

UNIFORM COMPLAINT PROCEDURES

The Board of Trustees recognizes that the District is primarily responsible for complying with applicable state and federal laws and regulations governing educational programs. The district shall investigate complaints alleging failure to comply with such laws and/or alleging discrimination and shall seek to resolve those complaints in accordance with the district's uniform complaint procedures. (5 CCR 4620)

The District shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination against any protected group as identified under Education Code 200 and 220 and Government Code 11135, including actual or perceived sex, sexual orientation, gender, 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 in any district program or activity that receives or benefits from state financial assistance. (5 CCR 4610)

Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and career technical and technical training programs, child care and developmental programs, child nutrition programs, and special education programs. (5 CCR 4610)

Complaints related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, and teacher vacancies and misassignments, or the lack of opportunity to receive intensive instruction and services to pupils who did not pass one or both parts of the high school exit examination by the end of grade 12, shall be investigated pursuant to the District's Uniform Complaint Procedure.

The Board of Trustees encourages the early, informal resolution of complaints at the site level whenever possible.

The Board of Trustees acknowledges and respects every individual's right to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process. This may include keeping the identity of the complainant confidential, as appropriate and except

SAN DIEGUITO UNION HIGH SCHOOL DISTRICT

Policy Adopted: May 7, 1987
Policy Revised: September 3, 1992
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Policy Revised: December 14, 2006
Policy Revised: July 17, 2008

to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee, on a case-by-case basis.

The Board of Trustees prohibits any form of retaliation against any complainant in the complaint process, including but not limited to a complainant's 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.

The Board of Trustees recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving their problem through mediation, the Superintendent or designee shall initiate that process. The Superintendent or designee shall ensure that the results are consistent with state and federal laws and regulations.

Legal Reference:

EDUCATION CODE

200-262.4	Prohibition of discrimination
8200-8498	Child care and development programs
8500-8538	Adult basic education
18100-18203	School libraries
32289	School safety plan, uniform complaint procedures
35146	Closed sessions
35160.5	Requirement of school district policies: parental complaints re: employees
35186	Williams Uniform Complaint Procedures
41500-41513	Categorical education block grants
48985	Notices in language other than English
49060-49079	Student Records
49490-49590	Child nutrition programs
52160-52178	Bilingual education programs
52300-52499.6	Career-technical education
52500-52616.24	Adult schools
52800-52870	School-based coordinated programs
54000-54041	Economic impact aid programs
54100-54145	Miller-Unruh Basic Reading Act
54400-54425	Compensatory education programs
54440-54445	Migrant education
54460-54529	Compensatory education programs
56000-56885	Special education programs
59000-59300	Special schools and centers

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60650 Personal beliefs
64000-64001 Consolidated application process

CODE OF REGULATIONS, TITLE 5

3080 Application of section
4600-4687 Uniform Complaint Procedures
4900-4965 Nondiscrimination in elementary and
secondary education programs

PENAL CODE

422.6 Interference with constitutional right
or privilege

GOVERNMENT CODE

54957-54957.8 Closed sessions

CIVIL RIGHTS ACT OF 1964

42 U.S.C.A. Section 2000c et seq.

TITLE IX, EDUCATION AMENDMENTS OF 1972

20 U.S.C.A. Section 1231g, 1681 et seq.

SECTION 504, REHABILITATION ACT OF 1973

29 U.S.C.A. Section 721, 761

EDUCATION CONSOLIDATION AND IMPROVEMENT ACT OF 1981

20 U.S.C.A. Section 3801 et seq.

GENERAL EDUCATION PROVISIONS ACT

20 U.S.C.A. 1221 et seq., especially:

FAMILY EDUCATION AND PRIVACY RIGHTS ACT OF 1974

20 U.S.C.A. Section 1221, 1232 g

34 CODE OF FEDERAL REGULATIONS, Section 100.7(e)SENATE BILL 6SENATE BILL 550ASSEMBLY BILL 1550ASSEMBLY BILL 2727ASSEMBLY BILL 3001UNITED STATES CODE, TITLE 20

6301-6577 Title I basic programs

6601-6777 Title II preparing and recruiting high quality
teachers and principals

6801-6871 Title III language instruction for limited
English proficient and immigrant students

