

UNIFORM COMPLAINT PROCEDURES

The County Board recognizes that LACOE has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The County Board encourages the early resolution of complaints whenever possible. LACOE shall investigate complaints alleging noncompliance with applicable state and federal laws and/or alleging discrimination, harassment, intimidation, or bullying and shall seek to resolve those complaints in accordance with LACOE's Uniform Complaint Procedures (UCP). (5 CCR 4620)

Complaints Subject to UCP

LACOE's UCP shall be used to investigate and resolve complaints regarding the following programs and activities:

1. Accommodations for pregnant and parenting students (Education Code 46015)

(cf. 5146 - Married/Pregnant/Parenting Students)

2. Adult education programs (Education Code 8500-8538, 52334.7, 52500-52617)

3. After School Education and Safety programs (Education Code 8482-8484.65)

4. Agricultural career technical education (Education Code 52460-52462)

5. Career technical and technical education and career technical and technical training programs (Education Code 52300-52462)

(cf. 6178 - Career Technical Education)

(cf. 6178.1 - Work Experience Education)

6. Child care and development programs (Education Code 8200-8488)

7. Compensatory education (Education Code 54400)

(cf. 6171 - Title I Programs)

8. Consolidated categorical aid programs (Education Code 33315; 34 CFR 299.10-299.12)

9. Course periods without educational content (Education Code 51228.1-51228.3)

UNIFORM COMPLAINT PROCEDURES (continued)

10. Discrimination, harassment, intimidation, or bullying in LACOE programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on a person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, 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 the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

Discrimination includes, but is not limited to, the County Board's refusal to approve the use or prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library, on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. A complaint alleging such unlawful discrimination may, in addition to or in lieu of being filed with LACOE, be directly filed with the California Superintendent of Public Instruction (SPI). (Education Code 243)

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

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

11. Educational and graduation requirements for students in foster care, students experiencing homelessness, students from military families, students formerly in a juvenile court school, students who are migratory, and students participating in a newcomer program (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)

(cf. 6173 - Education for Homeless Children and Youth)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6173.2 - Education of Children of Military Families)

12. Every Student Succeeds Act (Education Code 52059.5; 20 USC 6301 et seq.)

13. Local control and accountability plan (Education Code 52075)

(cf. 0460 - Local Control and Accountability Plan)

14. Migrant education (Education Code 54440-54445)

15. Physical education instructional minutes (Education Code 51210, 51222, 51223)

(cf. 6142.7 - Physical Education and Activity)

UNIFORM COMPLAINT PROCEDURES (continued)

16. Student fees (Education Code 49010-49013)

(cf. 3260 - Fees and Charges)

17. Reasonable accommodations to a lactating student (Education Code 222)

18. Regional occupational centers and programs (Education Code 52300-52334.7)

(cf. 6178.2 - Regional Occupational Program)

19. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)

(cf. 0420 - School Plans/Site Councils)

20. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)

(cf. 0420 - School Plans/Site Councils)

21. State preschool programs (Education Code 8207-8255)

(cf. 5148.3 - Birth to Five Early Care and Education)

22. State preschool health and safety issues in license-exempt programs (Education Code 8212)

23. 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

24. Any other state or federal educational program the SPI or designee deems appropriate

The County Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process for resolving a complaint in a manner that is acceptable to all parties. An ADR process such as mediation may 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 County Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

UNIFORM COMPLAINT PROCEDURES (continued)

LACOE shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the County Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)
(cf. 9011 - Disclosure of Confidential/Privileged Information)

When an allegation that is not subject to UCP is included in a UCP complaint, LACOE shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through LACOE's UCP.

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

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

The County Superintendent or designee 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.

