



LOS ANGELES UNIFIED SCHOOL DISTRICT
MEMORANDUM

TITLE: Uniform Complaint Procedures (UCP) 2007-2008
NUMBER: MEM-4047.0
ISSUERS: Jess Womack, Interim General Counsel
Office of the General Counsel
DATE: March 3, 2008

ROUTING
All Employees

POLICY: The Los Angeles Unified School District has the primary responsibility to insure compliance with applicable state and federal laws and regulations, and shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination. The District shall seek to resolve those complaints in accordance with the procedures set out in Sections 4600-4687 of the Title 5 Regulations and in accordance with the policies and procedures of the District.

This annual memorandum (2007-2008 school year), clarifies that uniform complaints may be used to file noncompliance or unlawful discrimination complaints and/or to appeal District decisions regarding such complaints. Uniform complaint brochures are available at all school sites in the primary languages of that school community. Complainants are encouraged, where possible to try to resolve their complaints directly at the school or work site or in their local district office.

A written notice regarding uniform complaint procedures must be disseminated annually to staff, students, parents or guardians, appropriate private school officials or representatives, and school and other interested parties including district advisory committees. Distribution may be in any form (newsletter, memorandum, staff/student/parent handbook, etc.) that will reach the school community.

MAJOR CHANGES: This memorandum replaces Memorandum No. 3791.0 on the same subject issued by the Specially Funded Programs, Compliance and Technical Support Branch on July 9, 2007. The responsibility for District implementation of UCP has now been transferred to the Educational Equity Compliance Office in the Office of the General Counsel.

GUIDELINES: The following guidelines apply.

I. BACKGROUND

These Uniform Complaint Procedures were developed by the Los Angeles Unified School District (District) pursuant to Title 5, California Code of Regulations, Sections 4600-4687, during the 1992-1993 school year. The District's uniform complaint procedures may be used to file complaints with the District or to appeal District decisions which concern unlawful discrimination under the following federal/state laws: Section 504 of the Rehabilitation Act of 1973 or Title II of the Americans with Disabilities Act of 1990 (ADA) for the



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charges of discrimination based on mental or physical disability; Title IX of the Education Amendments of 1972 charges of discrimination/harassment based on sex including charges of sexual harassment and Title VI of the Education Amendments of 1964 for charges of discrimination based on race, color or national origin. Section 4900, et, seq. includes sexual identification, gender identity, ethnic identification and ancestry.

II. GENERAL INFORMATION

A. The Uniform Complaint Procedures may be used for complaints or allegations of noncompliance involving the following educational programs and complaints alleging violations of the following nondiscrimination protections:

1. Adult Education
2. Allegations of unlawful discrimination including actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, mental or physical disability, age, 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 that is funded directly or receives any state funds.
3. Career/Technical Education
4. Child Development
5. Child Nutrition Services
6. Consolidated Aid Categorical Programs
7. Migrant and Indian Education
8. Special Education

B. Complaints pertaining to the following may be referred for resolution to the indicated state or federal agency, as appropriate:

1. Allegations of suspected child abuse shall be referred to the applicable Los Angeles County Department of Social Services, Protective Services Division, or the appropriate law enforcement agency.
2. Health and safety complaints regarding a Child Development Program shall be referred to the Department of Social Services, for licensed



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facilities.

3. Allegations of fraud shall be referred to the responsible division/branch/department/unit/local district administrator or to the Inspector General.
4. Employment discrimination complaints shall be referred to the District's Equal Employment Opportunity Office or may be sent to the State Department of Fair Employment and Housing (DFEH).

