UNIFORM COMPLAINT PROCEDURES

The County Board recognizes that LACOE is primarily responsible to ensure compliance with applicable state and federal laws and regulations governing educational programs. 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. (5 CCR 4620)

LACOE shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination, harassment, intimidation, or bullying; against any person participating in LACOE programs or activities funded directly by or that receive or benefit from any state financial assistance on the grounds identified under Education Code 200 and 220 and Government Code 11135, including race or ethnicity, color, ancestry, national origin, nationality, ethnic group identification, citizenship and immigration status, age, religion, marital status, pregnancy or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information. These terms are defined by state or federal statute including any actual or perceived characteristics as set forth in Penal Code section 422.55 or on the basis or a person’s association with a person or group with one or more of these actual or perceived characteristics. (GC § 11135, EC §§ 200, 220, 2345.1, 5 CCR 4610, PC§ 422.55)

Uniform complaint procedures shall also be used when addressing complaints alleging noncompliance with state and/or federal laws in: (5 CCR 4610)

1. Adult Education
2. After School Education and Safety
3. Agricultural Vocational Education
4. American Indian Education Centers and Early Childhood Education Program Assessments
5. Career Technical Education and Training Programs
6. Child Care and Development (including State Preschool)
7. Child Nutrition
8. Consolidated Categorical Aid
9. Discrimination, harassment, intimidation, bullying, student lactation accommodations, and Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ) resources
10. Foster and Homeless Students
UNIFORM COMPLAINT PROCEDURES (continued)

11. Local Control Funding Formula (LCFF) and Local Control and Accountability Plans (LCAP)

12. No Child Left Behind Act (2001) programs (Titles I-VII), (to be replaced by the Every Student Succeeds Act [ESSA]) including improving academic achievement, compensatory education, English learner programs, and migrant education

13. Physical Education: Instructional Minutes

14. Pupil Instruction: Course Periods Without Educational Content or Previously Completed Courses

15. Regional Occupational Centers and Programs

16. Special Education

17. Tobacco-Use Prevention Education

18. Unlawful Pupil Fees

19. All LACOE Programs Listed in Education Code 64000(a)

(cf. 0410 - Nondiscrimination in LACOE Programs and Activities)
(cf. 1312.1 - Complaints Concerning LACOE Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 3553 - Free and Reduced Price Meals)
(cf. 4031 - Complaints Concerning Discrimination in Employment)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5148 - Child Care and Development)
(cf. 6159 - Individualized Education Program)
(cf. 6171 - Title I Programs)
(cf. 6174 - Education for English Language Learners)
(cf. 6175 - Migrant Education Program)
(cf. 6178 - Career Technical Education)
(cf. 6200 - Adult Education)

Uniform complaint procedures shall also be used to address any complaint alleging LACOE’s noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities. LACOE will attempt in good faith to engage in reasonable efforts to identify and fully reimburse all pupils, parents, and guardians who paid a pupil fee within one year prior to the filing of the complaint. (5 CCR § 4600(u)) A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred. (5 CCR § 4630(c)(2))
UNIFORM COMPLAINT PROCEDURES (continued)

Uniform complaint procedures shall also be used to address any complaint alleging that LACOE has not complied with legal requirements related to the implementation of the local control and accountability plan. (Education Code 52075)

In addition, the UCP may resolve complaints of noncompliance with laws related to accommodations for lactating students, educational rights of foster youth and homeless students, assignment of students to courses without educational content, and physical education instructional minutes, as specified below:

1. Any complaint alleging LACOE noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student. (Education Code 222)

2. Any complaint, by or on behalf of any student who is a foster youth, alleging LACOE noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the district’s educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the grant of an exemption from Board-imposed graduation requirements. (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

3. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, alleging LACOE noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from Board-imposed graduation requirements. (Education Code 51225.1, 51225.2)

4. Any complaint alleging LACOE noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions. (Education Code 51228.3)

5. Any complaint alleging LACOE noncompliance with the physical education instructional minutes requirement for students in elementary school. (Education Code 51210, 51223)

6. 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.

7. Any other complaints as specified in the LACOE policy.
UNIFORM COMPLAINT PROCEDURES (continued)

The County Board encourages the early, informal resolution of complaints at the site level whenever possible. To resolve complaints which cannot be resolved through such informal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670.

The County Board acknowledges and respects every individual's right to privacy. Discrimination, harassment, intimidation, or bullying complaints shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process. This may include keeping the identity of the complainant confidential, as appropriate and except to the extent necessary to carry out the investigation or proceedings, as determined by the County Superintendent or designee, on a case-by-case basis.

