# SPENCER VALLEY SCHOOL DISTRICT BOARD OF DIRECTORS BOARD MEETING AGENDA AUGUST 12, 2015

In accordance with the Americans with Disabilities Act, if accommodations are required, please call the Board Secretary 48 hours in advance at 760-765-0336 and every effort will be made to accommodate your request.

In compliance with Government Code section 54957.5, non-exempt writings that are distributed to a majority or all of the board in advance of a meeting, may be viewed at Spencer Valley School. In addition, if you would like a copy of any record related to an item on the agenda, please contact Angie Brenner at 760-765-0336

Spencer Valley School District is committed to ensuring equal, fair, and meaningful access to employment and education services. Spencer Valley does not discriminate in any employment practice, education program, or educational activity on the basis and/or association with a person or group with one or more of these actual or perceived characteristics of age, ancestry, color, disability, ethnicity, gender, gender identity or expression, genetic information, marital status, medical condition, national origin, political affiliation, pregnancy and related conditions, race, religion, retaliation, sex (including sexual harassment), sexual orientation, Vietnam Era Veterans' status, or any other basis prohibited by California state and federal nondiscrimination laws respectively. The Superintendent is charged with overseeing, leading and directing the district's efforts to meet the legal obligations set forth in state and federal civil rights laws and regulations, employment and delivery of education services. Inquiries regarding nondiscrimination and civil rights should be directed to the Superintendent at 760-765-0336.

DATE:

August 12, 2015

TIME:

5:00 P.M.

PLACE:

SPENCER VALLEY SCHOOL DISTRICT, Conference Room

# I. PRELIMINARY SECTION FOR REGULAR BOARD MEETING

- A. Call to Order
- B. Roll Call
- C. Welcome guests
- D. Approval of Minutes of the July 15<sup>th</sup> Regular Board Meeting and the July 15<sup>th</sup> Public Hearing meeting
- E. Adoption of Agenda

## II. PRESENTATIONS AND RECOGNITIONS:

III. HEARING OF THE PUBLIC: This is an opportunity for citizens to address the Board in regard to items not on the agenda. Presentations are limited to 2 minutes per person, per topic.

**VISITORS NOTE:** If you wish to speak on an agenda item, please complete a card identifying the topic and give it to the secretary before the meeting.

## IV. REPORT SECTION - Oral

- A. Staff Sharing
- B. Superintendent/Principal Report
- C. Enrollment
- D. Curriculum and Instruction
- E. Facility Update
- F. Business Report

#### V. INFORMATION AND STUDY

#### VI. CLOSED SESSION

A. To consider any of: appointment, employment, evaluation of performance, discipline, transfer, or dismissal of employees, superintendent's evaluation, liability claims.

#### VIII. ACTION ITEMS FOR CONSIDERATION AND APPROVAL

- A. Student Transfers for the 2015-2016 school year.
- B. Change title of Spencer Valley Business Manager position from Business Manager to Chief Business Official.
- C. MOU between Julian Union Elementary School District and Spencer Valley for Use of a room at Julian Elementary School from August 1 2015 through June 30, 2018.
- D. Revision of Board Policy and Admin. Reg. 1312.3 and Annual Notification per California Ed. Code Uniform Complaint Procedure.
- E. Contract Update for Superintendent.

# A. Student transfer request for 15-16 school year.

**PROPOSAL:** To approve student transfer request.

**BACKGROUND:** One new student (1<sup>st</sup> grade) from WUSD into SVS.

**BUDGET IMPLICATIONS:** Schools rely on Average Daily Attendance (ADA) for funding.

**RECOMMENDATION(S):** To approve the requested transfer.

Motion: Seconded: Approved: Abstained: Absent:

# B. Change title of Spencer Valley Business Manager position from Business Manager to Chief Business Official.

**PROPOSAL:** To change the position title to Chief Business Official.

BACKGROUND: In order to participate at the county level in required

meetings/activities, the position title needs to be changed to Chief Business Official. The position is budgeted between the general fund and charter funds.

