

RANCHO SANTA FE SCHOOL DISTRICT

Board Policy No. 6006: UNIFORM COMPLAINT PROCEDURES

A. Purpose and Scope:

The procedures set forth in this policy apply to the filing, investigation, and resolution of complaints regarding alleged violations of federal or state laws or regulations governing the educational programs and other specified subject matters as described below. This policy shall apply to all of the following:

1. Adult Basic Education Programs established pursuant to Education Code Sections 8500 through 8538, inclusive, and 52500 through 52617, inclusive.
2. Consolidated categorical aid programs as listed in Education Code Section 64000(a).
3. Migrant child education established pursuant to Education Code Sections 54440 through 54445, inclusive.
4. Career technical and technical education and career technical and technical training programs established pursuant to Education Code Sections 52300 through 52480, inclusive.
5. Child care and development programs established pursuant to Education Code sections 8200 through 8498, inclusive.
6. The filing of complaints that allege unlawful discrimination, harassment, intimidation, or bullying against any protected group as identified under Education Code 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 the District.

Discrimination includes, but is not limited to, the Governing Board's refusal to approve or prohibit any textbook, instructional material, supplemental resource, or school library book based on its inclusion of the role and contributions of any individual or group as required by Education Code 51204.5 and 60040, unless it otherwise is in violation of the law. (See Education Code 51501 and 60044.)

Complaints of this nature of discrimination may be filed directly with the District Superintendent or, alternatively or additionally, may be filed directly with the Superintendent of Public Instruction. Any complaint filed with the Superintendent of Public Instruction shall identify the basis for filing the complaint directly and shall include evidence that supports the basis for the direct filing. (Education Code section 243. 244.)

7. Reasonable accommodations to pregnant, parenting, and/or lactating pupils. (Education Code Sections 222, 221.51, 222.5, 46015, 48205, 48980.)
8. Educational rights of foster youth pursuant to Education Code Sections 48645.7, 48850, 48853, 48853.5, 48853.5, 48911, 48915.5, 49069.5, and graduation

- requirements for foster youth, homeless youth, and other youth pursuant to Education Code Section 51225.1 and 51225.2.
9. Pupil fees pursuant to Education Code Section 49010 to 49013, inclusive.
 10. Courses of study pursuant to Education Code Section 51228.3.
 11. Instructional minutes for physical education pursuant to Education Code Section 51223.
 12. Local control and accountability plans pursuant to Education Code section 52075.
 13. Juvenile court schools pursuant to California Education Code section 48645.7.
 14. School safety plans pursuant to Education Code section 32289.
 15. Any other state or federal educational program the Superintendent of Public Instruction deems appropriate and any other category identified by Education Code section 33315, where applicable to the District.

B. Excluded Complaints

This policy does not apply to the following complaints which will be referred to the proper agency for investigation and appropriate action:

1. Employer-employee relations such as hiring and evaluations of staff, assignments of classrooms or duties or other issues within the purview of the Public Employment Relations Board or a collective bargaining agreement;
2. The providing of core curricula subjects;
3. Pupil classroom assignments;
4. Pupil discipline;
5. Pupil advancement, retention or grades;
6. Graduation requirements;
7. Homework policies and practices;
8. Selection of instructional materials;
9. Use of general education funds;
10. Allegations of child abuse which shall be referred to the applicable County Department of Social Services, Protective Services Division, or appropriate law enforcement agency;

11. Health and safety complaints regarding licensed facilities operating a Child Development Program which shall be referred to the Department of Social Services;
12. Employment discrimination and harassment complaints which shall be investigated and resolved in accordance with Board Policy No. 4002 or Board Policy No. 4003, as appropriate, including the right to file a complaint with the California Civil Rights Department (CRD). The complainant shall be notified in writing in a timely manner of any CRD transferal;
13. Any complaint alleging a student, while in an education program or activity, was subjected to sexual harassment, as defined in 34 CFR 106.3, shall be investigated and resolved in accordance with Board Policy 5001.1 consistent with Title IX of the Education Amendments of 1972.
14. Allegations of fraud which will be referred to the responsible Division Director of the California Department of Education who may consult with the Department's Legal and Audits Branch;
15. 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 pupils or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with Board Policy 1006.
16. Complaints alleging noncompliance regarding special education programs established pursuant to Education Code Sections 56000 through 56865 and 59000 through 59300 are governed by the procedures set forth in 5 C.C.R. sections 3200 through 3205 and 34 C.F.R. sections 300.151 through 300.153, and shall be submitted to the California Department of Education.
17. Any complaints regarding child nutrition programs established pursuant to Education Code sections 49490 to 49590 are governed by Title 7, CFR Sections 210.19(a)(4), 215.1(a), 220.13(c), 225.11(b), 226.6(n), and 250.15(d) and Title 5, CCR Sections 15580 through 15584, and shall be submitted to the California Department of Education.

