



## Pasadena Unified School District

351 S. Hudson Ave.  
Pasadena, CA 91109

### Uniform Complaint Procedures

**E 1312.3**

Authorized by: *California Code of Regulations*, Title 5 Sections 4600-4687

The Pasadena Unified School District (PUSD) has the primary responsibility for compliance with federal and state laws and regulations. We have established Uniform Complaint Procedures (UCP) to address allegations of unlawful discrimination, harassment, intimidation, and bullying, and complaints alleging violation of state or federal laws governing educational programs, the charging of unlawful pupil fees and the non-compliance of our Local Control and Accountability Plan (LCAP).

#### **What the District is Subject to the UCP?**

We will investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected groups as identified in Education Code section 200 and 220 and Government Code section 11135, including and actual or perceived characteristics 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, which is funded directly by, or that receives or benefits from any 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, After School Education and Safety, Career Technical Education, Childcare and Development Programs including state preschool, Consolidated Categorical Programs, Discrimination, Harassment, Intimidation, and Bullying, Foster and Homeless Youth, Local Control Funding Formula and Local Control Accountability Plans, NCLB Titles I-VII, Nutrition Services – USDA Civil Rights, Regional Occupational Centers and Programs, School Facilities, Special Education, Tobacco-Use Prevention Education Program, Unlawful Pupil Fees.

The District's Complaint Officer is: Dr. Sarah Rudchenko, Director of Human Resources, 351 S. Hudson Ave., Pasadena, CA 91109; (626) 396-3600 x 88777; [rudchenko.sarah@pusd.us](mailto:rudchenko.sarah@pusd.us)

The District UCP Complaint Form and further information about UCP process can be obtained at <http://www.pusd.us>, the District office, and the office of each school within the District. The Superintendent or designee shall make available copies of the district's Uniform Complaint Procedures free of charge.

#### **The Issues Are not Covered by the UCP:**

Not all complaints fall under the scope of the UCP. Many concerns are the responsibility of the District, including classroom assignments, common core, grades, graduation requirements, hiring and evaluation of staff, homework policies and practices, provision of core curricula subjects, public meeting laws (such as the Brown Act and Greene Act), student advancement and retention, student discipline, students' records, and other general education requirements. The District, however, may use its local complaint procedures to address complaints not covered by the UCP.

## **Level 1: Filing a Complainant?**

Any student, employee, parent/guardian, school and district advisory committee members, private school officials, and other interested parties may file a written complaint with the District presenting the basis upon which he/she believes they have been discriminated against, or the reason why the District may be out of the compliance with the federal or state laws.

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. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code [49013,52075](#); 5 CCR [4630](#))
3. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by a person who alleges that he/she personally suffered the 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 unlawful discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful 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 (such as discriminatory harassment, intimidation, 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 (such as discriminatory harassment, intimidation, 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 shall nevertheless take all reasonable steps to investigate and resolve/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](#))

## **Level 2: Investigation of Complaint**

1. Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.
2. 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 the 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.
3. 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. He/she 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 investigate a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, 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.

4. 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](#))
5. 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](#))
6. 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.

### **Level 3: 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 written 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

**Contact Persons for Programs and Services Covered by UCP (Please see the next page).**

## Contact Persons for Programs and Services Covered by UCP

Program or Services	Contact	Telephone Number	E-mail Address
Adult Education	Jack Loos	(626) 396-3600 x84720	<a href="mailto:loos.jack@pusd.us">loos.jack@pusd.us</a>
After School Education	Maria Toliver	(626) 396-3600 x88319	<a href="mailto:Toliver.maria@pusd.us">Toliver.maria@pusd.us</a>
School Safety	Dr. Eric Sahakian	(626) 396-3600 x88238	<a href="mailto:sahakian.eric@pusd.us">sahakian.eric@pusd.us</a>
Career Technical Education	Dr. Kristina Turley	(626) 396-3600 x88426	<a href="mailto:Turley.kristina@pusd.us">Turley.kristina@pusd.us</a>
Child Care and Development (including State Preschool)	Ree Hudson	(626) 396-3600 x10099	<a href="mailto:Hudson.Ree@pusd.us">Hudson.Ree@pusd.us</a>
Consolidated Categorical Programs	Dr. Xilian Stammer	(626) 396-3600 x88479	<a href="mailto:Stammer.xilian@pusd.us">Stammer.xilian@pusd.us</a>
Educational Equity (Discrimination, Harassment, Intimidation, Bullying and Civil Rights Guarantees)	Dr. Eric Sahakian	(626) 396 -3600 x88238	<a href="mailto:sahakian.eric@pusd.us">sahakian.eric@pusd.us</a>
Foster and Homeless Youth Services	Dr. Eric Sahakian	(626) 396-3600 x88238	<a href="mailto:sahakian.eric@pusd.us">sahakian.eric@pusd.us</a>
Local Control Funding Formula/Local Control Accountability Plan (LCFF/LCAP): Content or Procedures	Dr. Xilian Stammer	(626) 396-3600 x88479	<a href="mailto:Stammer.xilian@pusd.us">Stammer.xilian@pusd.us</a>
NCLB Titles I - VII		(626) 396 -3600 x88777	
Nutrition Services (including Child Nutrition)	Elizabeth Walker	(626) 396-5852 x89372	<a href="mailto:walker.elizabeth@pusd.us">walker.elizabeth@pusd.us</a>
Regional Occupational Centers and Programs and Workforce Development Centers		(626) 396-3600 x88423	
School Facilities	Nelson Cayabyab	(626) 396-3600 x89178	<a href="mailto:cayabyab.nelson@pusd.us">cayabyab.nelson@pusd.us</a>
Special Education	Dr. Cherylin Lew	(626) 396-3600 x88605	<a href="mailto:Lew.cherylin@pusd.us">Lew.cherylin@pusd.us</a>
Tobacco-Use Prevention Education	Ann Rector	(626) 396-3610	<a href="mailto:Rector.ann@pusd.us">Rector.ann@pusd.us</a>
Unlawful Pupil Fees		(626) 396-3600 x88087	

For additional information, please contact the appropriate officer listed above, or visit the <http://www.pusd.us>.