**BUDGET IMPLICATIONS:** None at this time. The pay scale may need to be updated in the future based on additional duties performed.

**RECOMMENDATION** (S): To approve the change in title.

Motion: Seconded: Approved: Abstained: Absent:

# C. MOU between Julian Union Elementary School District and Spencer Valley for Use of a room at Julian Union Elementary School District from August 1, 2015 through June 30, 2018.

**PROPOSAL:** To establish a contract that enables Julian Union Elementary School District (JUESD) to provide a room at JUESD for Spencer Valley Elementary School District's use.

**BACKGROUND:** As a condition of a settlement agreement, District shall be made available a room at JUESD, on days when school is in session, including during the ESY school period, according to the school calendar of the JUESD.

**BUDGET IMPLICATIONS: TBD.** 

**RECOMMENDATION:** To approve the MOU.

Motion: Seconded: Approved: Abstained: Absent:

# D. Revision of Board Policy and Admin. Reg. 1312.3 and Annual Notification per California Ed. Code Uniform Complaint Procedure.

**PROPOSAL:** To update policy, regulation, and the annual notification in the non-discrimination language, and the section about student fees.

BACKGROUND: The policy is a part of Ed. Code and brings SVS policy up to date.

**BUDGET IMPLICATIONS:** None

**RECOMMENDATIONS(S):** To approve the policy.

Motion: Seconded: Approved: Abstained: Absent:

# E. Contract Update for Superintendent.

PROPOSAL: To update the Superintendent contract.

BACKGROUND: The Superintendent contract needs to be updated to add the following clause: "Should the Superintendent retire from the District after the age of sixty (60), she will continue to receive health insurance benefits until the age of sixty-five (65)."

**BUDGET IMPLICATIONS:** If applicable, the cost of a single person health benefit for each year of retirement to age 65.

**RECOMMENDATION(S):** To update the Superintendent contract.

Motion: Seconded: Approved: Abstained: Absent:

#### IX. CONSENT ITEMS

A. Approve July 2015 Commercial Warrants.

Motion: Seconded: Approved: Abstained: Absent:

B. Ratify/approve the employment of the following personnel, effective as noted: Nancy Moreno, Administrative Designee effective August 19, 2015, temporary through June 30, 2016.

Motion: Seconded: Approved: Abstained: Absent:

