
Administrative Regulation Uniform Complaint Procedures

I. Uniform Complaints

A. Purpose and Authority

The San Francisco Board of Education recognizes that the District has primary responsibility for insuring that it complies with state and federal laws and regulations governing educational programs. The District shall follow Uniform Complaint Procedures when addressing complaints alleging unlawful discrimination based on ethnic group identification, religion, age, gender, color, or physical sex, sexual orientation, race, ancestry, national origin or mental disability in any program or activity that receives or benefits from state financial assistance. The District shall also follow Uniform Complaint Procedures when addressing complaints alleging failure to comply with state or federal law in adult basic education, consolidated categorical aid programs, migrant education, vocational education, child care and development programs and special education programs. A copy of the Uniform Complaint is set forth in Attachment A.

B. Jurisdiction

1. The District does not have jurisdiction or the authority to hear the following Uniform Complaints that address the issues identified in this section. These complainants must be referred to the agencies or the District departments identified below:
 - i Health and safety complaints regarding a Child Development Program shall be referred to the Department of Human Services for licensed facilities and to the appropriate Child Development regional administrator for licensing-exempt facilities;
 - ii Discrimination complaints involving Child Nutrition Programs shall be referred to either the U.S. Department of Agriculture or the Secretary of Agriculture. Discrimination complaints received by SFUSD shall be immediately directed to the U.S. Department of Agriculture, Food and Nutrition Service, Western Regional Office;
 - iii **Discrimination issues involving Title IX of the Educational Amendments of 1972 may be filed with the Office of Equity Assurance as a Uniform Complaint. Title IX of the Civil Rights Act provides that “no person..... shall, on the basis of sex, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal assistance.” The complainant should be aware that if federal issues are raised in the Uniform Complaint of the Office of Equity Assurance may also contact the U.S. Office of Civil Rights. Notwithstanding this provision, any member of the public may always contact the U.S. Office of Civil Rights, before filing a Uniform Complaint,**

with the District, if they are seeking additional information about Title IX or the U.S. Office of Civil Rights' investigative powers and its complaint process.

- iv Employment discrimination complaints are subject to the jurisdiction of the State Department of Fair Employment and Housing (DFEH) pursuant to Title 22, CCR, and Section 98410;
 - v Allegations of child abuse shall be referred by the SFUSD Title IX Compliance Coordinator or her designee to the applicable County Department of Human Services (DHS), Protective Services Division or appropriate law enforcement agency within 24 hours of the receipt of the claim in conformance with state Mandated Child Abuse Reporting laws. However, nothing in this section relieves SFUSD from investigating complaints when the Uniform Complaint alleges that a child or group of children may be immediate physical danger or that the health, safety or welfare of a child or group of children is threatened if filed pursuant to the Uniform Complaint Procedures;
 - vi Allegations of fraud shall be referred to the responsible District Department Division Director and the Department's Legal Office.
2. Any Uniform Complaint addressing these issues shall be referred to the specified agencies or in the case of fraud, to the appropriate District department for appropriate resolution no later than five calendar days (5) after the receipt of the Uniform Complaint by the District's Office of Equity Assurance.
 3. All complainants shall be notified by first class mail or personally no later than five calendar days (5) after the receipt of the Uniform Complaint by the Office of Equity Assurance of the necessity of transferring their Uniform Complaints to a different agency or District department. With the exception of Child Abuse Issues and fraud, the complainants, and not the District, are solely responsible for transferring their Uniform Complaints. However, the Office of Equity Assurance will provide them with a list of addresses to effectuate the transfers.

II. Right to Seek Additional Assistance

All complainants have the right to seek additional assistance in the filing and processing of their Uniform Complaints. Complainants may seek help from public or private agencies such as legal assistance agencies, local mediation centers from private attorneys or from the Categorical Programs Complaints Management Unit in the California State Department of Education. If the complainants elect to seek help and or retain the services of these public or private agencies, the District shall not bear the costs for these services.

III. Compliance Coordinator

- A. The Superintendent or her designee shall receive and investigate Uniform Complaints and ensure district compliance with the law. The Compliance Coordinator who is responsible for the receipt and investigation of Uniform Complaints is:

**Claudia Beliz, Title IX Compliance Coordinator
Office of Equity Assurance
555 Franklin Street, Room 306
San Francisco, CA 94102
(415) 355-7323**

- B. The Superintendent or her designees shall ensure that 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 her designee.