III. RELATED DEFINITIONS

Title 5, California Code of Regulations provides the following definitions:

- A. Appeal: A request made in writing to a level higher than the original reviewing level by an aggravated party requesting reconsideration or a reinvestigation.
- B. Complainant: An individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging a violation of federal or state laws or regulations, including allegations of unlawful discrimination in programs and activities funded directly by the state or receiving any financial assistance from the state.
- C. Complaint: A written and signed statement alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination. If the complainant is unable to put the complaint in writing, due to conditions such as a disability or illiteracy, the District shall assist the complainant in the filing of the complaint.
- D. Complaint Investigation: Administrative process used by the District, the California Department of Education (CDE), or the U.S. Department of Education (USDE) for the purpose of gathering data regarding the complaint.
- E. Complaint Procedure: An internal process used by the District to process and resolve complaints.
- F. Compliance Agreement: An agreement or plan, following a finding or District noncompliance with state laws and regulations, which has been developed by the District and approved by the California Department of Education to resolve a noncompliance issue.
- G. Days: Calendar days unless otherwise designated.



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- H. Direct State Intervention: The steps taken by the California Department of Education to initially investigate complaints or effect compliance.
- I. Local Agency: A school district governing board or a local public or private agency which receives direct or indirect funding or any other financial assistance from the state to provide any school programs or activities or special education or related services.
- J. Mediation: A problem-solving activity whereby a third party assists the parties to the dispute in resolving the complaint. Pursuant to federal law, participation in mediation by complainants filing complaints is voluntary, not mandatory.
- K. State Mediation Agreement: A written, voluntary agreement, approved by the California Department of Education, which is developed by the District and the complainant to the dispute, which resolves the allegations of the complaint.

IV. NOTIFICATION – DISSEMINATION

A. Employees

The *Uniform Complaint Procedures Memorandum* is to be provided to all District employees on an annual basis at the beginning of each school year.

B. Students

The District's formal complaint procedures are provided in the "*Parent Student Handbook*." All schools are required to distribute the "*Parent Student Handbook*" to all students annually and to every student at the time of initial enrollment.

C. Parents and/or Guardians

The District's "*Parent Student Handbook*" may be used to provide parents and guardians notification of the District's formal complaint procedures.

D. District/School Advisory Committees - Other Interested Parties

The *Uniform Complaint Procedures Brochure* may be used to provide information regarding the District's formal complaint procedures to District/School Advisory Committees, as well as other interested parties.



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V. CONFIDENTIALITY AND NONRETALIATION

Complaints shall be handled in a confidential manner to respect the privacy of all parties to the fullest extent possible. Every effort shall be made to limit the distribution of information to those persons with a need to know within the confines of the District's reporting procedures and investigative process.

- . The District prohibits retaliation in any form for the filing of a complaint or an appeal, reporting instances of non-compliance or discrimination, or for participation in the complaint-filing or investigation process. These confidentiality and nonretaliation requirements extend to all parties involved.

VI. FORMAL COMPLAINT PROCEDURES

A. Complaint Filing

1. Any individual, public agency or organization may file a written complaint, alleging a matter which, if true, would constitute a violation by the District or federal or state laws or regulations governing the programs and activities as well as allegations of unlawful discrimination identified in the General Information section of this document.
2. Any parent/guardian/individual/organization has the right to file a written complaint of discrimination within six months of the last occurrence or when knowledge of the complaint was first obtained.
3. A complainant who makes a verbal complaint shall be referred to the administrator/designee who will assist any person with a disability or who is illiterate in the preparation of a written complaint.
4. The complainant will submit a written complaint to:

Sue Spears, Director/Compliance Officer
Los Angeles Unified School District
Educational Equity Compliance Office
333 South Beaudry Avenue, 20th Floor
Los Angeles, California 90017
Telephone: (213) 241-7682

This person/office shall be considered the representative of the District for purposes of receiving and coordinating responses to complaints and correspondence related to this policy.

The District ensures the District administrator/designee assigned to



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investigate complaints is knowledgeable about the laws/programs that he/she is assigned to investigate and is responsible for compliance. In addition, the District administrator/designee responsible for providing a written report should be a person trained in the Uniform Complaint Procedures (UCP) investigative process. As such, this designee must have knowledge of federal and state laws and regulations pertaining to Uniform Complaint Procedures.

5. The District will provide an opportunity for complainants and/or representatives to present relevant information. 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.