- X. ANNUAL NOTIFICATION OF UNIFORM COMPLAINT PROCEDURES, PER CALIFORNIA ED. CODE
- XI. ADJOURNMENT

14046372	OFFICE DEPOT	7/23/15	1005.53 CLASSROOM SUPPLIES
14047090	OFFICE DEPOT	7/29/15	107.97 CLASSROOM SUPPLIES
14046134	LOZANO SMITH	7/21/15	919.00 LEGAL-SVS-CAVA
14047089	BRENNER, ANGIE	7/29/15	78.52 LUNCH PROGRAM-FOOD
14045819	COSTCO WHOLESALE	7/16/15	384.27 LUNCH PROGRAM-FOOD-PY
14045824	HOME DEPOT CRC	7/16/15	58.97 MAINTENANCE-SUPPLIES
14045825	RANSOM - MAIN ST	7/16/15	152.12 MAINTENANCE-SUPPLIES
14045816	ASSOCIATION OF CALIFORNIA	7/16/15	445.80 MEMBERSHIP ACSA 15-16
14045817	ASSOCIATION FOR SUPERVISION	7/16/15	59.00 MEMBERSHIP ASCD 15-16
14046052	COSTCO WHOLESALE	7/20/15	110.00 MEMBERSHIP COSTCO 15-16
14045818	CSBA c/o Westamerica Bank	7/16/15	772.00 MEMBERSHIP CSBA 15-16
14045826	SAN DIEGO CO SCH BOARDS ASSOC	7/16/15	15.44 MEMBERSHIP SDCSBA 15-16
14045828	SMALL SCHOOL DISTRICTS' ASSOC	7/16/15	300.00 MEMBERSHIP SSDA 15-16
14046370	CAVA @ SAN DIEGO	7/23/15	10422.55 MENTAL HEALTH-CAVASD-JUNE 15
14046368	INSIGHT @ SAN DIEGO	7/23/15	318.49 MENTAL HEALTH-INSIGHT-JUNE 15
14046374	SPENCER VALLEY SCHOOL	7/23/15	89.11 R.C-DISTRICT-US POST-STAMPS
14046374	SPENCER VALLEY SCHOOL	7/23/15	215.99 R.C-LOTTERY-CHAIR
14046368	INSIGHT @ SAN DIEGO	7/23/15	3889.30 SPED-INSIGHT-JUNE 15
14046369	Dannis Woliver Kelly	7/23/15	3995.11 SPED-SVS-LEGAL
14045815	THERAPEUTIC APPROACH TO GROWTH	7/16/15	1635.00 SPED-SVS-RDI
14046049	THERAPEUTIC APPROACH TO GROWTH	7/20/15	2173.75 SPED-SVS-RDI
14045827	SAN DIEGO COUNTY SPEECH & PATH	7/16/15	70.00 SPED-SVS-SPEECH
14045821	DISCOVERY EDUCATION	7/16/15	1300.00 STREAMING PLUS K-8 LICENSE
14046055	VISTA HILL	7/20/15	338.00 STUDENT COUNSELING
14045822	EDUCATION WEEK	7/16/15	39.00 SUBSCRIPTION 15-16
14047092	TIME FOR KIDS	7/29/15	270.70 SUBSCRIPTION 15-16
14046054	SAN DIEGO COUNTY OFFICE OF	7/20/15	75.00 T&C-COMMON CORE REASONING
14045823	HEIDI SCHLOTFELDT	7/16/15	184.00 T&C-EVERYDAY MATH TRAINING
14045969	MCGRAW-HILL EDUCATION	7/17/15	996.00 T&C-EVERYDAY MATH TRAINING
14046050	HOUGHTON MIFFIN HARCOURT PUBLISHING	7/20/15	485.71 TEXTBOOKS/CURRICULUM
14046053	PEARSON EDUCATION	7/20/15	366.36 TEXTBOOKS/CURRICULUM
14046371	MCGRAW-HILL SCHOOL ED. HOLDING, LLC	7/23/15	6472.30 TEXTBOOKS/CURRICULUM
14047091	RAMONA DISPOSAL SERVICE	7/29/15	124.24 TRASH DISPOSAL
14045820	DATABASE SYSTEMS CORP	7/16/15	25.00 UTILITIES-ALLCALL SYSTEM
14046373	SAN DIEGO GAS & ELECTRIC	7/23/15	432.70 UTILITIES-ELECTRIC
14046375	VERIZON	7/23/15	30.36 UTILITIES-MIFI
14047088	AT&T/CALNET 3	7/29/15	566.49 UTILITIES-PHONE
14046051	AT&T/CALNET 3	7/20/15	59.32 UTILITIES-PHONE

Except as the Governing Board may otherwise specifically provide in other district policies, these general uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in BP 1312.3.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

#### **Compliance Officers**

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/ Harassment as the responsible employee to handle complaints regarding sex discrimination. The individual(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

Superintendent
Spencer Valley Elementary School District
4414 Highway 78/79, P.O. Box 159
Santa Ysabel, California 92070
(760) 765-0336
spencervalley@svesd.net

The compliance officer who receives a complaint may assign another compliance officer to investigate the complaint. The compliance officer shall promptly notify the complainant if another compliance officer is designated to investigate the complaint.

In no instance shall a compliance officer be designated to investigate a complaint if he/she is mentioned in the complaint or has a conflict of interest that would prohibit him/her from fairly investigating the complaint. Any complaint filed against or implicating a compliance officer may be filed with the Superintendent or designee.

