



SOUTHERN KERN UNIFIED SCHOOL DISTRICT

2601 Rosamond Blvd.
Rosamond, CA 93560
(661)256-5000 Fax (661)256-1247

Governing Board
Mario Gutierrez, President
Robert Vincelle, Vice President
Jim Bender, Clerk
Dewine Moore
Sunni Hepburn
Superintendent
Barbara Gaines
Associate Superintendent
Leanne Hargus
Assistant Superintendent
Leslie Lacey
Chief Business Officer
Robert Irving

California Department of Education

Uniform Complaint Procedures (UCP) Policies and Procedures

May 2021 **REVISED**

Southern Kern Unified School District
2601 Rosamond Blvd.
Rosamond, Ca 93560
661-256-5000
www.skusd.k12.ca.us

Adopted by our Governing Board or authorized designee (here and after “the board”) on November 4, 2020.

Uniform Complaint Procedures (UCP)

This document contains rules and instructions about the filing, investigation and resolution of a Uniform Complaint Procedures (UCP) complaint regarding an alleged violation by ***Southern Kern Unified School District*** of federal or state laws or regulations governing educational programs.

This document presents information about how we process UCP complaints concerning particular programs or activities that are subject to the UCP.

A UCP complaint is a written and signed statement by a complainant alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation, bullying.

A complainant is 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, bullying in programs and activities funded directly by the state or receiving any financial assistance from the state.

If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, we shall assist the complainant in the filing of the complaint.

According to state and federal codes and regulations, the programs and activities subject to the UCP are:

- Accommodations for Pregnant and Parenting Pupils
- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- Career Technical and Technical Education; Career Technical; Technical Training Programs
- Child Care and Development Programs
- Compensatory Education
- Consolidated categorical aid programs
- Course Periods without Educational Content
- Discrimination, harassment, intimidation, or bullying against protected group as identified under *Education Code (EC)* sections 200 and 220 and *Government Code* Section 11135, including any actual or perceived characteristic as set forth in Penal Code Section 422.55, 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 program or activity conducted by an educational institution, as defined in *EC* Section 210.3, that is funded directly by, or that receives benefits from, any state financial assistance.
- Education and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families and pupils formerly in Juvenile Court now enrolled in a school district.
- Every Student Succeeds Act / No Child Left Behind (Titles I–VII)
- Local Control and Accountability Plans (LCAP)
- Migrant Education
- Physical Education Instructional Minutes
- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- School Plans For Student Achievement
- School Safety Plans
- Schoolsite Councils
- State Preschool
- State Preschool Health And Safety Issues In LEAs Exempt From Licensing

And any other state or federal educational program that State Superintendent of Public Instruction (SSPI) of the California Department of Education (CDE) or designee deems appropriate.

The following complaints shall be referred to specified agencies for appropriate resolution and are not subject to our UCP process set forth in this document unless these procedures are made applicable by separate interagency agreements:

- (a) Allegations of child abuse shall be referred to County Department of Social Services (DSS), Protective Services Division or appropriate law enforcement agency.
- (b) Health and safety complaints regarding a Child Development Program shall be referred to Department of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.
- (c) Employment discrimination complaints shall be sent to the State Department of Fair Employment and Housing (DFEH). The complainant shall be notified in writing in a timely manner of any DFEH transferal.

The Responsibilities of Southern Kern Unified School District

We shall have the primary responsibility to ensure compliance with applicable state and federal laws and regulations.

We shall investigate and seek to resolve, in accordance with our UCP process, any complaints alleging failure to comply with applicable state and federal laws and regulations including, but not limited to, allegations of discrimination, harassment, intimidation, or bullying or noncompliance with laws relating to all programs and activities implemented by the Southern Kern Unified School District that are subject to the UCP.

The Southern Kern Unified School District developed the Uniform Complaint Procedures (UCP) process with policies and procedures adopted by our board.

The UCP Annual Notice

We disseminate on an annual basis the UCP Annual Notice, which is a written notice of the UCP complaint procedures.

This notice may be made available on our website and shall include the following:

- Addresses of all of our students, employees, parents or guardians of its students, school and district advisory committee members, appropriate private school officials or representatives, and other interested parties;
- Information regarding allegations about discrimination, harassment, intimidation or bullying;
- The list of federal and state programs within the scope of the UCP,
- The title of the position whose occupant is responsible for processing complaints, and the identity(ies) of the person(s) currently occupying that position, if known.
- A statement that the occupant responsible for processing complaints is knowledgeable about the laws and programs that they are assigned to investigate.

Filing UCP Complaints

All UCP complaints shall be filed no later than one year from the date of the alleged violation occurred.