B. Complaint Receipt

The District administrator/designee shall:

1. Acknowledge receipt of the complaint within five calendar days and will review the complaint to determine whether it meets the criteria for filing under the procedures or falls within the exceptions listed in the General Information section.
2. Inform the complainant of the District policy and appeal procedures in those instances when a complaint may be filed directly with the State Superintendent of Public Instruction or another appropriate state or federal agency.
3. Determine whether the complainant and the District representative will participate in mediation to resolve the complaint prior to formal investigation. If the complainant agrees to the mediation, he/she must be, informed that he/she may at any time terminate the mediation process and proceed directly to an investigation. Mediation may not extend the time line for investigation and resolution to the complaint unless the complainant agrees, in writing, to the extension.
4. Determine whether a discrimination complaint has been filed within six months of the last occurrence or when knowledge of the complaint was first obtained. Confidentiality of complaints alleging discrimination will be observed to the maximum extent possible.
5. Deny the discrimination complaint if it has not been filed in a timely manner, and notify the complainant of his/her right to appeal to the state



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superintendent of public instruction for an extension of time in which to file the complaint.

6. Refer the complaint for investigation to the appropriate District office/division/branch/unit/local district.
7. Ensure that, within sixty (60) calendar days of the receipt of the written complaint, the complaint has been resolved and/or investigated and that a written report of findings is issued to the complainant. The written report of the investigative findings must contain the allegation(s), method of investigation, policy, findings, conclusion(s), and corrective action(s), if applicable.
8. Obtain an extension of time, if appropriate, in order to conduct the investigation.

C. Complaint Timeline

1. Each complaint shall be resolved and a written report of investigative findings issued within sixty (60) calendar days of the receipt of the written complaint unless the complainant agrees in writing to an extension of time.
2. If the complainant agrees to mediation, mediation may not extend the time line for investigation and resolution to the complaint unless the complainant agrees, in writing, to the extension.

D. Complaint Investigation

Each complaint shall be investigated by the appropriate District office/unit/division/branch/local district office. The District office/unit/division/branch/local district office shall:

1. Adhere to a thirty (30) calendar day timeline to request additional information from the complainant as necessary, conduct the investigation, and prepare the final written report of findings.
2. Provide an opportunity for the complainant and/or the complainant's representative and the District's representative to present information that is relevant to the complaint during the meditative or investigative process. 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.



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3. Obtain statements from other individuals who were witnesses to the alleged violation or who can provide relevant information concerning the alleged violation.
4. Review documents that may provide information relevant to the alleged violation. When necessary, request clarification on specific issues of the complaint from other District offices (e.g., Parent Community Services Branch, Specially Funded Programs Branch, Division of Special Education, etc.).
5. Have access to applicable District records and/or other information related to the allegation(s) in the complaint. District units or staff who refuse or otherwise fail to cooperate in the investigation or engage in any other obstruction of the investigation, may cause 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.
6. Prepare a written report (in English and in the language of the complainant) of the investigative findings which contains the allegation(s), method of investigation, policy and/or applicable law, findings along with supporting information, conclusion(s), corrective action(s), if any, and suggested remedies, if applicable. In addition, the written report must provide the assurance that the District will not tolerate retaliation against the complainant for opposing District actions, reporting, or threatening to report such actions or for the complainant's participation in an investigation of District actions.
7. Within 30 calendar days of receipt of the complaint, forward a draft of the written report of investigative findings to Educational Equity Compliance Office (EECO) for review and final disposition.

E. Complaint Response

1. EECO staff will complete the closing report and provide the investigative findings to the complainant and to the appropriate administrator/designee.
2. The written report provided to the complainant should include the complainant's right to appeal the District's decision. Local district decisions regarding programs listed in the General Information section may be appealed within fifteen (15) days to the Educational Equity Compliance Office and/or to the California Department of Education.



VII. APPEALS

A. Appeal – Los Angeles Unified School District

1. Appeals to local district decisions involving allegations of discrimination/harassment may be appealed within fifteen (15) days to the District's Educational Equity Compliance Office.