C. Compliance Officer

The Governing Board designates the following compliance officer responsible for receiving, coordinating and investigating the complaints and for complying with state and federal civil rights laws and to answer questions concerning the District's Uniform Complaint Procedures:

Superintendent
Rancho Santa Fe School District
5927 La Granada
Rancho Santa Fe, California, 92067
(858) 756-1141 ext. 114

Mailing Address:
Rancho Santa Fe School District
P.O. Box 809
Rancho Santa Fe, California, 92067

Complaints shall be filed with the Superintendent at the above-listed address. The complainant may utilize the Complaint Form which is contained in Appendix A. However, a person is not required to use this form in order to file a complaint.

The Superintendent or designee shall investigate and resolve the complaint. The Superintendent shall notify the complainant and respondent if another person is assigned to the complaint. The Superintendent or designee responsible for compliance shall be knowledgeable about the laws/programs that he/she is assigned to investigate.

D. Filing a Complaint; Procedures; Timelines

1. Complaints shall be filed not later than one year from the date the alleged violation occurred, except as stated in subsection 2, below. 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 was adopted by the LEA.
2. An investigation of alleged unlawful discrimination, harassment, intimidation or bullying against any protected group shall be initiated by filing a complaint not later than six 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 District, upon written request by the complainant setting forth the reasons for the extension. Such extension by the District shall be made in writing. The period for filing may be extended by the District for good cause for a period not to exceed ninety (90) days following the expiration of the six-month time period. The District shall respond immediately upon a receipt of a request for extension.
3. The one-year timeline for filing complaints shall not apply to complaints regarding the educational rights of foster youth as specified in Education Code Section 49069.5(e), Education Code Section 51225.1 (a)-(k), and Education Code Section 51225.2(b)-(e).
4. A complaint of alleged unlawful discrimination, harassment, intimidation or bullying against any protected group may be filed by an individual who alleges that that individual has personally suffered unlawful discrimination, harassment, intimidation or bullying, or by one who believes any specific class of individuals has been subjected to discrimination, harassment, intimidation or bullying prohibited by this part, or by a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying.
5. Pupil fee complaints may be filed with the principal of the school.
6. Pupil fee complaints and complaints regarding local control and accountability plans only, 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 with Education Code Sections 49010 and 49011 regarding pupil fees or an allegation of noncompliance with Education Code Sections 52060 through 52077, including an allegation of a violation of Education Code Sections 47606.5 or 47607.3, as referenced in Education Code Section 52075 regarding local control and accountability plans.

7. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, the District shall assist the complainant in the filing of the complaint.

E. Informal Resolution

Within three (3) days after receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation to resolve the complaint. If the complainant agrees to mediation, the compliance officer shall make arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination harassment, intimidation, or bullying against any protected group, the compliance officer shall ensure that all parties agree to permit the mediator access to all 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 an investigation of the complaint.

F. Investigation of Complaints

Upon receipt of a complaint, the Superintendent or designee shall conduct and complete an investigation of the complaint in accordance with this policy and prepare a written Investigation Report within sixty (60) days. The District may extend this deadline for good cause with the written agreement of the complainant. The following rules apply to the investigation:

1. Upon receipt of a complaint, the Superintendent or designee shall:
 - a. Refer the complainant to the proper agency for filing a complaint that is not covered by this procedure, including a referral to the State Superintendent of Public Instruction or Department of Education of any complaints that should properly be filed at that level.
 - b. If the complaint has not been timely filed, the Superintendent or designee shall deny the complaint and notify the complainant of the right to appeal to the State Superintendent of Public Instruction for an extension of time in which to file the complaint.
 - c. Provide the complainant with a copy of District policy and appeal procedures advising complainant of those instances when a complaint can be filed directly with the State Superintendent of Public Instruction or Department of Education.