(cf. 3580 - LACOE_Records)

Non-UCP Complaints

The following complaints shall not be subject to LACOE's UCP but shall be investigated and resolved by the specified agency or through an alternative process:

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, Protective Services Division, or the appropriate law enforcement agency. (5 CCR 4611)

cf. 5141.4 - Child Abuse Prevention and Reporting)

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to the Department of Social Services (5 CCR 4611)

UNIFORM COMPLAINT PROCEDURES (continued)

3. Any complaint alleging that a student, while in an education program or activity in which LACOE exercises substantial control over the context and respondent, was subjected to sexual harassment as defined in 34 CFR 106.30 shall be addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as specified in AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.
4. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by LACOE in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Civil Rights Department.
5. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education, failure or refusal to implement a due process hearing order to which LACOE is subject, or a physical safety concern that interferes with LACOE's provision of FAPE shall be submitted to the California Department of Education (CDE) in accordance with AR 6159.1 - Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

6. Any complaint alleging noncompliance of LACOE's food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15580-15584)
7. Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the LACOE food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15582)
8. 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 shall be investigated and resolved in accordance with BP 1312.4 - Williams Uniform Complaint Procedures and applicable administrative regulations. (Education Code 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

UNIFORM COMPLAINT PROCEDURES (continued)*Legal Reference:**EDUCATION CODE**200-262.4 Prohibition of discrimination**8200-8488 Child care and development programs**8500-8538 Adult basic education**18100-18203 School libraries**32280-32289.5 School safety plan**35186 Williams uniform complaint procedures**46015 Parental leave for students**48645.7 Juvenile court schools**48853-48853.5 Foster youth**48985 Notices in language other than English**49010-49014 Student fees**49060-49079 Student records**49069.5 Rights of parents**49490-49590 Child nutrition programs**49701 Interstate Compact on Educational Opportunity for Military Children**51204.5 Social sciences instruction; contributions of specified groups**51210 Courses of study grades 1-6**51222 Physical education, secondary schools**51223 Physical education, elementary school**51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, course credits; graduation requirements**51226-51226.1 Career technical education**51228.1-51228.3 Course periods without educational content**51501 Nondiscriminatory subject matter**52059.5 Statewide system of support**52060-52077 Local control and accountability plan**52075 Complaint for lack of compliance with local control and accountability plan requirements**52300-52462 Career technical education**52500-52617 Adult schools**54400-54425 Compensatory education programs**54440-54445 Migrant education**54460-54529 Compensatory education programs**59000-59300 Special schools and centers**60010 Instructional materials; definition**60040-60052 Requirements for instructional materials**64000-64001 Consolidated application process; school plan for student achievement**65000-65001 School site councils**GOVERNMENT CODE**11135 Nondiscrimination in programs or activities funded by state**12900-12996 Fair Employment and Housing Act**Legal References (continued next page)*

UNIFORM COMPLAINT PROCEDURES (continued)*Legal references (continued)**HEALTH AND SAFETY CODE**1596.7925 California Child Day Care Act; health and safety regulations**PENAL CODE**422.55 Hate crime; definition**422.6 Interference with constitutional right or privilege**CODE OF REGULATIONS, TITLE 2**11023 Harassment and discrimination prevention and correction**CODE OF REGULATIONS, TITLE 5**3200-3205 Special education compliance complaints**4600-4670 Uniform complaint procedures**4680-4687 Williams uniform complaint procedures**4690-4694 Complaints regarding health and safety issues in license-exempt preschool programs**4900-4965 Nondiscrimination in elementary and secondary education programs**15580-15584 Child nutrition programs complaint procedures**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**6301-6576 Title I Improving the academic achievement of the disadvantaged**6801-7014 Title III language instruction for English Learners and immigrant students**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**11431-11435 McKinney-Vento Homeless Assistance Act**12101-12213 Americans with Disabilities Act**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 Act**100.3 Prohibition of discrimination on basis of race, color or national origin**104.7 Designation of responsible employee for Section 504**106.1-106.82 Nondiscrimination on the basis of sex in education programs, especially:**106.8 Designation of responsible employee and adoption of grievance procedures**106.30 Discrimination on the basis of sex in education programs and activities;_Definitions**106.44 Response to notice of sexual harassment**106.45 Titles IX sexual harassment complaint procedures**110.25 Notification of nondiscrimination on the basis of age**Legal References (continued next page)*

UNIFORM COMPLAINT PROCEDURES (continued)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Sample UCP Board Policies and Procedures

Uniform Complaint Procedure Program Instrument

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

Questions and Answers on the Title IX Regulations on Sexual Harassment, July 2021

Part 1: Questions and Answers Regarding the Department's Title IX Regulations, January 2021

Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National

Origin Discrimination Affecting Limited English Proficient Persons, 2007

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

California Department of Fair Employment and Housing: <https://www.dfeh.ca.gov>

California Department of Social Services: <https://www.cdss.ca.gov>

Student Privacy Policy Office: <https://www2.ed.gov/about/offices/list/opepd/sppo>

U.S. Department of Agriculture: <https://www.usda.gov>

U. S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

U.S. Department of Justice: <http://www.justice.gov>

UNIFORM COMPLAINT PROCEDURES

Except as may otherwise be specifically provided in other LACOE Administrative Regulations, these Uniform Complaint Procedures (UCP) shall be used to investigate and resolve only the complaints specified in the accompanying County Board policy.