IV. Procedures for filing a Uniform Complaint:

- A. Notification to SFUSD. Any individual, public agency, or organization alleging unlawful discrimination based on ethnic group identification, religion, age, gender, color, sex, sexual orientation, race, ancestry, national origin or physical or mental disability in any program or activity that receives or benefits from state financial assistance or a failure to comply with state or federal law in adult basic education, consolidated categorical aide programs, migrant education, vocational education, child care and development and special education programs may file a written Uniform Complaint on the form provided by SFUSD (Attachment C) regarding specific programs with the San Francisco Unified School District. These complaints should be filed with:

**Office of Equity Assurance
555 Franklin Street, Room 306
San Francisco, CA 94102
(415) 355-7323**

- B. Thereafter, the Office of Equity Assurance shall present these Uniform Complaints to the Title IX Compliance Coordinator, Claudia Beliz, who shall maintain a log of complaints received, the date of receipt and its disposition.
- C. If the complainant is unable to put a Uniform Complaint in writing due to conditions such as illiteracy or other disabilities, the Office of Equity Assurance shall help him/her file the Uniform Complaint.

V. Deadlines for Filing Uniform Complaint

- A. If a complainant decides to file a Uniform Complaint alleging unlawful discrimination based on ethnic group identification, religion, age, gender, color, sex, sexual orientation, race, ancestry, national origin or physical or mental disability in any program or activity that receives or benefits from state financial assistance, it must be filed with the San Francisco School District 's Office of Equity Assurance no later than six months from the occurrence of the event forming the basis of the complaint or when it is first acknowledged. All other Uniform Complaints must be filed within nine months of its occurrence or when it was first acknowledged.

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- B. If direct intervention by the state is required because one of the conditions set forth in “Direct Intervention by the California Department of Education” (5 CCR 4650) is present, then the Uniform Complaint must be filed with the California State Department of Education’s Categorical Programs Complaints Management Unit and not the Office of Equity Assurance (Attachment B).

VI. Confidentiality

- A. The San Francisco Unified School District and the California State Department of Education shall protect the confidentiality of the parties and the facts related to the case.

VII. Preliminary Inquiry Conducted by the Compliance Officer

- A. A preliminary inquiry concerning all Uniform Complaints filed with the Office of Equity Assurance shall be conducted by the Compliance Coordinator, Claudia Beliz, who is assigned to the Office of Equity Assurance. The Compliance Coordinator shall be responsible for the following:
1. Within five (5) days of the receipt of the Uniform Complaint by the District, the Compliance Coordinator shall determine whether a Uniform Complaint, alleging discrimination, has been filed either within six months (6) of the date of the occurrence or when it is first acknowledged. For all other Uniform Complaints, the Compliance Coordinator shall determine if the Uniform Complaint has been filed within nine months (9) of the incident or when it is first acknowledged. If the Uniform Complaints have not been timely filed, the Compliance Coordinator shall deny the complaint and notify the complainant of his/her right to appeal to the State Superintendent of Public Instruction for an extension of time in which to file the complaint;
 2. Within five (5) days of the receipt of a Uniform Complaint by the District, if the Compliance Coordinator determines the Office of Equity Assurance is not the appropriate department to conduct the investigation, she shall refer said Uniform Complaint to the appropriate District department for investigation and resolution. Uniform Complaints may be referred to other District departments in cases, including but not limited to when a conflict exists between the Office of Equity Assurance and the complainant or when the matters falls exclusively within the jurisdiction of another department.
 3. If the Compliance Coordinator refers the Uniform Complaint to another District department, the Office of Equity Assurance shall be responsible for verifying that the other District departments adhere to the applicable timelines and procedures governing Uniform Complaints set forth in this Administrative Regulation. These timelines and procedures apply to mediation, the investigative process, the final decision and appeals to the California Department of Education.
- B. No later than five (5) days of the receipt of the Uniform Complaint by the Office of Equity Assurance, the Compliance Coordinator shall either forward by first class mail

or personally provide to the complainant a copy of SFUSD's Board Policy and Administrative Regulation regarding the Uniform Complaints and the Appeals Process to the California Department of Education and advise the complainant of those instances when a complaint can be filed directly with the State Superintendent of Public Instruction (Attachment B).

VIII. Mediation

- A. Mediation refers to a problem-solving activity whereby a third party assists the parties to a dispute in resolving the problem.
- B. Within five (5) days of receipt of the Uniform Complaint, the Compliance Coordinator may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the Compliance Coordinator shall make all arrangements for this process.
- C. Before initiating the mediation of Uniform Complaint in the Office of Equity Assurance, the Compliance Coordinator shall ensure that all parties agree to make the mediator a party to related confidential information.
- D. In the meditation process, the complainant and/or representatives and the district representatives are given the opportunity to present evidence.
- E. If the mediation process does not resolve the matter, the Compliance Coordinator or the other District Department designee, responsible for the investigation and resolution of the Uniform Complaint, shall proceed with the investigation of the complaint.
- F. The use of mediation shall not extend the Office of Equity Assurance or any other District Department's timelines for investigating and resolving the complaint unless the complainant agrees to such an extension, in writing.

