



Preparing every student to thrive in a global society.

May 19, 2015

Dear East Side Staff:

The Board of Trustees recognize that the District has primary responsibility for ensuring that it complies with the application of state and federal laws and regulations governing education programs. A complaint under the "Uniform Complaint Procedures" is a written statement alleging discrimination or a violation of a federal or state law within the following programs:

- Adult Basic Education
- Consolidated Categorical Aid Programs
- Migrant Education Program
- Career/Technical Education (Vocational Education)
- Child Care and Development Program
- Child Nutrition Services
- Special Education
- Implementation of the Local Control Funding Formula (LCFF)
- Requirements regarding the development and adoption of the Local Control Accountability Plan (LCAP)
- Williams Settlement Complaints
- Title VII
  - Discrimination
  - Harassment
  - Civil Rights Guarantees

Should you have a need to file a complaint under the "Uniform Complaint Procedures," please send your complaint to the Associate Superintendent of Instruction. A resolution and a written decision to a complaint is issued within sixty days from the receipt of the complaint.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Funk".

Chris D. Funk  
Superintendent

Attachments:

Board Policy 1312.3 Uniform Complaint Procedures  
Exhibit to Board Policy 1312.3 Uniform Complaint Procedures (Form)

East Side Union High School District Board of Trustees

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830 N. Capitol Ave.

San Jose, CA 95133

T 408.347.5000

F 408.347.5015

esuhsd.org

## **COMMUNITY RELATIONS**

### **SUBJECT: Uniform Complaint Procedures**

The Governing Board recognizes that the District has the primary responsibility to ensure compliance with applicable State and Federal laws and regulations governing educational programs. The District shall investigate any complaints alleging failure to comply with such laws and/or alleging unlawful discrimination, harassment, intimidation or bullying, and shall seek to resolve those complaints in accordance with the District's Uniform Complaint Procedures.

The District shall use the Uniform Complaint Procedures to resolve any complaint alleging unlawful discrimination, harassment, intimidation or bullying, in District programs and activities based on actual or perceived characteristics such as race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity and gender expression, or genetic information; the perception of one or more of such characteristics identified in Education Code 200 or 220, Penal Code 422.55, or Government Code 11135; or based on association with a person or group with one or more of these actual or perceived characteristics.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. 4030 - Nondiscrimination in Employment)*  
*(cf. 4031 - Complaints Concerning Discrimination in Employment)*  
*(cf. 5131.2 - Bullying)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*  
*(cf. 5145.7 - Sexual Harassment)*

Uniform Complaint Procedures shall also be used to address any complaint alleging the District's 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 training programs, child care and development programs, child nutrition programs, special education programs, the implementation of the Local Control Funding Formula (LCFF) and the requirements regarding the development and adoption of the LCFF; and the development and adoption of the school safety plan.

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 1312.1 - Complaints Concerning District Employees)*  
*(cf. 1312.2 - Complaints Concerning Instructional Materials)*  
*(cf. 3260 - Fees and Charges)*  
*(cf. 3320 - Claims and Actions Against the District)*  
*(cf. 3553 - Free and Reduced Price Meals)*  
*(cf. 3555 - Nutrition Program Compliance)*  
*(cf. 5141.4 - Child Abuse Prevention and Reporting)*  
*(cf. 5148 - Child Care and Development)*

*(cf. 6159 - Individualized Education Program)*  
*(cf. 6171 - Title I Programs)*  
*(cf. 6174 - Education for English Language Learners)*  
*(cf. 6175 - Migrant Education Program)*  
*(cf. 6178 - Career Technical Education)*  
*(cf. 6178.1 - Work-Based Learning)*  
*(cf. 6178.2 - Regional Occupational Center/Program)*  
*(cf. 6200 - Adult Education)*

The Board prohibits any form of retaliation against any complainant in the complaint process alleging discrimination, harassment, intimidation or bullying. Participation in the complaint process shall not in any way affect the status, grades, or work assignments of the complainant.

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

The Board acknowledges and respects students and employee rights to privacy. Discrimination, harassment, intimidation or bullying complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. The District ensures that the complainants are protected from retaliation and that the identity of a complainant alleging discrimination, harassment, intimidation or bullying will remain confidential as appropriate. This includes keeping the identity of the complainant confidential except to the extent necessary to carry out the investigation, as determined by the Superintendent or designee on a case-by-case basis.

