

**SAN DIEGO UNIFIED SCHOOL DISTRICT**

**Date:** January 15, 2015

**To:** All Principals, Division and Department Heads

**Subject:** REQUIRED DISTRIBUTION TO STUDENTS, PARENTS AND EMPLOYEES OF NEW “ANNUAL NOTIFICATION OF UNIFORM COMPLAINT PROCEDURES”

**Department and/or Persons Concerned:** All Principals, Division and Department Heads

**Due Date:** **Monday, January 19, 2015** – Distribute Notice to Students, Parents and Employees (Attachment 1)  
**Monday, January 26, 2015** – Complete and Return Certification Form (Attachment 2)

**Reference:** Administrative Procedure 1700

**Action Requested:**

1. Print and distribute a copy of the circular to persons listed above
2. Print and distribute the attached “Annual Notification of Uniform Complaint Procedures” to all students, parents, and site/department employees (full time and part time) **on or before Monday, January 19, 2015**
3. Print and sign attached Certification form confirming distribution
4. Return completed Certification form to Legal Services Office (Ed Center, Room 2148) **by Monday, January 26, 2015**

**Brief Explanation:**

The California Department of Education (CDE) recently conducted a bi-annual audit of the district’s categorical programs monitoring activities. The Uniform Complaint Procedures was one area audited. CDE found our annual notice regarding the Uniform Complaint Procedure was missing some mandatory language and we were therefore found to be out of compliance for that element of the audit. As a corrective action, we are required to distribute a revised notice to all students, parents and employees. The Annual Notice is attached to this circular and also appears on the District website at:

<http://www.sandi.net/cms/lib/CA01001235/Centricity/Domain/109/Uniform%20Complaint%20Annual%20Notice.pdf> .

The department head or principal shall distribute a copy of the attached Annual Notice to each student, parent and employee **no later than Monday, January 19, 2015** and then shall sign the attached Certification confirming that the distribution occurred. Please return the signed Certification to the Legal Services office no later Monday, January 26, 2015. Electronic or mailbox distribution to employees is sufficient provided that those employees without email or mailboxes are also provided a copy of the notice. Electronic distribution may include a link to the notice at the website address listed above. Distribution to students and parents may be via ‘backpack’ or as an attachment to the school’s newsletter.

If you have any questions regarding the above, please contact the Legal Services office at (619) 725-5630.

APPROVED:

A handwritten signature in black ink, appearing to read 'AMD', with a long horizontal flourish extending to the right.

Andra M. Donovan  
General Counsel

AMD:dmh

Attachment

Distribution: List A, D, E, F



# San Diego Unified

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### ANNUAL NOTIFICATION OF THE UNIFORM COMPLAINT PROCEDURES (UCP)

For students, employees, parents or guardians of its students, school and district advisory committees, appropriate private school officials or representatives, and other interested parties

The San Diego Unified School District has the primary responsibility to insure compliance with applicable state and federal laws and regulations and has established procedures to address allegations of unlawful discrimination and complaints alleging violation of state or federal laws governing educational programs.

The San Diego Unified School District shall investigate and seek to resolve complaints using policies and procedures known as the Uniform Complaint Procedures (UCP) adopted by our local board, of allegations of unlawful discrimination, harassment, intimidation or bullying regarding actual or perceived characteristics such as age, ancestry, color, ethnic group identification, gender expression, gender identity, gender, mental or physical disability, nationality, national origin, race, ethnicity, religion, sex, sexual orientation, 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 that receives or benefits from state financial assistance. The UCP shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in Adult Education, Consolidated Categorical Aid Programs, Migrant Education, Career Technical and Technical Education and Training Programs, Child Care And Developmental Programs, Child Nutrition Programs, Special Education Programs, Safety Planning Requirements and the Local Control and Accountability Plan.

In addition, the UCP may also be used to file a complaint alleging that a pupil enrolled in a public school was required to pay a pupil fee for participation in an educational activity as those terms are defined below.

(1) "Educational activity" means an activity offered by a school, school district, charter school or county office of education that constitutes an integral fundamental part of elementary and secondary education, including, but not limited to, curricular and extracurricular activities.

(2) "Pupil fee" means a fee, deposit or other charge imposed on pupils, or a pupil's parents or guardians, in violation of Section 49011 and Section 5 of Article IX of the California Constitution, which require educational activities to be provided free of charge to all pupils without regard to their families' ability or willingness to pay fees or request special waivers, as provided for in *Hartzell v. Connell* (1984) 35 Cal.3d 899. A pupil fee includes, but is not limited to, all of the following: (a) A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit; (b) A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, uniform or other materials or equipment; and (c) A purchase that a pupil is required to make to obtain materials, supplies, equipment or uniforms associated with an educational activity.



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A pupil fee complaint shall be filed not later than one (1) year from the date the alleged violation occurred.

Complaints must be filed in writing with the following compliance officer:

Andra M. Donovan, General Counsel  
San Diego Unified School District  
Legal Services  
4100 Normal St., Rm. 2148  
San Diego, CA 92103  
619.725.5630

Complaints alleging discrimination, harassment, intimidation or bullying must be filed within six (6) months from the date the alleged discrimination, harassment, intimidation or bullying occurred or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying, unless the time for filing is extended by the superintendent or his or her designee.

Complaints will be investigated and a written Decision or report will be sent to the complainant within sixty (60) days from the receipt of the complaint. This sixty (60) day time period may be extended by written agreement of the complainant. The LEA person responsible for investigating the complaint shall conduct and complete the investigation in accordance with California Code of Regulations sections 4680-4687 and in accordance with local procedures adopted under section 4621.

The complainant has a right to appeal the LEA's Decision to the California Department of Education (CDE) by filing a written appeal within fifteen (15) days of receiving the LEA's Decision. The appeal must include a copy of the complaint filed with the LEA and a copy of the LEA's Decision.

Civil law remedies may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable. In appropriate cases, an appeal may be filed pursuant to Education Code Section 262.3. A complainant may pursue available civil law remedies outside of the LEA'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.

A copy of the San Diego Unified School District's UCP policy and complaint procedures shall be available free of charge.



**TO:** Legal Services Office

**FROM:** \_\_\_\_\_, Principal or Department Head

**SCHOOL/  
DEPARTMENT:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**RE:** Certification: Distribution of “Annual Notification of Uniform  
Complaint Procedures”

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This is to certify that the “Annual Notification of Uniform Complaint Procedures” was distributed to all students/parents and staff members at our site/in our department on or before Monday, January 19, 2015.

\_\_\_\_\_  
Print Name  
Principal/Department Head

\_\_\_\_\_  
Signature  
Principal/Department Head

Please return completed and signed Certification to Legal Services Office no later than Monday, January 26, 2015.