- d. If timely filed, the Superintendent or designee shall proceed with the investigation of the complaint. The person(s), employee(s), position(s), or unit(s) responsible for compliance and/or investigation shall be knowledgeable about the laws/programs they are assigned to investigate.
 - e. Ensure confidentiality of the complainant in instances where disclosure could cause retaliation against the complainant(s) and take appropriate steps to protect the complainant(s) from retaliation.
 - f. The Superintendent will commence the conduct of a local investigation or appoint a designee to conduct the local investigation, except that a complaint regarding child abuse shall be immediately referred to the proper agency.
2. The investigation shall include an opportunity for the complainant, or the complainant's representative, or both, to present evidence or information leading to evidence to support the allegations of non-compliance with state and federal laws and/or regulations.
3. 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.
4. Refusal by the 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.
5. The District shall issue an Investigation Report based on the evidence. The Investigation Report shall be in writing and sent to the complainant within 60 days from receipt of the complaint by the District, subject to any extension.
6. The Investigation Report shall include:
 - a. The findings of fact based on the evidence gathered.
 - b. Conclusion providing a clear determination as to each allegation as to whether the District is in compliance with the relevant law.
 - c. If the District finds merit in the complaint, corrective action(s), including when required by law, a remedy to all affected students and parents/guardians and for a student fee complaint, a remedy that complies with Education Code section 49013 and 5 CCR 4600.
 - d. Notice of the complainant's right to appeal the Investigation Report to the California Department of Education.
 - e. Procedures to be followed for initiating an appeal to the California Department of Education.

G. Appeal to the California Department of Education

1. A complainant who is dissatisfied with the outcome of the investigation may appeal to the California Department of Education by filing a written appeal within 30 days of the date of the District's Investigation Report.
 - i. In order to request an appeal, the complainant must specify and explain the basis for the appeal, including at least one of the following:
 1. The District failed to follow its complaint procedures, and/or
 2. Relative to the allegations of the complaint, the District Investigation Report lacks material findings of fact necessary to reach a conclusion of law, and/or
 3. The material findings of fact in the District Investigation Report are not supported by substantial evidence, and/or
 4. The legal conclusion in the District Investigation Report is inconsistent with the law, and/or
 5. In a case in which the District found noncompliance, the corrective actions fail to provide a proper remedy.
 - ii. The appeal shall be accompanied by (1) a copy of the complaint filed with the District; and (2) a copy of the District Investigation Report.
2. Upon notification by the California Department of Education of an appeal, the District shall, within 10 days of notification of an appeal, forward a copy of all of the following documents to the Department:
 - a. A copy of the original complaint;
 - b. A copy of the District's investigation report;
 - c. A copy of the investigation file, including but not limited to, all notes, interviews, and documents submitted by the parties or gathered by the investigator;
 - e. A report of any action taken to resolve the complaint;
 - f. A copy of the District's complaint procedures; and
 - g. Such other relevant information as the California Department of Education may request.

H. Notice

Notice in writing of the District complaint procedures, including the opportunity to appeal to the California Department of Education, shall be given annually to pupils, employees, parents/guardians of pupils, the District advisory committee, school advisory committees,

and other interested parties. This notice may be made available on the District's website. Copies of the complaint procedures shall be available free of charge and may be obtained at the District Office.

The notice shall be in English, and when necessary, in the primary language, pursuant to Education Code Section 48985, or mode of communication of the recipient of the notice.

Such notice shall include all of the following information:

1. The District has primary responsibility to ensure compliance with state and federal laws.
2. That complaints should be directed to the Superintendent.
3. The opportunity to appeal the District's Investigation Report to the California Department of Education, except when the District has used its local uniform complaint procedures to address a complaint not described in 5 CCR Section 4610(b).
4. Advise the recipient of any civil law remedies that may also be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable, and of the appeal pursuant to Education Code Section 262.3.
5. Include the information required by Education Code Section 3315(a)(7).
6. Include information regarding the requirements of Education Code Sections 49010 through 49013 relating to pupil fees.

I. Retaliation and Confidentiality

Complainants are protected from retaliation and the identity of a complainant alleging discrimination, harassment, intimidation, or bullying will remain confidential as appropriate. An investigation of a discrimination, harassment, intimidation or bullying complaint shall be conducted in a manner that protects confidentiality of the parties and maintains the integrity of the process.

Legal Reference:

Education Code sections 243, 33315, 49010-49013
Title 5, C.C.R. Section 4600, *et seq.*

Date Policy Adopted By The Board: May 17, 1993

Dates Policy Revised By The Board: January 13, 2005, June 5, 2008, August 22, 2013, June 4, 2015, September 7, 2017, July 11, 2019, August 12, 2021, October 14, 2022, November 19, 2024, October 14, 2025

APPENDIX A
RANCHO SANTA FE SCHOOL DISTRICT

Uniform Complaint

Procedures COMPLAINT

FORM

To be filed with the:
Superintendent

I have read the Rancho Santa Fe School District Board Policy on Uniform Complaint Procedures and wish to file a complaint regarding a violation of federal or state law or regulations governing the following educational program which is covered under this procedure.

