



San Diego Unified

SCHOOL DISTRICT

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.