- (cf. 1312.1 - Complaints Concerning LACOE Employees)*
- (cf. 1312.2 - Complaints Concerning Instructional Materials)*
- (cf. 1312.4 - Williams Uniform Complaint Procedures)*
- (cf. 4031 - Complaints Concerning Discrimination in Employment)*

Compliance Officers

LACOE designates the following compliance officer responsible for receiving, coordinating, and investigating complaints and for complying with state and federal civil rights laws. The individual also serves as the compliance officer specified in AR 5145.3 - Nondiscrimination/Harassment as the responsible employee to handle complaints regarding unlawful discrimination, harassment, intimidation, or bullying and in AR 5145.7 - Sexual Harassment for handling complaints regarding sexual harassment.

- (cf. 5145.3 - Nondiscrimination/Harassment)*
- (cf. 5145.7 - Sexual Harassment)*
- (cf. 5145.71 - Title IX Sexual Harassment Complaints Procedures)*

Diana Velasquez, Executive Director, Educational Programs
9300 Imperial Highway, EC-222
Downey, CA 90242
Tel. 562/803-8451 Fax. 562/401-5742

The compliance officer who receives a complaint may assign another LACOE administrator to investigate the complaint. The compliance officer shall promptly notify the complainant and respondent if another compliance officer is assigned to the complaint.

In no instance shall an administrator be designated to investigate a complaint if that administrator is mentioned in the complaint or has a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint filed against or implicating the compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the County Superintendent or designee who shall determine how the complaint will be investigated.

The County Superintendent or designee will ensure that employees designated to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees

UNIFORM COMPLAINT PROCEDURES (continued)

shall cover current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination, harassment, intimidation, or bullying; applicable standards for reaching decisions on complaints; and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the County 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 an investigation and while the result is pending. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the County Superintendent, the County Superintendent's designee, or, if appropriate, the site principal to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until LACOE issues its final written decision, whichever occurs first.

Notifications

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

The County Superintendent or designee shall annually provide written notification of LACOE's UCP to students, employees, parents/guardians of LACOE students, LACOE advisory committee members, school advisory committee members, and other interested parties.

The notice shall include:

1. The title of the position responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such persons will be knowledgeable about the laws and programs that they are assigned to investigate.
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws prohibiting harassment, intimidation, or bullying if applicable.
3. Advise the complainant of the appeal process pursuant to Education Code 262.3, including 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.

UNIFORM COMPLAINT PROCEDURES (continued)

4. Include statements that:
 - a. LACOE is primarily responsible for compliance with state and federal and state laws and regulations governing educational programs, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group, and a list of all programs and activities that are subject to UCP as identified in the section “Complaints Subject to UCP” in the accompanying Board policy
 - b. A complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint
 - c. A UCP complaint, except a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, must be filed no later than one year from the date the alleged violation occurred
 - d. LACOE will post a standardized notice of the educational rights of foster youth, students experiencing homelessness, children of military families, former juvenile court school students now enrolled in a LACOE school, children of military families, students who are migratory, and students enrolled in a newcomer program, as specified in Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process.
 - e. Complaints will be investigated in accordance with the LACOE's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant.
 - f. A UCP complaint of unlawful discrimination, harassment, intimidation, or bullying must be filed not later than six months from the date the alleged discrimination, harassment, intimidation, or bullying occurs, or six months from the date the complainant first obtains knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying. The time for filing may be extended for up to 90 days by the County Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
 - g. A student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of LACOE’s educational program, including curricular and extracurricular activities.

