



LOS ANGELES UNIFIED SCHOOL DISTRICT
MEMORANDUM

TITLE: Uniform Complaint Procedures (UCP) 2007-2008
NUMBER: MEM-3791.0
ISSUERS: Rita P. Caldera, Assistant Superintendent
Specially Funded Programs Division
DATE: July 9, 2007

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. 2689.1 on the same subject issued by the Specially Funded Programs, Compliance and Technical Support Branch.

BACKGROUND: The 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 clarifies that these same 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 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.



LOS ANGELES UNIFIED SCHOOL DISTRICT
MEMORANDUM

**GENERAL
INFORMATION:**

The Uniform Complaint Procedures may be used for complaints or 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

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

1. Allegations of 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 facilities.
3. Allegations of fraud shall be referred to the responsible Department Division Director or the Office of the General Counsel.
4. Employment discrimination complaints shall be sent to the State Department of Fair Employment and Housing.

**RELATED
DEFINITIONS:**

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

- A. Appeal means a request made in writing to a level higher than the original reviewing level by an aggravated party requesting reconsideration or a reinvestigation.



LOS ANGELES UNIFIED SCHOOL DISTRICT

MEMORANDUM

- B. Complainant means any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging 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 means a written and signed statement alleging a violation of a 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 means an administrative process used by the California or U. S. Department of Education or the District for the purpose of gathering data regarding the complaint.
- E. Local Agency means 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.
- F. Complaint Procedure means an internal process used by the District to process and resolve complaints.
- G. Compliance Agreement means 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.
- H. Days mean calendar days unless otherwise designated.
- I. Direct State Intervention means the steps taken by the California Department of Education to initially investigate complaints or effect compliance.
- J. Mediation means a problem-solving activity whereby a third party assists the parties to the dispute in resolving the complaint. Participation in mediation by complainants filing complaints pursuant to federal law is voluntary, not mandatory.
- K. State Mediation Agreement means 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.



LOS ANGELES UNIFIED SCHOOL DISTRICT
MEMORANDUM

Formal Complaint Procedures: 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.

The complaint will be processed in the following manner:

A. The complainant will submit a written complaint to:

Deborah S. Ernst, Director/Compliance Officer
Los Angeles Unified School District
Specially Funded Programs, Compliance and Technical Support Branch
333 South Beaudry Avenue, 16th Floor
Los Angeles, California 90017
[Telephone: (213) 241-6990]

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 representative assigned to investigate complaints is knowledgeable about the laws/programs that he/she is assigned to investigate and is responsible for compliance.

A complainant who makes a verbal complaint shall be referred to the administrator's designee who will assist any person with a disability or who is illiterate in the preparation of a written complaint.

Only a complaint with the original signature will be processed. A complaint received by facsimile or electronic mail will not be accepted.

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.

The District will provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail to refuse or cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

The complaint procedures shall be disseminated on an annual basis to students, employees, parent/guardians, District/school advisory committees, and other interested parties.



LOS ANGELES UNIFIED SCHOOL DISTRICT
MEMORANDUM

To meet this requirement all schools and offices are required to distribute to students, parents/guardians the (*Parent/Student Handbook*), District/school advisory Committees, and other interested parties the (*Uniform Complaint Procedures Brochure*) and to employees (*Uniform Complaint Procedures Memorandum*).

- B. The administrator/designee will acknowledge receipt of the complaint within five 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 and will refer the complaint to the appropriate office/division/local district office. The person responsible for implementing a written report should be a person trained in the Uniform Complaint Procedures (UCP) investigative process. This designee must have knowledge of federal and state laws and regulations pertaining to Uniform Complaint Procedures. The written report of the investigative findings must contain the method of investigation, findings, allegation, policy, corrective action(s) and conclusion(s) if any.

The District representative shall:

1. Inform the complainant of the District policy and appeal procedures of instances when a complaint may be filed directly with the state superintendent of public instruction or an appropriate civil agency.
2. Obtain an extension of time, if appropriate, in order to conduct the investigation.
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 superintendent of public instruction for an extension of time in which to file the complaint.