Complaints within the scope of the UCP are to be filed with the person responsible for processing complaints:

Leanne Hargus
Associate Superintendent
Human Resources

2601 Rosamond Blvd.
Rosamond, CA 93560
(661) 256-5000x1118
lhargus@skusd.k12.ca.us

A pupil fee includes a purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

A pupil fees complaint may be filed with the principal of a school or with our superintendent or their designee. A pupil fees complaint may be filed anonymously, that is, without an identifying signature, if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

For complaints relating to Local Control and Accountability Plans (LCAP), the date of the alleged violation is the date when the reviewing authority approves the LCAP or annual update that we adopted. An LCAP complaint may be filed anonymously, that is, without an identifying signature, if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

We advise complainants of the right to pursue civil law remedies that may be available under state or federal discrimination, harassment, intimidation or bullying laws, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may also be available to complainants.

Investigating UCP Complaints

The UCP complaint investigation is our administrative process for the purpose of gathering data regarding the complaint. We provide an opportunity for complainants and/or representatives to present evidence or information.

Refusal by the complainant to provide the investigator with documents or other evidence 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.

Refusal by the *Southern Kern Unified School District* to provide the investigator with access to records and/or other information related to the allegation 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 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.

We ensure that complainants are protected from retaliation.

We investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group. Unlawful discrimination, harassment, intimidation or bullying complaints shall be filed no later than six months from the date the alleged discrimination, harassment, intimidation or

bullying occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying.

UCP Complaint Resolution

We will thoroughly investigate the UCP complaint and issue a written Investigation Report to the complainant within 60 calendar days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time.

This Investigation Report will contain the following elements:

- The findings of fact based on the evidence gathered;
- A conclusion that provides a clear determination for each allegation as to whether we are in compliance with the relevant law;
- Corrective actions if we find merit in a complaint:
 - including complaints of Pupil Fees; LCAP; Physical Education Instructional Minutes, or Course Periods without Educational Content, the remedy shall go to all affected pupils, parents, and guardians,
 - for all other complaints within the scope of the Uniform Complaint Procedures the remedy shall go to the affected pupil,
 - With respect to a Pupil Fees complaint, corrective actions shall include a remedy where in good faith, by engaging in reasonable efforts, an attempt to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint;
- A notice of the complainant's right to appeal our Investigation Report to the Department of Education (CDE); and
- The procedures to be followed for initiating an appeal to the CDE.

If the Southern Kern Unified School District finds merit in a complaint regarding Pupil Fees; Local Control and Accountability Plan (LCAP); and/or Physical Education Instructional Minutes (grades one through eight), the remedy shall to go all affected pupils and parents/guardians.

If we find merit in a complaint regarding Reasonable Accommodations to a Lactating Pupil; Course Periods without Educational Content (grades nine through twelve); and/or Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in a school district, and pupils in military families, the public school or LEA shall provide a remedy to the affected pupil.

We ensure an attempt shall be made in good faith to engage in reasonable efforts to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint.

We shall report summarized data on the nature and resolution of all state preschool health and safety issues complaints on a quarterly basis to the county superintendent of schools and our board.

The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of our board.

The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints.

We are aware that all complaints and responses are public records.

UCP Complaint Appeal Process

An appeal is a written and signed request by the complainant to the CDE seeking review of an LEA Investigation Report that was issued in response to a properly-filed complaint. A signature may be handwritten, typed (including in an email) or electronically-generated.

The complainant may appeal our Investigation Report of a UCP complaint to the CDE by filing a written appeal within 30 calendar days of the date. In order to request an appeal, the complainant must specify and explain the basis for the appeal, including at least one of the following:

- The Southern Kern Unified School District failed to follow its complaint procedures, and/or
- The Investigation Report lacks material findings of fact necessary to reach a conclusion of law, and/or
- The material findings of fact in the Investigation Report are not supported by substantial evidence, and/or
- The legal conclusion in the Investigation Report is inconsistent with the law, and/or
- In a case in which we were found in noncompliance, the corrective actions fail to provide a proper remedy.

The appeal shall be sent with: (1) a copy of the locally filed complaint; and (2) a copy of the LEA Investigation Report.

Federal and State Laws Cited:

20 *United States Code (U.S.C.)* section 6301 et seq.

34 *Code of Federal Regulations (CFR)* sections 299.11

California Education Code (EC) sections 200, 220, 222, 234.1-234.5, 262.3, 8235.5, 8200–8493; 8500–8538, 32280–32289; 33315; 35186, 46015, 47606–47606.5, 47607.3, 48645.5, 48645.7, 48853, 48853.5, 48985, 49010-49013, 49069.5, 51210, 51223, 51225.1, 51225.2, 51228.1–51228.3, 52060-52075, 52300–52462, 52500–52616.4, 54440–54445, 64001, 65000.

California Government Code (GC) sections 11135, 17581.6(f).

California Penal Code (PC) section 422.55.

California Welfare and Institutions Code (WIC) sections 300

Revised July 2021

Board Approved August 2021