(Agency to which complainant has been referred if this complaint is not covered by the Uniform Complaint Procedures)

NATURE OF COMPLAINT

(Describe here the nature of the alleged violation. If this complaint involves the educational service provided to a specific child, please give the name, grade, and school of enrollment. Attach additional pages if necessary.)

DATE OF VIOLATION

(Must be within six (6) months of today's date, or the date you first obtained knowledge of the facts of the alleged complaint. If not, you may request an extension for good cause or you will be given information regarding an appeal to the State Superintendent of Public Instruction for an extension of time in which to file the complaint.)

SIGNED _____ DATE _____

address/telephone number of person filing complaint

COMPLAINT RECEIVED BY _____ DATE _____
(name and title)

Distribution: Original—Parent Copy—School District

**APPENDIX B
RANCHO SANTA FE SCHOOL DISTRICT
COMPLAINT FORM**

TO BE USED FOR SPECIFIED COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS, FACILITIES CONDITIONS THAT POSE THREAT TO HEALTH OR SAFETY, TEACHER VACANCY OR MISASSIGNMENT, AND RESTROOMS AND ALSO FOR SPECIFIED COMPLAINTS CONCERNING THE PROHIBITION ON PUPIL FEES

Please note: Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must check the box below and provide the contact information (name, address, and phone number) below.

Response requested? Yes No

Name: _____

Address: _____

Phone Number: Day: _____ Evening: _____

Email address, if any: _____

This form should be completed and filed with the Principal at the District Office at 5927 La Granada, Rancho Santa Fe, or mailed to P.O. Box 809, Rancho Santa Fe, California 92067. Please check all issue(s) forming the basis of your complaint.

1. Textbooks and instructional materials

- A pupil lacks standards-aligned textbooks or instructional materials or state adopted or District adopted textbooks or other required instructional materials to use in class.
- A pupil does not have access to instructional materials to use at home or after school. [This does not require two sets of textbooks or instructional materials for each pupil]
- Textbooks or instructional materials are in poor or unusable condition, have missing pages or are unreadable due to damage.
- A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials due to a shortage of textbooks or instructional materials.

2. Teacher vacancy or mis-assignment

- A semester begins and a teacher vacancy exists. (A teacher vacancy is a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester).
- Teacher mis-assignment - A teacher who lacks credentials or training to teach English learners is assigned to a class including more than 20% English learners.*
- Teacher mis-assignment - A teacher is assigned to teach a class for which the teacher lacks subject matter competency.*

* A teacher mis-assignment occurs when a certificated employee is placed in a teaching or services position for which the teacher does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

3. Facility conditions posing an emergency or urgent threat to the health or safety of pupils or staff (not including cosmetic or nonessential repairs)
- Gas leaks
 - Nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems
 - Electrical power failure
 - Major sewer line stoppage
 - Major pest or vermin infestation
 - Broken windows or exterior doors or gates that will not lock and that pose a security risk
 - Abatement of hazardous materials previously undiscovered that pose and immediate threat to pupils or staff
 - Structural damage creating a hazardous or uninhabitable condition
 - Other _____

4. School Restrooms are not cleaned, maintained, or kept open
- Restroom(s) has/have not been cleaned regularly
 - Toilets or sinks are not fully operational
 - Restroom is not stocked at all times with toilet paper, soap, and paper towels or functional hand dryers
 - All restrooms are not open during school hours when pupils are not in classes, or a sufficient number have not been kept open when pupils are in classes [the School may permissibly close any restroom as necessary for pupil safety or to repair the facility]

5. Prohibition on pupil fees
- Please describe in detail below in the space provided the pupil fee imposed, by whom it was imposed, when and how it was imposed, and as much other specific information as possible.

Complaints regarding facilities or other conditions which pose an immediate threat to the health or safety of staff, or the public should be reported immediately to the Superintendent or the Principal at (858) 756-1141.

Please describe in detail below the specific problem(s) identified above, to include the location of the problem (room number or name of room or facility), specific nature of the problem, when and how you first became aware of the problem, grade level and teacher name, if applicable, anyone to whom you have previously brought this to the attention of and the response, if any, you were provided. Please attach as many pages as necessary to clearly and fully describe the circumstances surrounding the complaint.