. Child Care and Development Programs established pursuant to Education Code sections 8200 through 8493.
6. Child Nutrition Programs established pursuant to Education Code sections 49490 through 49570.
7. Special Education Programs established pursuant to Education Code sections 56000 through 56885 and 59000 through 59300.
8. Complaints which allege unlawful discrimination, harassment, intimidation, or bullying against any protected group as identified under Education Code sections 200, 220, and Section 11135 of the Government Code, including actual or

perceived characteristics, as set forth in Penal Code section 422.55 in any program or activity conducted by the District which is funded directly by, or that receives benefits from the State or any state financial assistance. The complaint must be filed by an individual who alleges that he or she has personally suffered unlawful discrimination, harassment, intimidation, or bullying or by one who believes an individual or specific class of individuals has been subjected to unlawful discrimination, harassment, intimidation, or bullying in a program based on actual or perceived sex, sexual orientation, gender, gender identity, gender expression, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, or age, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics.

9. Complaints which allege failure to comply with the educational requirements of foster and homeless student as defined in 42 U.S.C. § 11434a.
 10. Complaints involving the sufficiency of instructional materials as defined in paragraph C.11 of this Policy shall be subject to the procedures described in paragraph D of this Policy.
 11. Complaints involving facilities that pose an emergency or urgent threat to the health or safety of pupils or staff as defined in paragraph C. 9 of this Policy, shall be subject to the procedures described in paragraph D of this Policy.
 12. Complaints involving mis-assignment of teachers or vacant teacher positions as defined respectively in paragraphs C.12 and C.15 of this Policy, shall be subject to the procedures described in paragraph D of this Policy.
 13. Complaints regarding restrooms which are not open, clean and fully operational shall be subject to paragraph D of this Policy.
- B. This Policy does not apply to the following complaints which will be referred to the proper agency for investigation and appropriate action:
1. Employer-employee relations such as hiring and evaluations of staff, assignments of classrooms or duties or other issues within the purview of the Public Employment Relations Board or a collective bargaining agreement;
 2. The providing of core curricula subjects;
 3. Pupil classroom assignments;
 4. Pupil discipline;
 5. Pupil advancement, retention or grades;

6. Graduation requirements;
7. Homework policies and practices;
8. Selection of instructional materials;
9. Use of general education funds;
10. Allegations of child abuse which will be referred to the applicable County Department of Children's Services (DCS) or appropriate law enforcement agency;
11. Health and safety complaints regarding a Child Development Program which will be referred to the Department of Social Services for licensed facilities and to the appropriate Child Development regional administrator for licensing-exempt facilities;
12. Employment discrimination complaints which are sent to the State Department of Fair Employment and Housing (DFEH) pursuant to Title 22, C.C.R. section 98410. (The complainant will be notified by first class mail of any transfer to the DFEH); and
13. Allegations of fraud which will be referred to the responsible Division Director of the California Department of Education who may consult with the Department's Legal and Audits Branch.

C. Definitions

1. "Appeal" means a request made in writing to a level higher than the original reviewing level by an aggrieved party requesting reconsideration or reinvestigation of the lower adjudicating body's decision.
2. "Beginning of the year or semester" means the first day classes necessary to serve all the pupils enrolled are established with a single designated certificated employee assigned for the duration of the class, but not later than twenty (20) working days after the first day pupils attend classes for that semester.
3. "Complainant" means any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination, harassment, intimidation, or bullying in programs and activities funded directly by the State or receiving any financial assistance from the State.
4. "Complaint" means a written and signed statement alleging a violation of a federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation, or bullying or insufficient instructional

materials, facilities threats or the mis-assignment of teachers or vacant teacher positions [If the complainant is unable to put the complaint in writing due to conditions such as disability or illiteracy, the District shall assist the complainant in the filing of the complaint].