2. These appeals may be directed to:

Sue Spears, Director, Educational Equity Compliance Office
Los Angeles Unified School District
333 South Beaudry Avenue, 20th Floor
Los Angeles, California 90017
Telephone: (213) 241-7682

3. The complainant shall specify the reason(s) for appealing the decision and include a copy of the local district decision. The District will provide the investigator with access to records and/or other information related to the allegation in the complaint. A final written letter of findings will be provided to the complainant of the disposition of the appeal and rationale for the disposition.

B. Appeals – California Department of Education (CDE)

1. Appeals of decisions regarding programs and allegations of alleged discrimination/harassment listed in this document (found in the General Information section) may be appealed to the California Department of Education (CDE) by filing a signed written appeal within fifteen (15) days after receiving the District's decision. These appeals should be sent to:

State of California
Department of Education
State Superintendent of Public Instruction
1430 N Street
Sacramento, California 95814

2. A person who alleges that he or she is a victim of discrimination may not seek civil remedies until at least sixty (60) days after the filing of an appeal with California Department of Education.

3. The sixty-day moratorium imposed by Section 262.3 (d) of the Education Code does not apply to injunctive relief and is applicable only if the District has appropriately, and in a timely manner, apprised the complainant of his or her right to file a complaint. (Extensions for filing



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such appeals may be granted, in writing, by the California Department of Education for good cause).

VIII. CIVIL REMEDIES

Pursuant to California Education Code (Section 262.3), persons who have filed a complaint should be advised that civil law remedies may be available to them.

AUTHORITY: This is the policy of the District Superintendent of Schools. The following legal standard is applied to this policy:

California Code of Regulations, Title 5, Sections 4600 - 4687

ASSISTANCE: For further information, to ask questions, seek assistance regarding the filing of complaints under the Uniform Complaint Procedures, or have questions regarding appeal procedures, contact:

Educational Equity Compliance Office – (213) 241-7682

- Barbara Perttula, Coordinator, Uniform Complaint Procedures
- Sue Spears, Director/Compliance Officer

How a Complaint is Investigated and Answered

Each complaint is investigated by the appropriate District office, division, branch, unit, or local district office which must do the following within sixty (60) calendar days:

1. Provide an opportunity for the person or organization complaining and District personnel to present information related to the complaint.
2. Obtain specific information from other persons familiar with events and locations related to the complaint.
3. Review related documents.
4. Prepare written report (in English and in the language of the complaint) of findings and recommended resolutions. The review will be concluded within 60 calendar days from the date of receipt of the complaint, unless the complainant agrees in writing to extend the time.
5. Notify the person or organization of appeal procedures.

Complaints about special education programs and services may also be referred by the District or the complainant may file the complaint with the California Department of Education, Special Education Division. To file a special education complaint directly with the California Department of Education (CDE), you may write to the CDE at the address listed under the section entitled "How to Appeal" in this brochure.

How to Appeal

Persons or organizations disagreeing with the local district, school, or office decision have fifteen (15) days after receipt of the report of findings (decision) to file an appeal. The appeal must be in writing and must include a copy of the original complaint, as well as a copy of the local site decision provided to them.

1. If the original complaint involved one of the educational programs (listed 1-8) inside, the appeal should be sent to:

State of California
Department of Education
State Superintendent of Public Instruction
1430 N Street
Sacramento, CA 95814

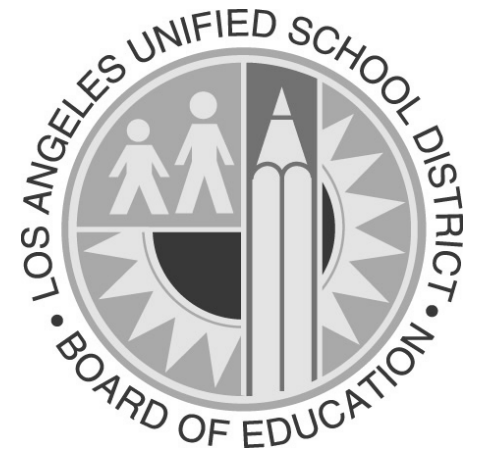
2. If the original complaint involved discrimination under the ADA, Section 504, Title VI, or Title IX, and the decision was provided by a local district, school, or other District office, the appeal may be directed to:

Sue Spears, Director
Educational Equity Compliance
Los Angeles Unified School District
333 South Beaudry Ave. – 20th Floor
Los Angeles, CA 90017

Appeals of local site decisions involving Title IX or Title VI may also be directed to the Department of Education (see address above) for resolution.