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

The County Board prohibits any form of retaliation against any complainant in the complaint process, including but not limited to a complainant's filing of a complaint or the reporting of instances of discrimination, harassment, bullying, or intimidation. Such participation shall not in any way affect the status, grades, or work assignments of the complainant. Uniform complaint procedures shall be used to address any complaint regarding such retaliation. Complainants are protected from retaliation and the identity of a complainant alleging discrimination, harassment, intimidation or bullying will remain confidential as appropriate. (EC§234.1(f); 5 CCR § 4621)

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

The Superintendent or designee shall provide training to LACOE staff to ensure awareness and knowledge of current law and related requirements, 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 Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints in accordance with applicable state law and LACOE policy.

(cf. 3580 - LACOE Records)
Non-UCP Complaints

The following complaints shall not be subject to LACOE’s UCP but shall be referred to the specified agency: (5 CCR 4611)

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

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.

3. Any complaint alleging employment discrimination shall be sent to the California Department of Fair Employment and Housing and the compliance officer shall notify the complainant by first class mail of the transfer.

4. Any complaint alleging fraud shall be referred to the California Department of Education.

Complaints 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, teacher vacancies and misassignments shall be investigated pursuant to LACOE’s Williams uniform complaint procedure.

(cf. 1312.4 - Williams Uniform Complaint Procedures)
UNIFORM COMPLAINT PROCEDURES (continued)

Legal Reference:
EDUCATION CODE
200-262.4  Prohibition of discrimination
222  Reasonable accommodations; lactating students
8200-8498  Child care and development programs
8500-8538  Adult basic education
18100-18203  School libraries
32289  School safety plan, uniform complaint procedure
35186  Williams uniform complaint procedure
48853-48853.5  Foster Youth
41500-41513  Categorical education block grants
48985  Notices in language other than English
49060-49079  Student records
49069.5  Rights of Parents
49490-49590  Child nutrition programs
51210  Courses of study grades 106
51223  Physical education, elementary schools
51225.1-51225.2  Foster youth and homeless children; course credits; graduation requirements
51228.1-51228.3  Course periods without educational content
52060-52077  Local control and accountability plan, especially
52075  Complaint for lack of compliance with local control and accountability plan requirements
52160-52178  Bilingual education programs
52300-52490  Career-technical education
52500-52616.24  Adult schools
52800-52870  School-based coordinated programs
54000-54028  Economic impact aid programs
54100-54145  Miller-Unruh Basic Reading Act
54400-54425  Compensatory education programs
54440-54445  Migrant education
54460-54529  Compensatory education programs
56000-56867  Special education programs
59000-59300  Special schools and centers
64000-64001  Consolidated application process
PENAL CODE
422.6  Interference with constitutional right or privilege
CODE OF REGULATIONS, TITLE 5
3080  Application of section
4600-4687  Uniform complaint procedures
4900-4965  Nondiscrimination in elementary and secondary education programs
UNITED STATES CODE, TITLE 20
6301-6577  Title I basic programs
6601-6777  Title II preparing and recruiting high quality teachers and principals
6801-6871  Title III language instruction for limited English proficient and immigrant students
7101-7184  Safe and Drug-Free Schools and Communities Act
7201-7283g  Title V promoting informed parental choice and innovative programs
7301-7372  Title V rural and low-income school programs

Management Resources:
WEB SITES
CSBA:  http://www.csba.org
California Department of Education:  http://www.cde.ca.gov
U.S. Department of Education, Office for Civil Rights:
http://www.ed.gov/about/offices/list/ocr/index.html

Policy  LOS ANGELES COUNTY OFFICE OF EDUCATION
adopted: October 18, 2016  Downey, California
UNIFORM COMPLAINT PROCEDURES

Except as the County Board may otherwise specifically provide in other Board policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in Board Policy 1312.3.

(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(s) responsible for coordinating LACOE’s response to complaints and for complying with state and federal civil rights laws. The individual(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment as the responsible employee to handle complaints regarding sex discrimination. The individual(s) shall receive and coordinate the investigation of complaints and shall ensure LACOE compliance with law.

Los Angeles County Office of Education
Elba Vega, Project Director
Compliance Support Services
9300 Imperial Hwy., EC-238
Downey, CA 90242
Tel. 562/803-8338 – Fax. 562/469-4238

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

In no instance shall an administrator be designated to investigate a complaint if he/she is mentioned in the complaint or has a conflict of interest that would prohibit him/her from fairly investigating the complaint. Any complaint filed against or implicating the compliance officer shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

The County Superintendent or designee will ensure that employees designated to investigate complaints receive training and are knowledgeable about the laws and programs for which they are responsible. Training provided to such employees shall include current state and federal laws and regulations governing the program, applicable process for investigating complaints, including those involving alleged discrimination, applicable standards for reaching decisions on complaints, and current corrective measures. Assigned employees may have access to legal counsel as determined by the County Superintendent or designee.