UNIFORM COMPLAINT PROCEDURES (continued)

- h. LACOE 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.
- i. Complaints should be filed in writing and signed by the complainant. If a complainant is unable to put his/her complaint in writing, for example, due to conditions such as a disability or illiteracy, LACOE staff shall assist him/her in the filing of the complaint.
- j. If a complaint is not filed in writing but LACOE receives notice of any allegation that is subject to the UCP, LACOE shall take affirmative steps to investigate and address the allegations, in a manner appropriate to the particular circumstances.
- k. If the allegation involves retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) and the investigation confirms that discrimination has occurred, LACOE will take steps to prevent recurrence of discrimination and correct its discriminatory effects on the complainant, and on others, if appropriate.
- l. A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the office liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades, when he/she transfers between schools or between LACOE and another district.
- m. A foster youth, student experiencing homelessness, former juvenile court school student, or child of a military family who transfers into a LACOE high school or between LACOE high schools as applicable shall be notified of LACOE's responsibility to:
 - (1) Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework completed
 - (2) Not require the student to retake any course or a portion of a course which he/she has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency

UNIFORM COMPLAINT PROCEDURES (continued)

- (3) If the student has completed his/her second year of high school before the transfer, provide the student information about LACOE adopted coursework and County Board imposed graduation requirements from which he/she may be exempted pursuant to Education Code 51225.1
- n. The complainant has a right to appeal LACOE's investigation report to the California Department of Education (CDE) for programs within the scope of the UCP as specified in the accompanying Board policy, by filing a written appeal, including a copy of the original complaint and LACOE's decision, within 30 days of receiving LACOE's decision.
 - o. The appeal to the CDE must include a copy of the complaint filed with LACOE and a copy of LACOE's decision.
 - p. Copies of LACOE's UCP are available free of charge.
 - q. A statement that complaints will be investigated in accordance with LACOE's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant
 - r. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal laws prohibiting discrimination, harassment, intimidation, or bullying, if applicable

(cf. 5145.6 - Parental Notifications)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6173.2 - Education of Children of Military Families)

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 shall be posted on the LACOE website and may be provided through LACOE-supported social media, if available.

The County 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 LACOE's policy, regulation, forms, and notices concerning the UCP.

UNIFORM COMPLAINT PROCEDURES (continued)

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

All UCP-related complaints shall be investigated, resolved and a written report issued to the complainant within 60 calendar days of the LACOE's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (EC 234.1; 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 Complaints

Any individual, public agency, or organization may file a written complaint of alleged noncompliance with federal or state laws or regulations governing educational programs by LACOE at (5CCR 4630):

Diana Velasquez, Executive Director, Educational Programs
Title IX Coordinator
Los Angeles County Office of Education
9300 Imperial Highway, EC-222
Downey, CA 90242
Email: velaquez_diana@lacoed.edu
Telephone: (562) 803-8451
Fax: (562) 401-5742

The complaint shall be presented to the above-named compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp. If a site administrator not designated as a compliance officer receives a complaint, the site administrator shall notify the compliance officer.

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, LACOE staff shall assist in the filing of the complaint. (5 CCR 4600)

UNIFORM COMPLAINT PROCEDURES (continued)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A written complaint alleging LACOE's violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board Policy (item #1 of the section "Complaints Subject to UCP") may be filed by any individual, public agency, or organization. (5 CCR 4600)
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, the Executive Director, Educational Programs, or the County Superintendent. A UCP complaint, except for a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying, shall be filed no later than one year from the date the alleged violation occurred. For complaints related to the LCAP, the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP that was adopted by the Board. (Education Code 49013, 51223, 52075; 5 CCR 4630)

(cf. 3260 - Fees and Charges)

(cf. 3320 – Claims and Actions Against LACOE)

(cf. 0460 – Local Control and Accountability plan)

(cf. 1220 – Citizen Advisory Committees)

(cf. 0420 – School Plans/Site Councils)

3. Any complaint alleging the occurrence of unlawful discrimination, harassment, intimidation, or bullying shall be initiated no later than six months from the date when the alleged discrimination, harassment, intimidation, or bullying occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying. The time for filing may be extended for up to 90 days by the County Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. A complaint may be filed by a person who alleges that they personally suffered unlawful discrimination, harassment, intimidation, or bullying, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or by a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying. (5 CCR 4630)
4. When a complaint alleging unlawful discrimination, 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.