5. "Complaint Investigation" means an administrative process used by the District or the Department of Education for the purpose of gathering data regarding the complaint.
6. "Complaint Procedure" means an internal process used by the District or the Department of Education to process and resolve complaints.
7. "Department" means the California Department of Education.
8. "Days" shall mean calendar days unless designated otherwise in this Policy.
9. "Facilities that pose an emergency or urgent threat to the health or safety of pupils or staff means a condition as defined in paragraph (1) of subdivision (c) of Education Code section 17592.72 and any other emergency conditions a school district determines appropriate.
10. "Good repair" means the facility is maintained in a manner that assures that it is clean, safe, and functional as determined pursuant to an interim evaluation instrument developed by the Office of Public School Construction pursuant to Education Code section 17002(d)(2) which is available from the Department of General Services, Office of Public School Construction.
11. "Instructional materials" means all materials that are designed for use by pupils and their teachers as a learning resource to help pupils to acquire facts, skills, or opinions or to develop cognitive processes. Instructional materials may be printed or non-printed, and may include textbooks, technology-based materials, other educational materials and tests.
12. "Mis-assignment" means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.
13. "Subject matter competency" means the teacher meets the applicable requirement of Article 1, subchapter 7 of Title 5, C.C.R. section 6100 et seq. for the course being taught.
14. "Sufficient textbooks or instructional materials" means that each pupil, including English learners, has a textbook or instructional materials, or both, to use in class and to take home to complete required homework assignments; but does not

require two sets of textbooks or instructional materials for each pupil. "Sufficient textbooks or instructional materials" does not include photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage.

15. "Teacher vacancy" means 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.

D. Complaint procedure for complaints identified in subparagraphs A.1-9 of this Policy and complaints alleging violations of Education Code Sections 52060-52077 covering the Local Control and Accountability Plan ("LCAP"). These complaints shall be filed with the Superintendent of the District whose office is located at 5927 La Granada (P.O. Box 809), Rancho Santa Fe, California, 92067. The complainant may utilize the Complaint Form which is contained in Appendix A.

1. Timelines for filing complaints in subparagraphs A. 1-9 and complaints alleging violations of Education Code Sections 52060-52077 covering the Local Control and Accountability Plan ("LCAP") with the Superintendent and response
 - a. For complaints that do not allege discrimination, any individual, public agency or organization may file a written complaint with the Superintendent alleging a violation by the District of federal or state laws or regulations governing a program listed in subparagraph A. 1-9 and complaints alleging violations of Education Code Sections 52060-52077 covering the Local Control and Accountability Plan ("LCAP").
 - b. For complaints that allege unlawful discrimination, the complaint shall be filed not later than six (6) months from the date the alleged discrimination occurred, or the date the complainant first obtained knowledge of the facts of the alleged discrimination unless the time for filing is extended in writing by the Superintendent or designee upon written request for good cause for a period not to exceed ninety (90) days following the expiration of the six (6) month time period. The complainant must set forth in the request the reasons for requesting the extension.
 - c. Unless extended by written agreement with the complainant, within sixty (60) days from the date of the receipt of the complaint, the Superintendent or designee shall conduct and complete an investigation of the complaint and prepare a written decision.

2. Confidentiality

The investigation of a discrimination complaint shall be conducted in a manner that protects the confidentiality of the parties, maintains the integrity of the process, and protects the complainant from retaliation.

3. Investigation of complaints

- a. Within five (5) days the Superintendent or designee shall determine whether a discrimination complaint has been filed within six (6) months of the alleged violation that forms the basis of the complaint. The Superintendent or designee shall:
- (1) Refer the complainant to the proper agency for filing a complaint that is not covered by this procedure, including a referral to the State Superintendent of Public Instruction or Department of Education of any complaints that should properly be filed at that level;
 - (2) If the complaint has not been timely filed, the Superintendent or designee shall deny the complaint and notify the complainant of the right to appeal to the State Superintendent of Public Instruction for an extension of time in which to file the complaint;
 - (3) Provide the complainant with a copy of District policy and appeal procedures advising complainant of those instances when a complaint can be filed directly with the State Superintendent of Public Instruction;
 - (4) If timely filed, the Superintendent or designee shall proceed with the investigation of the complaint;
 - (5) Ensure confidentiality of the complainant in instances where disclosure could cause retaliation against the complainant(s) and take appropriate steps to protect the complainant(s) from retaliation;
 - (6) Obtain an extension of time, if appropriate, in order to conduct the investigation;
 - (7) A complainant who makes a verbal complaint shall be referred to the Superintendent whose designee will assist any person who is illiterate or disabled in the preparation of a written complaint.