(cf. 9124 - Attorney)
UNIFORM COMPLAINT PROCEDURES (continued)

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the results of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the 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

The County Superintendent or designee shall annually provide written notification of LACOE’s uniform complaint procedures, including information regarding unlawful student fees, local control and accountability plan (LCAP) requirements, and requirements related to the educational rights of foster youth and homeless students, to students, employees, parents/guardians, LACOE advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 48853, 48853.5, 49013, 49069.5, 51225.1, 51225.2, 52075; 5 CCR 4622) As amended by AB 379 (Ch. 772, Statutes of 2015), LACOE must include information about specified educational rights of foster youth and homeless students in its annual UCP notification.

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 will make available copies of LACOE’s uniform complaint procedures free of charge. (5 CCR 4622)

The 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.

If 15 percent or more of students enrolled in a particular LACOE school speak a single primary language other than English, LACOE’s policy, regulation, forms, and notices concerning the UCP 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.

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints.
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable.
UNIFORM COMPLAINT PROCEDURES (continued)

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.

4. Include statements that:
   a. LACOE is primarily responsible for compliance with state and federal laws and regulations governing educational programs
   b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline
   c. An unlawful discrimination, harassment, intimidation, or bullying complaint 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 Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
   d. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of LACOE’s educational program, including curricular and extracurricular activities.
   e. 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.

(Note: Items #4f and g below reflect Education Code 48853, 48853.5, 49069.5, 51225.1, and 51225.2, as amended by AB 379 (Ch. 772, Statutes of 2015). Pursuant to Education Code 48853.5, as amended, the CDE is required to develop a standardized notice of the rights of foster youth)

f. 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.
UNIFORM COMPLAINT PROCEDURES (continued)

g. 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.

If the allegation involves retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) and the investigation reveals 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.

h. 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 the LACOE and another district.

i. A foster youth or homeless student who transfers into a LACOE high school or between LACOE high schools shall be notified of the district'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.

   (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 Board-imposed graduation requirements from which he/she may be exempted pursuant to Education Code 51225.1.

j. The complainant has a right to appeal LACOE’s decision to the CDE by filing a written appeal within 15 days of receiving LACOE’s decision.

k. The appeal to the CDE must include a copy of the complaint filed with LACOE and a copy of LACOE’s decision.
UNIFORM COMPLAINT PROCEDURES (continued)

1. Copies of LACOE’s UCP are available free of charge.

(cf. 5145.6 - Parental Notifications)
(cf. 6173 - Education for Homeless Children)
(cf. 6173.1- Education for Foster Youth)

LACOE Responsibilities

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 Complaint

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):

Elba Vega, Project Director
LAC Court Schools SELPA/Compliance Support Services
Los Angeles County Office of Education
9300 Imperial Highway, EC-238
Downey, CA 90242
FAX: (562) 469-4238

The complaint shall be presented to the above named compliance project officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints shall be filed in accordance with the following:
UNIFORM COMPLAINT PROCEDURES (continued)

1. A written complaint alleging LACOE’s violation of applicable state or federal law or regulations governing after school education and safety, agricultural vocational education, American Indian education centers and early childhood education program, assessments, career technical education and training programs, child care and development (including State Preschool), child nutrition, discrimination, harassment, intimidation, bullying, student lactation accommodations, and lesbian, gay, bisexual, transgender, and questioning (LGBTQ) resources, foster and homeless students, Local Control Funding Formula (LCFF) and Local Control and Accountability Plans (LCAP), No Child Left Behind Act (2001) programs (Titles I-VII), including improving academic achievement, compensatory education, English learner programs, and migrant education (to be replaced by the Every Student Succeeds Act [ESSA] beginning in 2016-17), physical education, instructional minutes, pupil instruction, course periods without educational content or previously completed courses, regional occupational centers and programs, special education, tobacco-use prevention education may be filed by any individual, public agency, or organization. (5 CCR 4610)

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 LACOE Project Director for Compliance, or the LACOE Superintendent of Schools. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 51223, 52075)

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. A complaint may be filed by a person who alleges that he/she personally suffered unlawful discrimination, harassment, intimidation, or bullying, or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination, harassment, intimidation, or bullying. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
UNIFORM COMPLAINT PROCEDURES (continued)