UNIFORM COMPLAINT PROCEDURES (continued)

5. When the complainant or alleged victim of unlawful discrimination, harassment, intimidation, or bullying requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit LACOE's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, LACOE will 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, LACOE staff shall assist them in the filing of the complaint. (5 CCR 4600)

Mediation

LACOE recognizes that Alternative Dispute Resolution (ADR) can, depending on the nature of the allegations, offer a process for resolving a complaint that is acceptable to all parties. An ADR process, such as mediation, may 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 sexual 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. Within three business days after the compliance officer receives the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation.

Before initiating the mediation of a complaint alleging retaliation, unlawful discrimination, harassment, intimidation, or bullying, 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.

The use of mediation shall not extend LACOE'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 LACOE shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, LACOE shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

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

UNIFORM COMPLAINT PROCEDURES (continued)

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in complaint to the compliance officer and shall notify the complainant and/or 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. The compliance officer 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, 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. At appropriate intervals, the compliance officer shall inform parties of the status of the investigation.

A complainant's refusal to provide LACOE's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or 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, LACOE 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. Refusal by LACOE to provide the investigator with access to records and/or information related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of 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

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

UNIFORM COMPLAINT PROCEDURES (continued)

For any complaint alleging unlawful discrimination, harassment, intimidation, and bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant. The respondent also shall be sent the investigation report at the same time it is provided to the complainant.

Investigation Report

The investigation report shall contain the investigative findings and LACOE's decision, including corrective action(s), if any, and suggested remedies, if applicable. (5 CCR 4631)

In consultation with LACOE legal counsel, information about the relevant part of an investigation report may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the investigation report or are 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 investigation report shall also be translated into that language. In all other instances, LACOE shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

The Investigation Report shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered.
2. A conclusion providing a clear determination for each allegation as to whether LACOE is in compliance with the relevant law
3. Corrective actions, whenever LACOE finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a student fees complaint, a remedy that complies with Education Code 49013 and 5 CCR 4600
4. Notice of the complainant's right to appeal LACOE's investigation report to the CDE, except when ~~the~~ LACOE has used the UCP to address a complaint not specified in 5 CCR 4610. The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.
5. Procedures to be followed for initiating an appeal to the CDE are:
 - a. Persons or organizations disagreeing with the investigative findings must file an appeal in writing and include a copy of the original complaint, as well as a copy of LACOE's decision.

UNIFORM COMPLAINT PROCEDURES (continued)

b. The appeal should be sent to:

California Department of Education
1430 N Street
Sacramento, CA 95814

For complaints of retaliation or unlawful discrimination, including 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:

1. The manner in which the misconduct affected one or more students' education
2. The type, frequency, and duration of the misconduct
3. The relationship between the alleged victim(s) and offender(s)
4. The number of persons engaged in the conduct and at whom the conduct was directed
5. The size of the school, location of the incidents, and context in which they occurred
6. Other incidents at the school involving different individuals, such as corrective actions(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 harassment, intimidation, or bullying, the decision may, as required by law, include:

1. The corrective actions imposed on the individual found to have engaged in the conduct that relates directly to the subject of the complaint.
2. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint.
3. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence.
4. Notice of the complainant's right to appeal LACOE's decision to the CDE within 15 calendar days 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.

UNIFORM COMPLAINT PROCEDURES (continued)

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

1. The complainant may pursue available civil law remedies outside of LACOE's complaint procedures, including, but not limited to, injunctions, restraining orders or other remedies or orders, 60 calendar days after the filing of an appeal with the CDE. (Education Code 262.3)
2. The 60-day 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 LACOE environment may include, but are not limited to, actions to reinforce LACOE policies, training for faculty, staff, and students, updates to school policies, or school climate surveys.

For complaints involving retaliation or unlawful discrimination, harassment, intimidation, or bullying, appropriate remedies that may be offered to the victim but not communicated to the respondent 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

UNIFORM COMPLAINT PROCEDURES (continued)

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 or unlawful discrimination, harassment, intimidation, or bullying involving a student as the respondent, appropriate corrective actions that may be provided to the student 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 Planning 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

When an employee is found to have committed retaliation or unlawful discrimination, harassment, intimidation, or bullying, LACOE shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

LACOE 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, harassment, intimidation, or bullying, that LACOE does not tolerate it, and how to report and respond to it.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

UNIFORM COMPLAINT PROCEDURES (continued)