7101-7184 Safe and Drug-Free Schools and Communities Act

7201-7283g Title V promoting informed parental choice and
innovative programs

7301-7372 Title V rural and low-income school programs

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UNIFORM COMPLAINT PROCEDURES

Designation of Person to Receive Complaint

The Board of Trustees designates the following compliance officer(s) to receive and investigate complaints and ensure district compliance with law:

Rick Schmitt, Associate Superintendent
(Title or Position)

Steve Ma, Associate Superintendent
(Title or Position)

Terry King, Associate Superintendent
(Title or Position)

Eric Dill, Executive Director, Business Services

710 Encinitas Boulevard, Encinitas, CA 92024
(Address)

760-753-6491, ext. 5565, ext. 5518, ext. 5566, ext. 5597.
(Telephone Number)

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

For complaints concerning insufficiency of instructional materials, emergency or urgent facility conditions, and/or teacher vacancy or misassignment issues, the complaint shall be filed with the school principal or his or her designee at the school site where the complaint arises.

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Notifications

The compliance officers shall meet the notification requirements of California Code of Regulations Title 5, Section 4622, and all other applicable law, 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 State Department of Education.

Additionally, the school principal is responsible for ensuring that each classroom has the required standardized notice posted to notify parents and guardians of the opportunity to complain about instructional materials and facility issues. The notice shall be conspicuously posted in each classroom.

Procedures

The following procedures shall be used to address all complaints which allege that the district has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint and subsequent related action, including all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

Filing of Complaint:

1. Any individual, public agency, or organization may file a written complaint of alleged noncompliance by the district on the Uniform Complaint Form attached.
2. A complaint alleging unlawful discrimination shall be initiated no later than six months from the date when the alleged discrimination occurred, or six months from the date when the complainant acquired knowledge of the facts of the alleged discrimination. A complaint may be filed by a person who alleges that he/she personally suffered unlawful

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discrimination or by a person who believes that an individual or any specific class of individuals has been subject to unlawful discrimination.

- 3. The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.
- 4. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint.

Investigation of Complaint

The principal/designee or compliance officers shall make all reasonable efforts to investigate any problem within his or her authority. The investigation shall provide an opportunity for the complainant, or the complainant's representative, to present information relevant to the complaint. The investigation may include an opportunity for the parties to meet to discuss the complaint or to question each other or each other's witnesses.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation of his/her engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation.

The district's refusal to provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement 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.

Response:

- 1. For complaints processed by the compliance officers, a written

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decision shall be issued to the complainant within thirty (30) calendar days of receiving the complaint. This decision shall contain the findings and disposition of the complaint, including corrective actions if any, the rationale for such disposition, notice of the complainant's right to appeal to the Board of Trustees and the right to further appeal to the Department of Education, and the procedures to be followed for initiating an appeal to the Department. If an employee is disciplined according to established District policy as a result of the complaint, this report shall simply state that effective action was taken and that the employee was informed of District expectations. The report shall not give any additional information as to the nature of the disciplinary action. This time period may be extended by written agreement between the complainant and the District.

2. For complaints processed by the principal or designee, valid complaints must be remedied within a reasonable time period but not to exceed thirty (30) working days from the date the complaint was received. If a response was requested in the complaint, the principal/designee shall prepare and send to the complainant a written report within forty-five (45) working days of the initial filing of the complaint. This time period may be extended by written agreement between the complainant and the District.

Final Written Decision

1. The district's decision shall be in writing and sent to the complainant.
2. The district's decision shall be written in English and in the language of the complainant whenever feasible or as required by law.
3. The decision shall include:
 - a. The findings of fact based on the evidence gathered.
 - b. The conclusion(s) of law.

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- c. Disposition of the complaint.
 - d. Rationale for such disposition.
 - e. Corrective actions, if any are warranted.
 - f. Notice of the complainant's right to appeal the district's decision with 15 days to the CDE and procedures to be followed for initiating such an appeal.
 - g. For discrimination complaints, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies.
- 4. If an employee is disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the employee was informed of the district expectations. The report shall not give any further information as to the nature of the disciplinary action.
 - 5. If dissatisfied with the district's decision, the complainant may appeal in writing to the CDE within 15 days of receiving the district's decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision.
 - 6. Upon notification by the CDE that the complainant has appealed the district's decision, the Superintendent or designee shall forward the following documents to the CDE.
 - a. A copy of the original complaint.
 - b. A copy of the decision.
 - c. A summary of the nature and extent of the investigation

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conducted by the district, if not covered by the decision.