4. Any complaint alleging LACOE noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student (Education Code 222)

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

5. Any complaint, by or on behalf of any student who is a foster youth, alleging LACOE noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the district’s educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the grant of an exemption from Board-imposed graduation requirements. (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

(cf. 6173.1 – Education for Foster Youth)

6. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, alleging LACOE noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from Board-imposed graduation requirements. (Education Code 51225.1, 51225.2)

(cf. 6173 – Education for Homeless Children)

7. Any complaint alleging LACOE noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions. (Education Code 51228.3)

(cf. 6152 – Class Assignment)

8. Any complaint alleging LACOE noncompliance with the physical education instructional minutes requirement for students in elementary school. Education Code 51210, 51223)

(cf. 6142.7 – Physical Education and Activity)

9. 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.
10. When a complaint alleging unlawful discrimination 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.

11. When the complainant or alleged victim of unlawful discrimination or bullying requests confidentiality, the compliance officer shall inform him/her 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 respond to the complaint consistent with the request.

12. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, LACOE staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

13. Any other complaint as specified in LACOE policy.

**Mediation**

LACOE recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is acceptable to all parties. ADR, 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, he/she may informally discuss with all the parties the possibility of using mediation.

Before initiating the mediation of a complaint alleging retaliation, unlawful discrimination, or bullying, the compliance officer shall ensure that all parties agree to make the mediator a party to 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 his/her 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 to through the mediation. If mediation is unsuccessful, LACOE shall then continue with subsequent steps specified in this administrative regulation.
UNIFORM COMPLAINT PROCEDURES (continued)

Investigation of Complaint

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

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or his/her representative with the opportunity to present the information contained in complaint to the compliance officer and shall notify the complainant and/or his/her representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

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.

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 engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631)

In accordance with law, LACOE shall provide the investigator with access to records and other information related to the investigation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of LACOE to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

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 report of LACOE’s investigation and decision, as described in the section "Final Written Decision" below, within 60 calendar days of LACOE’s receipt of the complaint. (5 CCR 4631)
UNIFORM COMPLAINT PROCEDURES (continued)

Final Written Decision

LACOE’s decision shall be in writing and shall be sent to the complainant. The written report of Findings 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 a decision may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the decision or 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 decision 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.

For all decisions, the written report shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered will be provided to the complainant within 60 days from receipt of complaint, unless complainant agrees in writing to an extension of time. (EC 234.1; 5 CCR 4631) In reaching a factual determination, the following factors may be taken into account:
   a. Statements made by any witnesses
   b. The relative credibility of the individuals involved
   c. How the complaining individual reacted to the incident
   d. Any documentary or other evidence relating to the alleged conduct
   e. Past instances of similar conduct by any alleged offenders
   f. Past false allegations made by the complainant
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such a disposition
5. Corrective actions, if any are warranted
UNIFORM COMPLAINT PROCEDURES (continued)

6. Notice of the complainant’s right to appeal LACOE’s decision to the CDE within 15 calendar days of receiving the Report of Findings

7. 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.
   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 discriminatory 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. How 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 discriminatory 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.
UNIFORM COMPLAINT PROCEDURES (continued)

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.

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

1. He/she may pursue available civil law remedies outside of LACOE’s complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 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, unlawful discrimination, or bullying, appropriate corrective actions that focus on the victim 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
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, unlawful discrimination, or bullying, appropriate corrective actions that focus on a student offender may 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 success 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

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

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges or any requirement related to the LCAP, and/or a Course Period without Educational content is found to have merit, LACOE shall provide a remedy. Specifically, in Course period without Educational Content complaints the remedy shall go to the affected pupil. In LCAP and pupil fee complaints, the remedy shall go
UNIFORM COMPLAINT PROCEDURES (continued)

to all affected pupils, parents/guardians, which in the case of pupil fees, also includes reasonable efforts by LACOE to ensure full reimbursement to all affected pupils, parents and guardians who paid a fee within one year prior to the filing of the complaint, subject to procedures established through regulations adopted by the state board. (Education Code 49013(d), 52075(d), 5 CCR 4600(u))

Appeals to the California Department of Education

Any complainant who is dissatisfied with LACOE’s final written decision 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 15 calendar days of receiving LACOE’s decision 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 complainant shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of LACOE’s decision. (5 CCR 4632)

Upon notification by the CDE that the complainant has appealed the LACOE’s decision, the Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the decision
3. A summary of the nature and extent of the investigation conducted by LACOE, if not covered by the decision
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of LACOE’s uniform complaint procedures
7. Other relevant information requested by the CDE

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
UNIFORM COMPLAINT PROCEDURES (continued)

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.