However, if a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes, courses without educational content, or any requirement related to the LCAP is found to have merit, LACOE shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51222, 51223, 51228.3, 52075)

For complaints alleging noncompliance with the laws regarding student fees, LACOE shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

Appeals to the California Department of Education

Any complainant who is dissatisfied with LACOE's final investigation report of a UCP complaint regarding all specified federal and state educational programs subject to the UCP may file an appeal in writing with the CDE within 30 calendar days of receiving LACOE's investigation report at California Department of Education, 1430 N Street, Sacramento, CA 95814. (Education Code 222, 48853, 48853.5, 49013, 49069.5, 51223, 51225.1, 51225.2, 51228.3, 52075; 5 CCR 4632)

The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of LACOE's investigation report for that complaint. The complainant shall specify and explain the basis for the appeal, including at least one of the following: (5 CCR 4632)

1. LACOE failed to follow its complaint procedures.
2. Relative to the allegations of the complaint, LACOE's investigation report lacks material findings of fact necessary to reach a conclusion of law.
3. The material findings of fact in LACOE's investigation report are not supported by substantial evidence.
4. The legal conclusion in LACOE's investigation report is inconsistent with the law.
5. In a case in which LACOE found noncompliance, the corrective actions fail to provide a proper remedy.

UNIFORM COMPLAINT PROCEDURES (continued)

Upon notification by the CDE that LACOE's investigation report has been appealed, the County Superintendent or designee shall forward the following documents to the CDE within 10 days of the date of notification: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the investigation report
3. 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
4. A report of any action taken to resolve the complaint
5. A copy of LACOE's Uniform Complaint Procedures
6. Other relevant information requested by the CDE

If notified by CDE that LACOE's investigation report failed to address allegation(s) raised by the complaint, LACOE shall, within 20 days of the notification, provide CDE and the appellant with an amended investigation report that addresses the allegation(s) that were not addressed in the original investigation report. The amended report shall also inform the appellant of the right to separately appeal the amended report with respect to the allegation(s) that were not addressed in the original report. (5 CCR 4632)

Where applicable, within 35 calendar days of receiving the CDE's decision or report, the complainant may submit a request for reconsideration by the Superintendent of Public Instruction at the CDE. The CDE's decision or report will notify the complainant if there is a right to request reconsideration. The request for reconsideration must designate the finding(s), conclusion(s), or corrective action(s) in the CDE's decision or report for which reconsideration is requested, and the specific basis for requesting reconsideration. The request must also state whether the findings of fact are incorrect and/or the law is misapplied.

Health and Safety Complaints in License-Exempt Preschool Programs

Any complaint regarding health or safety issues in a license-exempt California State Preschool Program (CSPP) shall be addressed through the procedures described in 5 CCR 4690-4694.

In order to identify appropriate subjects of CSPP health and safety issues pursuant to Health and Safety Code 1596.7925, a notice shall be posted in each license-exempt CSPP LACOE classroom notifying parents/guardians, students, and teachers of the health and safety requirements of Title 5 regulations that apply to CSPP programs pursuant to Health and Safety Code 1596.7925 and the location at which to obtain a form to file any complaint alleging noncompliance with those requirements. For this purpose, the Superintendent or designee may

UNIFORM COMPLAINT PROCEDURES (continued)

download and post a notice available from the CDE web-site. (Education Code 8212; 5 CCR 4691)

LACOE's annual UCP notification distributed pursuant to 5 CCR 4622 shall clearly indicate which of its CSPP programs are operating as exempt from licensing and which CSPP programs are operating pursuant to requirements under Title 22 of the Code of Regulations. (5 CCR 4691)

Any complaint regarding specified health or safety issues in a license-exempt CSPP program shall be filed with the preschool program administrator or designee, and may be filed anonymously. The complaint form shall specify the location for filing the complaint, contain a space to indicate whether the complainant desires a response to the complaint and allow a complainant to add as much text as desired to explain the complaint. (Education Code 8212; 5 CCR 4690)

If it is determined that the complaint is beyond the authority of the preschool program administrator, the matter shall be forwarded to the County Superintendent or designee in a timely manner, not to exceed 10 working days, for resolution. The preschool administrator or the Superintendent or designee shall make all reasonable efforts to investigate any complaint within their authority. (Education Code 8212; 5 CCR 4692)