- b. Within five (5) days of receipt of the complaint, the Superintendent will commence the conduct of a local investigation or appoint a designee to conduct the local investigation, except that a complaint regarding child abuse shall be immediately referred to the proper agency.

4. Resolution of complaints

Each complaint shall be investigated by the Superintendent or the designee of the Superintendent who shall:

- a. Provide an opportunity for the complainant or complainant's representative, or both, and the District representative to present information or evidence relevant to the complaint either orally or by way of written documents [refusal to provide information or documents related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegations];
- b. Obtain statements from other individuals who were witnesses to the alleged violation or who can provide relevant information concerning the alleged violation;
- c. Review documents that may provide information relevant to the alleged violation;
- d. Prepare a proposed written decision containing findings of fact based on the evidence, conclusions of law, and disposition of the complaint; corrective action(s), if any are warranted, rationale for the disposition of the complaint, notice of the complainant's right to appeal the decision to the California Department of Education; if applicable, and the procedures to be followed for initiating an appeal to the Department.

5. The Superintendent shall:

- a. Provide a copy of the proposed decision to the complainant and the District representative;
- b. Place the matter of the proposed decision on the agenda of the Governing Board;
- c. Notify the complainant and the complainant's representative and the District's representative of the date and time of the meeting of the Governing Board at which the proposed decision shall be reviewed;

- d. Advise the complainant that the proposed decision will be heard in closed session unless the complainant or the complainant's representative requests a public hearing before the Governing Board, except that the matter shall not be heard in public if an allegation of discrimination might cause acts of retaliation against the alleged victim(s) or violate the privacy rights of any pupils or employees involved in the alleged violation;
 - e. Advise the complainant that the complainant or the complainant's representative may be present at the meeting of the Governing Board to present the complainant's position at a private deliberation by the Governing Board;
 - f. Advise the complainant of the right to be present at the public meeting when the Governing Board takes action to adopt or reject the proposed decision.
6. The Governing Board of the District shall:
 - a. Adopt the proposed decision; or
 - b. Reject the proposed decision and direct other corrective action; and
 - c. Advise the complainant in writing of the decision of the Governing Board.
7. Advise the complainant in writing of the complainant's right to appeal the decision to the State Superintendent of Public Instruction within fifteen (15) days of the Governing Board action; that the appeal should include a copy of the original complaint and the District's decision resolving the complaint; and that the complainant shall specify the basis for the appeal of the decision and how as a matter of fact or law the District's decision is incorrect.
8. Appeal

Upon notification by the complainant, State Superintendent of Public Instruction or designee from the California Department of Education of an appeal, the District shall forward a copy of all of the following documents to the Department:

 - a. A copy of the original complaint;
 - b. A copy of the District's decision;
 - c. A summary of the nature and extent of the investigation conducted by the District, if not covered in the District's decision;

- d. A copy of the investigation file, including but not limited to, all notes, interviews and documents submitted by the parties or gathered by the investigator;
- e. A report of any action taken to resolve the complaint;
- f. A copy of the District's complaint procedures; and
- g. Such other relevant information as the Department may request.

9. Notice

Notice in writing of the District complaint procedures, including the opportunity to appeal to the Department, shall be given annually to pupils, employees or parents or guardians of pupils, the District advisory committee, school advisory committees, and other interested parties.

Such notice shall be in the primary language, or mode of communication of the recipient of the Notice pursuant to Section 48985 of the Education Code. Copies of the complaint procedures shall be available free of charge.

Such notice shall include all of the following information:

- a. Complaints filed pursuant to paragraphs A. 1- 9 of this Policy shall be directed to the Superintendent;
- b. Complaints that should be directed to other agencies for investigation;
- c. Complainant's right to appeal a complaint that has been resolved by the District to the Department;
- d. Advice that the complainant should consult with an attorney to determine legal rights that may be pursued using available civil law remedies;
- e. The officer of a school district who should be contacted to obtain a copy of the District's complaint procedures.

E. Complaints regarding instructional materials, teacher vacancy or mis-assignment, school facilities, as defined in paragraph C of this Policy, and also complaints involving the prohibition on pupil fees under Education Code sections 49010-49013.