IX. Investigation of Uniform Complaints

- A. No later than five days of receipt of the Uniform Complaint by the District or an unsuccessful attempt to mediate the Uniform Complaint, the Compliance Coordinator shall hold an investigative meeting.
- B. During the course of the investigation, the Compliance Coordinator shall meet with the complainant by telephone or in person. This meeting shall provide an opportunity for the complaint and his/her representative to repeat the complaint orally and present information relevant to the complaint and discuss the complaint. If mutually agreed to by the parties, the parties may discuss the complaint and question each other or each other's witnesses
- C. Alternatively or in addition, the complainant or complainant's representative or the other witnesses may also present information relevant to the complaint in writing to the Compliance Coordinator or the Department designated investigator.

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- D. The Compliance Coordinator or her designee may obtain statements from other individuals who were witnesses to the alleged violation or who can provide relevant information concerning the alleged violation and review documents that may provide information relevant to the alleged violation.
 - E. Unless the parties have agreed to an extension, the investigation must be completed and the final report submitted to the complainant no later than sixty calendar days (60) after receipt of the Uniform Complaint by the District.
 - F. These rules shall also apply to any other District departments that have been assigned the responsibility of investigating and resolving the allegations in a Uniform Complaint.
 - G. The Office of Equity Assurance shall be responsible for verifying that other District departments that have been assigned the responsibility of investigating and resolving a Uniform Complaint comply with this procedure and timeline.

X. Resolution of Complaint

- A. Within sixty (60) days of receipt of the Uniform Complaint by the District or within the time period that has been specified in a written agreement with the complainant, the Compliance Coordinator or her designee, shall prepare and forward to the complainant a written report of the Office of Equity's investigation and decision, as described in Section XII.

XI. Final Written Decision

- A. The final report of the District's decision shall be in writing and sent to the complainant.
- B. The report of the District's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the District shall arrange a meeting at which a community member will interpret it for the complainant.
- C. This report shall include:
 - 1. Findings and disposition of the complaint;
 - 2. Corrective action, if any;
 - 3. Rationale for the disposition of the complaint;
 - 4. A detailed statement of all specific issues that were brought up during the investigation and the extent to which these issues were resolved;
 - 5. If an employee is disciplined as a result of the complaint, the written decision/report shall state that effective action was taken and that the employee was informed of District expectations. The report shall not give any further information as to the nature of the disciplinary action.
 - 6. Notice of complainant's right of appeal to the California Department of Education within fifteen days (15) after the date of the District's final determination and procedures to be following for initiating such appeal;

7. In a discrimination complaint, notice of right to seek civil law remedies no sooner than sixty days after filing an appeal with California Department of Education shall also be provided to the complainant by the District (EC 262.3).

D. If an employee is disciplined as a result of the Uniform 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 further information as to the nature of the disciplinary action.

XII. Appeal to the California Department of Education

A. If the complainant is dissatisfied with the Board's decision, the Compliance Coordinator or her designee shall advise the complainant in writing of his/her right to appeal the decision to the State Superintendent of Public Instruction within fifteen (15) days of the Board's decision and that the appeal must specify the reason(s) for appealing the District's decision and should include a copy of the original complaint and the district's decision resolving the complaint.

XIII. Civil Law Remedies

A complainant may pursue available civil law remedies outside of the district's complaint procedures. 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. For discrimination complaints, a complainant must wait until sixty calendar (60) days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies.

XIV. SFUSD Responsibilities if an Appeal is filed with the California Department of Education

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

1. The original complaint;
2. A copy of the District's decision;
3. A summary of the nature and extent of the investigation conducted by the District, if not covered in the decision;
4. A report of any action taken to resolve the complaint;
5. A copy of the District's complaint procedures; and such other relevant information as the Superintendent may require.

XV. Direct Intervention by the California Department of Education

A. The California Department of Education may directly intervene in the complaint without waiting for action by the District when one of the conditions listed in CCR 4650 exists, as described in Attachment B.

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- B. The Compliance Coordinator or her designee shall notify the complainant that the Superintendent of Public Instruction may intervene if SFUSD has taken no action on a complaint within 60 calendar days of the date when the complaint was filed with the District.

XVI. Annual Notification Requirements

- A. The Superintendent or her designee shall meet the notification requirements of the Code of Regulations, Title 5, Section 4622, 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 California Department of Education as set forth in Attachment B. The District shall notify in writing, as applicable, its students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, and other interested parties (“parties”) of the District’s Uniform Complaint procedures, including the opportunity to appeal to the California Department of Education.
- B. The District shall meet the notification requirement by engaging in the following acts that include but are not limited to ensuring that this Administrative Regulation is distributed annually to the aforesaid parties either by inclusion in the Student/Parent Guardian Handbook, or through publication by other means or direct distribution of the Administrative Regulation or by personal delivery to the parties.
- C. The Annual Notification, the Uniform Complaint, and SFUSD’s final Report shall be in English and when necessary, in the primary language, pursuant to section 48985 of the Education Code.¹

¹ When fifteen percent or more of the students in the school speak a primary language other than English, all notices to parents or guardians regarding complaint procedures are in the student’s primarily language in addition to English.