Investigation of a complaint regarding health or safety issues in a license-exempt CSPP program shall begin within 10 days of receipt of the complaint. (Education Code 8212; 5 CCR 4692)

The preschool administrator or designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the preschool administrator or County Superintendent's designee shall report the resolution of the complaint to the complainant and CDE's assigned filed consultant within 45 working days of the initial filing of the complaint. If the preschool administrator makes this report, the information shall be reported at the same time to the County Superintendent or designee. (Education Code 8212; 5 CCR 4692)

If a complaint regarding health or safety issues in a license-exempt CSPP program involves a limited-English-proficient student or parent/guardian, then the LACOE response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the County Board at a regularly scheduled hearing and, within 30 days of the date of the written report, may file a written appeal of LACOE's decision to the Superintendent of Public Instruction in accordance with 5 CCR 4632. (Education Code 8212; 5 CCR 4693, 4694)

UNIFORM COMPLAINT PROCEDURES (continued)

All complaints and responses are public records. (5 CCR 4690)

(cf. 1340 - Access to LACOE Records)

On a quarterly basis, the County Superintendent or designee shall report summarized data on the nature and resolution of all CSPP health and safety complaints, including the number of complaints by general subject area with the number of resolved and unresolved complaints, to the County Board at a regularly scheduled meeting and to the County Superintendent. (5 CCR 4693)

Exhibit 1

Community Relations

E(1) 1312.3

UNIFORM COMPLAINT PROCEDURES

NOTICE TO PARENTS/GUARDIANS, STUDENTS, AND TEACHERS: PRESCHOOL COMPLAINT RIGHTS

Parents/Guardians, Students, and Teachers:

Pursuant to Education Code 8212, you are hereby notified that any California State Preschool Program that is exempt from licensure must have:

1. Outdoor shade that is safe and in good repair
2. Drinking water that is accessible and readily available throughout the day
3. Safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children
4. Restroom facilities that are available only for preschoolers and kindergartners
5. Visual supervision of children at all times
6. Indoor and outdoor space that is properly contained or fenced and provides sufficient space for the number of children using the space at any given time
7. Playground equipment that is safe, in good repair, and age appropriate

If you choose to file a complaint alleging that any of the above conditions are not being met, your complaint will be addressed through the LACOE's uniform complaint procedures as required by law. A complaint form may be obtained at the school office or downloaded from the LACOE website.

You may also download a copy of the CDE complaint form when available from the following website: <http://www.cde.ca.gov/re/cp/uc>. However, a complaint need not be filed using either LACOE's complaint form or the complaint form from the CDE.

Exhibit
approved: December 5, 2023

LOS ANGELES COUNTY OFFICE OF EDUCATION
Downey, California

Exhibit 2

Community Relations

E(2) 1312.3(a)

UNIFORM COMPLAINT PROCEDURES

PRESCHOOL COMPLAINT FORM: UNIFORM COMPLAINT PROCEDURES

Education Code 8212 requires that LACOE's uniform complaint procedures be used for the filing of complaints concerning noncompliance with health and safety standards for license-exempt California State Preschool Programs. The complaint and response are public documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? Yes No

Contact information: (if response is requested)

Name: _____

Address: _____

Phone number: Day: _____ Evening: _____

E-mail address, if any: _____

Date problem was observed: _____

Location of the problem that is the subject of this complaint:

School name/address: _____

Room number/name of room/location of facility: _____

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please contact the school or LACOE for the appropriate LACOE complaint procedure.

Specific issue(s) of the complaint: (Please check all that apply. A complaint may contain more than one allegation.)

- The preschool does not have outdoor shade that is safe and in good repair.
- Drinking water is not accessible and/or readily available throughout the day.
- The preschool does not provide safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children.

UNIFORM COMPLAINT PROCEDURES (continued)

- Restroom facilities are not available only for preschoolers and kindergartners.
- The preschool program does not provide visual supervision of children at all times.
- Indoor or outdoor space is not properly contained or fenced or does not provide sufficient space for the number of children using the space at any given time.
- Playground equipment is not safe, in good repair, or age appropriate.

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary to fully describe the situation.

Please file this complaint at the following location:

(preschool administrator or designee)

(address)

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

(Signature)

(Date)