The Superintendent shall ensure that the 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.

The Board 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 the 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.

In investigating complaints alleging discrimination, harassment, intimidation or bullying, the confidentiality of the parties involved and the integrity of the process shall be protected. As appropriate, the Superintendent or designee may keep the identity of a complainant confidential to the extent that the investigation of the complaint is not obstructed.

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*  
*(cf. 5125 - Student Records)*

*(cf. 9011 - Disclosure of Confidential/Privileged Information)*

The District's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to the following:

1. Sufficiency of textbooks or instructional materials
2. Emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff
3. Teacher vacancies and misassignments
4. Deficiency in the District's provision of instruction and/or services to any student who, by the completion of grade 12, has not passed one or both parts of the high school exit examination

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

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  
35186 Williams uniform complaint procedures  
37254 Intensive instruction and services for students who have not passed exit exam  
41500-41513 Categorical education block grants  
48985 Notices in language other than English  
49010-49013 Student Fees  
49060-49079 Student records  
49490-49590 Child nutrition programs  
52075 Local Control and Accountability Plans  
52160-52178 Bilingual education programs  
52300-52490 Career technical education  
52500-52616.24 Adult schools  
52800-52870 School-based program coordination  
54000-54028 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  
56000-56867 Special education programs  
59000-59300 Special schools and centers

64000-64001 Consolidated application process

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.55 Hate crime; definition

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED 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

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr>

**COMMUNITY RELATIONS**

**SUBJECT: Uniform Complaint Procedures**

**EAST SIDE UNION HIGH SCHOOL DISTRICT  
UNIFORM COMPLAINT PROCEDURE (UCP)**

This form may be completed and submitted when a person or organization believes the District has violated a Federal or State law or regulation governing one of the following: 1) Adult Basic Education, 2) Consolidated Categorical Aid Programs, 3) Migrant Education, 4) Vocational Education, 5) Child Care and Development, 6) Child Nutrition, 7) Special Education, 8) Title VII, 9) and the implementation of the Local Control Funding Formula (LCFF) and the requirements regarding the development and adoption of the Local Control Accountability Plan (LCAP). However, complainants need not use the District's complaint form in order to file a complaint.

For Williams Settlement Complaint Procedures: (a) Sufficiency of Materials, (b) Emergency or Urgent Facilities Issues, or (c) Teacher Vacancies and Misassignment Issues, USE SEPARATE WILLIAMS COMPLAINT FORM.

Date: \_\_\_\_\_

TO: \_\_\_\_\_  
*Principal / Immediate Supervisor*

or ESUHSD UCP Administrator

\_\_\_\_\_  
*Address*

830 N. Capitol Avenue

\_\_\_\_\_  
*City / State / Zip*

San Jose, California 95133

**FROM:**

Address(es) \_\_\_\_\_

Telephone Number(s) \_\_\_\_\_

Program addressed in this complaint \_\_\_\_\_

**Nature of this complaint**

\*\*This should be a description in your own words of the grounds of your complaint, including **all** names, dates, and places necessary for a complete understanding of your concern.  
(Please feel free to use additional pages as necessary, to fully describe your concern.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify that the above information is true and accurate to the best of my knowledge.

\_\_\_\_\_  
*Signature of Originator*

**Submission Procedures**

1. You may submit this form in person or by mail to your school principal, or
2. You may submit this form in person or by mail to:

UCP Administrator  
830 N. Capitol Avenue  
San Jose, CA 95133

However, complainants need not use the District's complaint form in order to file a complaint.

3. Please retain a copy for your files.

**Response**

The District's decision shall be in writing and mailed to you within 60 days of receipt of this complaint.

**Appeal**

You may appeal the District's decision in this matter to the Superintendent of Public Instruction, California Department of Education, within 15 days from receipt of the District's decision.

**Assistance**

You may seek assistance in this matter from:

- The Santa Clara County Superintendent of Schools: Phone (408) 453-6511
- The California Superintendent of Public Instruction: Phone (916) 657-4766
- A private attorney\*
- A local mediation center\*
- Local assistance centers\*

\*Please consult your local white/yellow pages and/or business directory.