- 1. Complaints involving subparagraph A. 10-13 of this Policy and complaints involving the prohibition on pupil fees under Education Code sections 49010-49013 may be filed anonymously with the Principal using Appendix B. The use of the forms in Appendices A and B, however, are not required in order to file a complaint. Complaints beyond the authority of the Principal will be forwarded in

a timely manner not to exceed ten (10) working days to the Superintendent. A complainant who identifies himself or herself and checks the box on the form requesting a response will be entitled to a response to the complaint. If a response is requested, the response will be made to the mailing address of the complainant indicated on the complaint form. All such complaints and responses are public records. A complaint may include as much text as necessary to explain the deficiency or deficiencies and may contain more than one allegation of a deficiency. All other complaints regarding instructional materials shall be processed pursuant to Board Policy 1004.

Complaints regarding instructional materials to which this Policy applies shall identify the school, the course in which the deficiency or deficiencies exist, the teacher of the course or grade level, and the specific nature of the deficiency or deficiencies in the instructional materials and may allege any of the following:

- a. A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or State adopted or District adopted textbooks or other required instructional materials to use in class;
 - b. A pupil, including an English learner has insufficient textbooks or instructional materials, or both, to use at in call and after school. This does not require two (2) sets of textbooks or instructional materials for each pupil;
 - c. Textbooks or instructional materials are in poor or unusable condition, having missing pages, or are unreadable due to damage; and/or
 - d. A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.
2. Complaints related to teacher vacancy or mis-assignment may address the following issues:
- a. 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 to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester);
 - b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than twenty percent (20%) English learner pupils in the class; and/or

- c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.
3. Complaints regarding teacher vacancy or mis-assignment shall identify:
 - a. The course or grade level in which the teacher vacancy or mis-assignment exists; and
 - b. The specific nature of the vacancy or mis-assignment; and
 - c. If a mis-assignment, the name of the teacher who is mis-assigned.
4. Complaints regarding the condition of facilities that pose an emergency or urgent threat to the health or safety of pupils or staff shall specify:
 - a. The location(s) of the facility(ies); and
 - b. Describe the emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff; and
 - c. How the condition poses a threat to the health or safety of pupils or staff.
5. Complaints under this paragraph E shall be remedied within a reasonable period of time not to exceed thirty (30) working days from the date the complaint was received. The Principal or Superintendent shall investigate the complaint and report to the complainant the resolution of the complaint within forty-five (45) working days of the initial filing if the complainant identifies himself or herself and requests a response. If the Principal makes the report, the Principal shall also report the same information in the same time frame to the Superintendent.
6. A complainant who is not satisfied with the reported resolution may describe the complaint to the Board at a regularly scheduled hearing of the Board.
7. Facilities complaints only may be appealed to the Superintendent of Public Instruction by filing an appeal to the Superintendent of Public Instruction within fifteen (15) days of receiving the report from the Superintendent or Principal. The complainant must comply with the provisions of paragraph D.7 of this Policy.
8. The District shall report summarized data on the nature and resolution of complaints subject to this paragraph D to the County Superintendent of Schools and to the Governing Board on a quarterly basis at a regularly scheduled meeting of the Board, to include the number of complaints by general subject area with the number of resolved and unresolved complaints. Complaints and the responses thereto shall be public records.

9. The Superintendent shall ensure that the notices required by Title 5, C.C.R. section 4684 are timely posted, and that complaint forms are readily available.

Legal Reference:

Education Code sections 35186, 35292.5, 49010-49013

Title 5, C.C.R. Section 4600 *et seq.*

Board Policy 1004

Date Policy Adopted By The Board: May 17, 1993

Dates Policy Revised By The Board: January 13, 2005; June 5, 2008; August 22, 2013; June 4, 2015; September 7, 2017.

**APPENDIX A
RANCHO SANTA FE SCHOOL DISTRICT**

Uniform Complaint Procedures

COMPLAINT FORM

To be filed with the:
Superintendent

I have read the Rancho Santa Fe School District Board Policy on Uniform Complaint Procedures and wish to file a complaint regarding a violation of federal or state law or regulations governing the following educational program which is covered under this procedure.