Uniform Complaint Procedures

2007 — 2008



**Educational Equity
Compliance Office**

(213) 241-7682

Effective March 2008

Why This Brochure?

The Los Angeles Unified School District has the primary responsibility to insure compliance with applicable state and federal laws and regulations. The District shall seek to resolve those complaints in accordance with state law, Title 5, California Code of Regulations.

These same complaint procedures may be used to file complaints against the District which allege unlawful discrimination under the following federal laws: Section 504 or the Americans with Disabilities Act (discrimination based on physical or mental disability or age); Title IX (discrimination based on gender, actual or perceived sex, sexual orientation, religion or ethnic group identification, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics); and Title VI (discrimination based on race, color, or national origin). Discrimination complaints must be filed within six months of last occurrence or when knowledge was first obtained.

This brochure provides notice by the District that these complaint procedures are available for use under the circumstances described.

What Programs Are Covered?

These complaint procedures cover the following educational programs:

1. Adult Education
2. Career and Technical Education
3. Child Care and Development
4. Child Nutrition
5. Consolidated Programs
6. Migrant Education
7. Special Education
8. Any other program or activity which receives or benefits from state financial assistance in which occurs unlawful discrimination against a protected group based on actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability or age or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics.

How to Submit a Complaint

Any person, organization, or public agency concerned about a violation of state or federal regulations governing an educational program listed in this brochure is to submit a written complaint to:

**Sue Spears, Director
Educational Equity Compliance Office
Los Angeles Unified School District
333 South Beaudry Avenue 20th Floor
Los Angeles, CA 90017**

This office will provide assistance to those who cannot complete a written complaint.

The District assures confidentiality to the maximum extent possible. The District prohibits retaliation against anyone who files a complaint or anyone who participates in the complaint investigation process.

Complaints are advised that civil law remedies, including, but not limited to, injunctions, restraining orders, or other orders, may also be available to them.

The sixty day time line shall begin when the complaint is received.

Cómo se Investiga y se Responde a una Queja

Cada queja es investigada por la oficina o el departamento correspondiente del Distrito, los cuales deben hacer lo siguiente dentro de un plazo de sesenta días:

1. Brindarle a la persona o a la organización que haya presentado la queja la oportunidad de presentar información relacionada con la misma.
2. Obtener información específica de parte de terceros que tengan conocimiento de los acontecimientos y los lugares relacionados con la queja.
3. Revisar documentos pertinentes.
4. Preparar un informe escrito (en inglés y en el idioma de la queja) sobre las conclusiones y las soluciones que se recomienden. El resumen será terminado dentro de los 60 días civiles desde la fecha de que se recibió la queja, a menos que el demandante esté de acuerdo por escrito para extender el plazo.
5. Notificar a la persona o a organización acerca de los procedimientos de apelación.

Las quejas acerca de los programas y servicios de educación especial también pueden ser remitidas por el Distrito o el reclamante puede presentar una queja con la Oficina de Educación Especial del Departamento de Educación de California (CDE, por sus siglas en inglés). Si se desea entablar una queja directamente mediante el CDE, se le puede escribir a esta entidad utilizando el domicilio que se consigna en la sección de este folleto titulada "Cómo acudir al recurso de apelación."

Cómo Acudir al Recurso de Apelación

Las personas o las entidades que estén en desacuerdo con la decisión tomada por el Distrito, distritos locales, la escuela o la oficina, disponen de quince días, después de haber recibido dicha decisión, para acudir al recurso de apelación. Dicha apelación se debe presentar por escrito y debe incluir una copia de la queja original y una copia de la decisión tomada por la entidad local.