LOS ANGELES UNIFIED SCHOOL DISTRICT

MEMORANDUM

Resolution of the Complaint: Each complaint shall be investigated by the appropriate District office/division/local district office and shall be resolved within sixty (60) days of the receipt of the written complaint unless the complainant agrees in writing to an extension of time. The District office/division/ local district office shall:

1. Adhere to a thirty-day timeline to prepare the final report and to request additional information if necessary.
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.
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., Educational Equity Compliance Office, Specially Funded Programs Branch, Division of Special Education, etc.).
5. Prepare a written report of the investigative findings, corrective action(s) (if any), suggested resolution(s), the rationale for the findings along with supporting documentation and conclusion of law. Write the report in English and in the language of the complainant. Once again, 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.
6. Forward draft of the written report to Specially Funded Programs Branch (SFP) for review. The SFP staff will complete the closing report and forward the investigative findings to the complainant and to the appropriate administrator/designee, no later than ten days following the disposition of the complaint.

This 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.



LOS ANGELES UNIFIED SCHOOL DISTRICT
MEMORANDUM

Appeals—Los Angeles Unified School District: Appeals to District decisions involving allegations of discrimination/harassment may be appealed within fifteen (15) days to the District’s Educational Equity Compliance Office.

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]

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 complainant and rationale for the disposition.

Appeals—California Department of Education: 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 by filing a signed written appeal within fifteen days after receiving the district decision.

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

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 such appeals may be granted, in writing, by the California Department of Education for good cause). These appeals should be sent to:

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

Civil Remedies: Pursuant to California Education Code (Section 262.3), persons who have filed a complaint with an educational institution are advised and civil law remedies may be pursued through local, state, or federal agencies, offices, or private/public attorney.



LOS ANGELES UNIFIED SCHOOL DISTRICT
MEMORANDUM

The U.S. Department of Education, Office of Civil Rights, enforces compliance with Section 504, Title II of the ADA, Title VI, and Title IX and may be contacted for assistance with complaints relating to these laws and their regulations.

ASSISTANCE: For assistance regarding the filing of complaints under the Uniform Complaint Procedures, call Deborah S. Ernst, Director, or Valerie Lark Garrett, Coordinator, Specially Funded Programs, Compliance and Technical Support Branch, at (213) 241-6990.

For assistance regarding appeal procedures, call Sue Spears, Director, Educational Equity Compliance Office, at (213) 241-7682.

2. Have you discussed your complaint or brought your complaint to any Los Angeles Unified School District personnel? If you have, to whom did you take the complaint, and what was the result?

3. Please supply copies of any written documents that may be relevant or supportive of your complaint.

I have attached supporting documents.

Yes

No

Signature _____

Date _____

Mail complaint/documents to: Deborah S. Ernst, Director, Specially Funded Programs, Compliance and Technical Support Branch, 333 South Beaudry Avenue, 16th Floor, Los Angeles, CA 90017.

How a Complaint is Investigated and Answered

Each complaint is investigated by the appropriate District office or division or local district office which must do the following within sixty 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) on findings and recommended solutions. 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 days after receipt of the decisions 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 Section 504, the ADA, Title IX, or Title VI, and the decision was provided by a local district, school, or office, the appeal may be directed to:

Sue Spears, Director
Educational Equity Compliance
Los Angeles Unified School District
333 South Beaudry Avenue
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



Specially Funded Programs Division
Specially Funded Programs
Compliance and Technical Support
Branch

(213) 241-6990

July 2007

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:

**Deborah S. Ernst, Director
Specially Funded Programs
Compliance and Technical Support Branch
333 South Beaudry Avenue 16th 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 further advised that civil law remedies, including, but not limited to, injunctions, restraining orders, or other orders, may also be available to them.

Only complaints with the original signature will be accepted. The sixty-day time line shall begin when the complaint is received.