(Agency to which complainant has been referred if this complaint is not covered by the Uniform Complaint Procedures)

NATURE OF COMPLAINT

(Describe here the nature of the alleged violation. If this complaint involves the educational service provided to a specific child, please give the name, grade, and school of enrollment. Attach additional pages if necessary.)

DATE OF VIOLATION _____

(Must be within six (6) months of today's date, or the date you first obtained knowledge of the facts of the alleged complaint. If not, you may request an extension for good cause or you will be given information regarding an appeal to the State Superintendent of Public Instruction for an extension of time in which to file the complaint.)

SIGNED _____ DATE _____

address/telephone number of person filing complaint

COMPLAINT RECEIVED BY _____ DATE _____
(name and title)

Distribution: Original—Parent Copy—School District

**APPENDIX B
RANCHO SANTA FE SCHOOL DISTRICT
COMPLAINT FORM**

TO BE USED FOR SPECIFIED COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS, FACILITIES CONDITIONS THAT POSE THREAT TO HEALTH OR SAFETY, TEACHER VACANCY OR MISASSIGNMENT, AND RESTROOMS AND ALSO FOR SPECIFIED COMPLAINTS CONCERNING THE PROHIBITION ON PUPIL FEES

Please note: Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must check the box below and provide the contact information (name, address, and phone number) below.

Response requested? Yes No

Name: _____

Address: _____

Phone Number: Day: _____ Evening: _____

Email address, if any: _____

This form should be completed and filed with the Principal at the District Office at 5927 La Granada, Rancho Santa Fe, or mailed to P.O. Box 809, Rancho Santa Fe, California 92067. Please check all issue(s) forming the basis of your complaint.

1. Textbooks and instructional materials

- A pupil lacks standards-aligned textbooks or instructional materials or state adopted or District adopted textbooks or other required instructional materials to use in class.
- A pupil does not have access to instructional materials to use at home or after school. [This does not require two sets of textbooks or instructional materials for each pupil]
- Textbooks or instructional materials are in poor or unusable condition, have missing pages or are unreadable due to damage.
- A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials due to a shortage of textbooks or instructional materials.

2. Teacher vacancy or mis-assignment

- A semester begins and a teacher vacancy exists. (A teacher vacancy is 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 to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester).
- Teacher mis-assignment - A teacher who lacks credentials or training to teach English learners is assigned to a class including more than 20% English learners.*

- Teacher mis-assignment - A teacher is assigned to teach a class for which the teacher lacks subject matter competency.*

* A teacher mis-assignment occurs when a certificated employee is placed in a teaching or services position for which the teacher does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

3. Facility conditions posing an emergency or urgent threat to the health or safety of pupils or staff (not including cosmetic or nonessential repairs)

- Gas leaks
- Nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems
- Electrical power failure
- Major sewer line stoppage
- Major pest or vermin infestation
- Broken windows or exterior doors or gates that will not lock and that pose a security risk
- Abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff
- Structural damage creating a hazardous or uninhabitable condition
- Other _____

4. School Restrooms are not cleaned, maintained, or kept open

- Restroom(s) has/have not been cleaned regularly
- Toilets or sinks are not fully operational
- Restroom is not stocked at all times with toilet paper, soap, and paper towels or functional hand dryers
- All restrooms are not open during school hours when pupils are not in classes, or a sufficient number have not been kept open when pupils are in classes [the School may permissibly close any restroom as necessary for pupil safety or to repair the facility]

5. Prohibition on pupil fees

Please describe in detail below in the space provided the pupil fee imposed, by whom it was imposed, when and how it was imposed, and as much other specific information as possible.

Complaints regarding facilities or other conditions which pose an immediate threat to the health or safety of staff, or the public should be reported immediately to the Superintendent or the Principal at (858) 756-1141.

Please describe in detail below the specific problem(s) identified above, to include the location of the problem (room number or name of room or facility), specific nature of the problem, when and how you first became aware of the problem, grade level and teacher name, if applicable, anyone to whom you have previously brought this to the attention of and the response, if any,

you were provided. Please attach as many pages as necessary to clearly and fully describe the circumstances surrounding the complaint.