1. Si la queja original tenía que ver con uno de los programas educativos (enumerados de 1-8) dentro, la apelación se le debe enviar a:

State of California
Department of Education
State Superintendent of Public Instruction
1430 N Street
Sacramento, CA 95814

2. Si la queja original guardaba relación con la discriminación, de conformidad con el Artículo 504, la ADA, el Título IX o el Título VI, y la decisión fue tomada por un distrito local, escuela u oficina, se le puede enviar la apelación a:

Sue Spears, Director
Educational Equity Compliance
Los Angeles Unified School District
333 South Beaudry Avenue – 20th Floor
Los Angeles, CA 90017

Las apelaciones de las decisiones que involucran al Título IX o al Título VI pueden también ser dirigidas al Departamento de Educación (ver la dirección arriba) para su resolución.

Procedimientos Uniformes para Presentar Quejas

2007 — 2008



Oficina de Cumplimiento
de la Equidad Educativa

(213) 241-7682

Efectivo Marzo 2008

El Porqué De Este Folleto

El Distrito Escolar Unificado de Los Angeles tiene la primera responsabilidad para asegurar acatamiento con las leyes y reglamentos estatales y federales aplicables. El Distrito buscará la manera de resolver estas quejas de acuerdo con la ley estatal, Título 5, del Código de Reglamentos de California.

Estos mismos procedimientos de quejas se pueden utilizar para presentar quejas contra el Distrito en las que se afirme que ha habido discriminación ilegal de conformidad con las siguientes leyes federales/estatales: el Artículo 504 de la Ley para Norteamericanos con Discapacidades (discriminación basada en discapacidades físicas o mentales o edad); el Título IX (discriminación basada en género, género actual o percibido, orientación sexual, religión, identificación según el grupo étnico, o sobre la base de asociación de una persona con una persona o grupo con una o más de estas actuales o percibidas características); y el Título VI (discriminación basada en la raza, abolengo, el color o el origen nacional). Las quejas de discriminación deben presentarse dentro de un plazo de seis meses a partir del último incidente o de la fecha en que se supo de la discriminación por primera vez.

El Distrito proporciona notificación mediante este folleto que estos procedimientos de quejas están disponibles para su uso bajo las circunstancias descritas.

¿Qué Programas Están Incluidos?

Estos procedimientos para presentar quejas cubren los siguientes programas educativos:

1. Educación para Adultos
2. Educación Vocacional y Técnica
3. Programas del Desarrollo de los Niños
4. Programas Categóricos Consolidados
5. Programa de Educación para Estudiantes Migratorios e Indio Americanos
6. Servicios de Nutrición
7. Programas de Educación Especial
8. Cualquier programa o actividad que reciba o se beneficie de fondos estatales en el que ocurra discriminación ilegal en contra de un grupo protegido motivados por el género actual o percibido, orientación sexual, género, identificación según el grupo étnico, raza, abolengo, origen nacional, religión, el color, o discapacidad mental o física, o edad, o en base a la asociación de la persona con una persona o grupo con uno a más de estas características actuales o percibidas.

Cómo Se Presenta Una Queja

Toda persona, organización o entidad pública que considere que se ha cometido una infracción a los reglamentos federales o estatales que rigen alguno de los programas educativos mencionados en este folleto debe presentar una queja por escrito a:

**Sue Spears, Director
Educational Equity Compliance Office
Los Angeles Unified School District
333 South Beaudry Avenue 20th Floor
Los Angeles, CA 90017**

Esta oficina proporcionará ayuda a aquellos que no puedan formular una queja por escrito.

El Distrito garantiza la confidencialidad de los datos en el mayor grado posible. El Distrito prohíbe las represalias contra todo aquel que presente una queja o participe en el proceso de investigación de dicha queja.

Asimismo, se les notifica a los reclamantes que podrán tener a su disposición recursos jurídicos civiles, incluyendo pero no limitado a: mandamientos judiciales, órdenes de prohibición, o de otra índole, también pueden ser disponibles.

El plazo de sesenta días comenzará cuando se reciba la queja.