The Superintendent or designee shall ensure that employees designated to investigate complaints receive training and are knowledgeable about the laws and programs which they are assigned to investigate. Training provided to such designated employees shall include current state and federal laws and regulations governing the program, applicable processes for investigating complaints, including those involving alleged discrimination, applicable standards for reaching decisions on complaints, and appropriate corrective measures. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 4331 - Staff Development) (cf. 9124 - Attorney)

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the results of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement, if possible, one or more of the interim measures. The interim measures may remain in place until the

compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

#### Notifications

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

The Superintendent or designee shall annually provide written notification of the district's UCP to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 49013, 52075; 5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

(cf. 3260 - Fees and Charges)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning the UCP shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

#### The notice shall:

- 1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
- 2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable
- 3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination.
- 4. Include statements that:
  - a. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
  - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
  - c. A complaint alleging retaliation, unlawful discrimination, or bullying must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
  - d. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.
  - e. The Board is required to adopt and annually update a local control and accountability plan (LCAP), in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP. (cf. 0460 Local Control and Accountability Plan)

- f. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 calendar days of receiving the district's decision.
- g. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.
- h. Copies of the district's UCP are available free of charge.

## **District Responsibilities**

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (5 CCR 4631)

The compliance officer shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation, unlawful discrimination, or bullying confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR 4630, 4964)

#### Filing of Complaint

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints shall be filed in accordance with the following:

- 1. A written complaint alleging district violation of applicable state or federal law or regulations governing 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, and special education programs may be filed by any individual, public agency, or organization. (5 CCR 4630)
- 2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. (Education Code 49013, 52075)
- 3. A complaint alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may be filed only by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
- 4. When a complaint alleging unlawful discrimination or bullying is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
- 5. When the complainant or alleged victim of unlawful discrimination or bullying requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.

6. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

#### Mediation

Within three business days after the compliance officer receives the complaint, he/she may informally discuss with all the parties the possibility of using mediation. Meditation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of asexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation, unlawful discrimination, or bullying, the compliance officer shall ensure that all parties agree to make the mediator a party to relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed to through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

#### **Investigation of Complaint**

Within 10 business days after the compliance officer receives the compliant, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or his/her representative with the opportunity to present the information contained in complaint to the compliance officer and shall notify the complainant and/or his/her representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation, shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. To resolve a complaint alleging retaliation, unlawful discrimination, or bullying, the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631)

In accordance with law, the district shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

The compliance officer shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

#### Report of Findings

#### OPTION 1:

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in the section "Final Written Decision" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

## OPTION 2:

Unless extended by written agreement with the complainant, a final decision shall be sent to the complainant within 60 calendar days of the district's receipt of the complaint. Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in the section "Final Written Decision" below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five business days, file his/her complaint in writing with the Board.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

#### Final Written Decision

The district's decision shall be in writing and shall be sent to the complainant. (5 CCR 4631)

In consultation with district legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties that may be involved in implementing the decision or affected by the complaint, as long as the privacy of the parties is protected.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved attends a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language. In other all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:

- a. Statements made by any witnesses
- b. The relative credibility of the individuals involved
- c. How the complaining individual reacted to the incident
- d. Any documentary or other evidence relating to the alleged conduct
- e. Past instances of similar conduct by any alleged offenders
- f. Past false allegations made by the complainant
- 2. The conclusion(s) of law
- 3. Disposition of the complaint
- 4. Rationale for such disposition

For complaints of retaliation or unlawful discrimination, including discriminatory harassment, intimidation, or bullying, the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

- a. How the misconduct affected one or more students' education
- b. The type, frequency, and duration of the misconduct
- c. The relationship between the alleged victim(s) and offender(s)
- d. The number of persons engaged in the conduct and at whom the conduct was directed
- e. The size of the school, location of the incidents, and context in which they occurred
- f. Other incidents at the school involving different individuals
- 5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

For complaints of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, the notice may, as required by law, include:

- a. The corrective actions imposed on the individual found to have engaged in the conduct that relate directly to the subject of the complaint
- b. Individual remedies offered or provided to the subject of the complaint
- c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
- 6. Notice of the complainant's right to appeal the district's decision within 15 calendar days to the CDE and procedures to be followed for initiating such an appeal

The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

For complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, and bullying, based on state law, the decision shall also include a notice to the complainant that:

- 1. He/she may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with the CDE. (Education Code 262.3)
- 2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
- 3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

#### **Corrective Actions**

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district

environment may include, but are not limited to, actions to reinforce district policies, training for faculty, staff, and students, updates to school policies, or school climate surveys.

For complaints involving retaliation, unlawful discrimination, or bullying, appropriate corrective actions that focus on the victim may include, but are not limited to, the following:

- 1. Counseling
- 2. Academic support
- 3. Health services
- 4. Assignment of an escort to allow the victim to move safely about campus
- 5. Information regarding available resources and how to report similar incidents or retaliation
- 6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
- 7. Restorative justice
- 8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation
- 9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

For complaints involving retaliation, unlawful discrimination, or bullying, appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

- 1. Transfer from a class or school as permitted by law
- 2. Parent/guardian conference
- 3. Education regarding the impact of the conduct on others
- 4. Positive behavior support
- 5. Referral to a student success team
- 6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
- 7. Disciplinary action, such as suspension or expulsion, as permitted by law

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination, including discriminatory harassment, intimidation, or bullying, that the district does not tolerate it, and how to report and respond to it.

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians. (Education Code 49013, 52075)

For complaints alleging noncompliance with the laws regarding student fees, such remedies, where applicable, shall include reasonable efforts to ensure full reimbursement to affected students and parents/guardians. (Education Code 49013; 5 CCR 4600)

# Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's final written decision may file an appeal in writing with the CDE within 15 calendar days of receiving the district's decision. (Education Code 49013, 52075; 5 CCR 4632)

The complainant shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant has appealed the district's decision, the Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

- 1. A copy of the original complaint
- 2. A copy of the decision
- 3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
- 4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
- 5. A report of any action taken to resolve the complaint
- 6. A copy of the district's uniform complaint procedures
- 7. Other relevant information requested by the CDE

(3/12 1/13) 10/14

Policy SPENCER VALLEY ELEMENTARY SCHOOL DISTRICT Approved: Santa Ysabel, California

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 Board encourages the early, informal resolution of complaints whenever possible and appropriate. To resolve complaints which cannot be resolved through such informal process, the Board shall adopt a uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve the following complaints:

1. Any complaint alleging district violation of applicable state or federal law or regulations governing 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, and special education programs (5 CCR 4610)

(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)

2. Any complaint alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, in district programs and activities against any person based on his/her actual or perceived characteristics of 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, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

- 3. Any complaint alleging bullying in district programs and activities, regardless of whether the bullying is based on a person's actual or perceived characteristics of 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, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics (cf. 5131.2 Bullying)
- 4. Any complaint alleging district violation of the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)

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(cf. 3260 - Fees and Charges)
(cf. 3320 - Claims and Actions Against the District)
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- 5. Any complaint alleging that the district has not complied with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075) (cf. 0460 Local Control and Accountability Plan)
- 6. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy
- 7. Any other complaint as specified in a district policy

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is agreeable to all parties. One type of ADR is mediation, which shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

In filing and investigating complaints, the confidentiality of the parties involved shall be protected as required by law. As appropriate for any complaint alleging retaliation, unlawful discrimination, or bullying, the Superintendent or designee shall keep confidential the identity of the complainant and/or the subject of the complaint, if he/she is different from the complainant, as long as the integrity of the complaint process is maintained.

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(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information) (cf. 5125 - Student Records) (cf. 9011 - Disclosure of Confidential/Privileged Information)
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When an allegation that is not subject to the UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and related requirements, including the steps and timelines specified in this policy and the accompanying administrative regulation.