- d. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by the parties and gathered by the investigator.
- e. A report of any action taken to resolve the complaint.
- f. A copy of the district's complaint procedures.
- g. Other relevant information requested by the CDE.

7. The CDE may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists, including cases in which the district has not taken action within 60 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 as provided by law. 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. Except as provided by law, for discrimination complaints, a complainant must wait until sixty (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 5 CCR 4622.

Direct State Intervention

The California Department of Education may directly intervene in the complaint without waiting for action by the District when one

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COMMUNITY RELATIONS

1312.3/AR-1

of the conditions listed in 5 CCR 4650 and other applicable law exists. In addition, the California Department of Education may also intervene in those cases where the District has not taken action with sixty (60) calendar days of the date the complaint was first filed with the District.

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UNIFORM COMPLAINT FORM

Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide contact information below.

Response requested: Yes No

Name: _____

Address: _____

Phone Number(s): Day _____ Night _____ Cell _____

Location of the problem that is the subject of this complaint:

School: _____

Course and Teacher Name: _____

Room Number or Name of Room: _____

Date problem was observed: _____

Specific issue(s) of the complaint. Please check all that apply:

- Unlawful discrimination against a protected individual or group in any district program
- Failure to comply with state/federal laws in one of the following programs:
- Adult Education Child Care/Development
- Consolidated Categorical Aid Child Nutrition
- Career Technical Education Special Education
- Textbooks and Instructional Materials
- Student does not have standards-aligned or state/district-adopted textbooks or other required instructional materials to use in class
- Student does not have access to instructional materials to use at home or after school
- Textbooks/instructional materials are in poor or unusable condition
- Teacher Vacancy or Misassignment
- Vacancy exists at beginning semester as defined in §35186 E.C.
- Teacher lacks credentials or training to teach English learners in assigned class with more than 20% English learners
- Teacher lacks subject matter competency

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- Facility conditions pose an emergency or urgent threat to the health or safety of students or staff
- CAHSEE Intensive Instruction
 - Failed to notify a student who did not pass one or both parts of the California High School Exit Exam (CAHSEE) of the opportunity to receive intensive instruction and services for up to two consecutive academic years after the completion of grade 12
 - Failed to provide a student who did not pass one or both parts of the California High School Exit Exam (CAHSEE) the opportunity to receive intensive instruction and services for up to two consecutive years after the completion of grade 12

Please describe the issue of your complaint in detail. You may attach additional pages if necessary to fully describe the situation:

Please file this complaint with the following:

Principal (Name)	Mr. Rick Schmitt
School (Name)	Assoc. Supt./Educational Services
Address	San Dieguito Union High School District
City/State/Zip	710 Encinitas Blvd. Encinitas CA 92024

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous complaints, should be dated:

Signature	Date

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UNIFORM COMPLAINT PROCEDURES

**NOTICE TO PARENTS/GUARDIANS
COMPLAINT RIGHTS**

Parents/Guardians:

Education Code 35186 requires that the following notice be posted in your child's classroom:

1. There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials, each student, including English learners, must have a textbook or instructional material, or both, to use in class and to take home.
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. There should be no teacher vacancies or misassignments as defined in Education Code 35186(h)(1) and (2) and the district's administrative regulation AR 1312.4
4. Pupils, including English learners, who have not passed one or both parts of the high school exit examination by the end of grade 12 are to be provided the opportunity to receive intensive instruction and services for up to two consecutive academic years after the completion of grade 12.
5. To file a complaint regarding any of the above matters, A complaint form can be obtained at the principal's office or district office, or downloaded from the district web site.

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QUARTERLY UNIFORM COMPLAINT REPORT SUMMARY

For submission to School District Governing Board and County Office of Education

District Name: _____

Quarter covered by this report (ex. Jan. - Mar. 2005): _____

Please fill in the following table; enter 0 in any cell that does not apply.

	Number of complaints received in quarter	Number of complaints resolved	Number of complaints unresolved Explanation attached
Instructional Materials			
Facilities			
Teacher Vacancy and Misassignment			
CAHSEE Intensive Instruction and Services			
Totals			

Submitted by: _____

Title: _____

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710 Encinitas Blvd.
Encinitas, CA 92024-3357
(760) 753-6491
www.sduhsd.net

Board of Trustees:

Joyce Dalessandro
Linda Friedman
Barbara Groth
Beth Hergesheimer
Deanna Rich

Superintendent

Peggy Lynch, Ed.D.
FAX (760) 943-3501

Canyon Crest HS Academy
Carmel Valley MS
Diegueño MS
Earl Warren MS
La Costa Canyon HS
North Coast Alternative HS
Oak Crest MS
San Dieguito Adult Education
San Dieguito HS Academy
Sunset HS
Torrey Pines HS

Student Eligibility Notice

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:

David Jaffe
Executive Director, Curriculum and Assessment
710 Encinitas Blvd
Encinitas CA 92024
760-753-6491 x 5569
david.jaffe@sduhsd.net

San Dieguito

Union High School
District

710 Encinitas Blvd.
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Board of Trustees:

Joyce Dalessandro
Linda Friedman
Barbara Groth
Beth Hergesheimer
Deanna Rich

Superintendent:

Peggy Lynch, Ed.D.

Instructional Services

Rick Schmitt
(760) 943-3527 FAX

Aviso de elegibilidad del Estudiante

Atención: La sección 37254 del código educacional requiere que la agencia educativa local notifique a los alumnos en los grados 10 al 12 sobre el siguiente aviso por medio de la oficina del distrito y la página de Internet del distrito escolar. Este aviso debe cumplir con los requisitos de traducción de la sección 48985 del código educacional.

ATENCIÓN PADRES DE FAMILIA/GUARDIANES Y ESTUDIANTES: INFORME SOBRE LA ELEGIBILIDAD DE ASISTENCIA EN PREPARACIÓN PARA EL EXAMEN DE EGRESO DE LA PREPARATORIA DE CALIFORNIA DESPUÉS DEL 12VO GRADO

Estimados padres de familia o guardianes:

De acuerdo a la sección del código educacional 37254, le notificamos que:

1. Los alumnos, incluyendo a los estudiantes aprendices de inglés, quienes no han aprobado una o ambas partes del Examen de Egreso de la Preparatoria de California (conocido por sus siglas en inglés como CAHSEE) para el final del doceavo grado tienen el derecho a recibir servicios e instrucción intensiva hasta dos años académicos consecutivos después de culminar el doceavo grado o hasta aprobar ambas partes del CAHSEE, lo que ocurra primero;
2. Los estudiantes aprendices de inglés quienes no han aprobado una o ambas partes del CAHSEE para el final del doceavo grado, tienen el derecho a recibir servicios para mejorar su dominio en el inglés como se necesite para aprobar aquellas partes del CAHSEE que aún no fueron aprobadas hasta dos años académicos consecutivos después de terminar el doceavo grado o hasta aprobar ambas partes del CAHSEE, lo que ocurra primero; y
3. Los alumnos quienes no han aprobado una o ambas partes del CAHSEE para el final del doceavo grado tienen el derecho a entablar una queja con respecto a los servicios e instrucción intensiva bajo los Procedimientos de Quejas Uniformes si él/ella no fue proporcionado con la oportunidad de recibir servicios e instrucción intensiva hasta dos años académicos consecutivos después de terminar el doceavo grado o hasta aprobar ambas partes del CAHSEE, lo que ocurra primero.

Si tiene alguna pregunta sobre los servicios disponibles, desea obtener este servicio, o desea entablar una queja referente a estos servicios, favor de contactar a:

David Jaffe

Executive Director, Curriculum and Assessment
San Dieguito Union High School District
710 Encinitas Blvd.
Encinitas, CA 92024

(760) 753-6491 ext. 5569
David.jaffe@sduhsd.net

Canyon Crest Academy
Carmel Valley MS
Diegueno MS
Earl Warren MS
La Costa Canyon HS
North Coast Alternative HS
Oak Crest MS
San Dieguito Adult Education
San Dieguito HS Academy
Sunset HS
Torrey Pines HS