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(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
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The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints. All such records shall be destroyed in accordance with applicable state law and district policy.

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(cf. 3580 - District Records)
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#### **Non-UCP Complaints**

The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.

- 2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
- 3. Any complaint alleging employment discrimination shall be sent to the California Department of Fair Employment and Housing and the compliance officer shall notify the complainant by first class mail of the transfer.
- 4. Any complaint alleging fraud shall be referred to the California Department of Education.

In addition, the district's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments. (Education Code 35186)

(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

48985 Notices in language other than English

49010-49013 Student fees

49060-49079 Student records

49490-49590 Child nutrition programs

52060-52077 Local control and accountability plan, especially

52075 Complaint for lack of compliance with local control and accountability plan requirements

52160-52178 Bilingual education programs

52300-52490 Career technical education

52500-52616.24 Adult schools

52800-52870 School-based program coordination

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

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX of the Education Amendments of 1972

6301-6577 Title I basic programs

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

12101-12213 Title II equal opportunity for individuals with disabilities

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended

2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

6101-6107 Age Discrimination Act of 1975

**CODE OF FEDERAL REGULATIONS, TITLE 28** 

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

110.25 Notification of nondiscrimination on the basis of age

#### Management Resources:

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Questions and Answers on Title IX and Sexual Violence, April 2014

Dear Colleague Letter: Bullying of Students with Disabilities, August 2013

Dear Colleague Letter: Sexual Violence, April 2011

Dear Colleague Letter: Harassment and Bullying, October 2010

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or

Third Parties, January 2001

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

(3/12 1/13) 10/14

Policy

SPENCER VALLEY ELEMENTARY SCHOOL DISTRICT

Approved:

Santa Ysabel, California

# SPENCER VALLEY ELEMENTARY SCHOOL DISTRICT Annual Notification of Uniform Complaint Procedures (UCP)

# ATTENTION: EMPLOYEES, PUPILS, PARENTS/GUARDIANS, SCHOOL ADVISORY COMMITTEE MEMBERS, OTHER INTERESTED PARTIES

The Spencer Valley Elementary School District has primary responsibility to ensure 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 Superintendent shall investigate and seek to resolve complaints using policies and procedures known as the Uniform Complaint Procedures (UCP) adopted by the Board of Spencer Valley Elementary School District. Unlawful discrimination, harassment, intimidation, or bullying complaints may be based on actual or perceived sex, sexual orientation, gender, gender identity or expression, genetic information, marital or parental status, ethnic group identification, race or ethnicity, ancestry, nationality, national origin, religion, color, mental or physical disability, age, or any other characteristic identified in Education Code sections 200 and 210, Penal Code section 422.55, or Government Code section 11135, or on 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 law prohibiting the requirement for a pupil to pay a pupil fee, deposit, or other charge for participation in an educational activity or with state and/or federal laws in consolidated categorical aid programs, migrant education, career/technical education, child care and developmental programs, child nutrition programs, and special education programs.

Except for complaints regarding pupil fees, complaints must be filed in writing with the following Compliance Officer:

Superintendent
Spencer Valley Elementary School District
4414 Highway 78/79, P.O. Box 159
Santa Ysabel, CA 92070
(760) 765-0336

Complaints regarding fees may be filed with the Chief Business Official, who shall resolve the complaint or ensure that it is forwarded in a timely manner to the Compliance Officer. The complaint may be filed anonymously if it provides evidence, or information leading to evidence, to support an allegation of noncompliance with laws regarding pupil fees.

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.

# Annual Notification of Uniform Complaint Procedures

Page 2

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 person responsible for investigating the complaint shall conduct and complete the investigation in accordance with California Code of Regulations, Title 5, sections 4680-4687, and in accordance with procedures presented in Administrative Regulation 1312.3, Uniform Complaint Procedures.

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

The Spencer Valley Elementary School District's Uniform Complaint Procedures are available on our website, and copies are available free of charge from the Compliance Officer.

Approved: