

# LODI UNIFIED SCHOOL DISTRICT

REVISED Policy 1312.3

## Community Relations

### Uniform Complaint Procedures

The Board of Education recognizes that the district has primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

#### *Complaints Subject to UCP*

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve the following complaints:

1. Any complaint alleging district violation of applicable state or federal law or regulations governing ~~adult education programs, after school education and safety programs, migrant education, career technical education, child care and development programs, child nutrition programs, special education programs, consolidated categorical programs and any other district implemented program which is listed in Education Code 64000 (a)~~ *any program subject to the UCP which is offered by the district, including adult education programs; After School Education and Safety programs; agricultural career technical education; federal career technical education; child care and development programs; child nutrition programs; compensatory education; consolidated categorical aid programs; the federal Every Student Succeeds Act; migrant education; Regional Occupational Centers and Programs; school safety plans; California State Preschool Programs; and any other district-implemented state categorical program that is not funded through the local control funding formula pursuant to Education Code 64000*
2. ~~Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any student, employee, or other person participating in district programs and activities, including, but not limited to, those programs or activities funded directly by or that receive benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color~~

~~ancestry, nationality, national origin, ethnic group identification, age, religion, marital, pregnancy, or parental status, physical or mental disability, 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 his/her association with a person or group with one or more of these actual or perceived characteristics~~ *Any complaint, by a student, employee, or other person participating in a district program or activity, alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the 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)*

3. Any complaint alleging district noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed and infant, child, or address other breastfeeding-related needs of the student
4. ~~Any complaint alleging district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities~~ *Any complaint alleging district noncompliance with requirements to provide a pregnant or parenting student the accommodations specified in Education Code 46015, including those related to the provision of parental leave, right of return to the school of previous enrollment or to an alternative education program, if desired, and possible enrollment in school for a fifth year of instruction to enable the student to complete state and Board-imposed graduation requirements (Education Code 46015)*
5. ~~Any complaint alleging district noncompliance with legal requirements related to the implementation of the local control and accountability plan~~ *Any complaint alleging district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)*

6. ~~Any complaint, by or on behalf of any student who is a foster youth, alleging district 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. Any complaint alleging district noncompliance with applicable requirements of Education Code 52060-52077 related to the implementation of the local control and accountability plan, including the development of a local control funding formula budget overview for parents/guardians (Education Code 52075)~~
7. ~~Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, alleging district 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. Any complaint alleging noncompliance with requirements related to the development of a school plan for student achievement or the establishment of a school site council, as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64000-64001, 65000-65001)~~
8. ~~Any complaint, by or on behalf of a former juvenile court school student who transfers into the district after his/her second year of high school, alleging district noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in the juvenile court school or the grant of an exemption from Board imposed graduation requirements. Any complaint, by or on behalf of a student who is a foster youth as defined in Education Code 51225.2, alleging district noncompliance with any 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, district, or country; school or records transfer; or the grant of an exemption from Board-imposed graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)~~
9. ~~Any complaint alleging district 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. Any complaint, by or on behalf of a student who transfers into the district after the second year of high school and is a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student~~

*currently enrolled in the district, a child of a military family as defined in Education Code 49701, or a migrant student as defined in Education Code 54441, or by or on behalf of an immigrant student participating in a newcomer program as defined in Education Code 51225.2 in the third or fourth year of high school, alleging district noncompliance with any requirement applicable to the student regarding the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1)*

10. ~~Any complaint alleging district noncompliance with the physical education—  
instructional minutes requirement for students in elementary school~~ Any complaint, by or on behalf of a student who is a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student, a child of a military family as defined in Education Code 49701, a migrant child as defined in Education Code 54441, or a newly arrived immigrant student who is participating in a newcomer program as defined in Education Code 51225.2, alleging district noncompliance with requirements for the award of credit for coursework satisfactorily completed in another school, district, or country (Education Code 51225.2)
11. ~~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~~ Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student in grades 9-12 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)
12. ~~Any other complaint as specified in a district policy.~~ Any complaint alleging district noncompliance with the physical education instructional minutes requirement (Education Code 51210, 51222, 51223)
13. Complaints regarding the noncompliance of a license-exempt California State Preschool Program (CSPP) with health and safety standards specified in Health and Safety Code 1596.7925 and related state regulations (Education Code 8235.5; Health and Safety Code 1596.7925)
14. 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
15. Any other complaint as specified in district policy

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

When an allegation that is not subject to the UCP is included in a UCP complaint, the district 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 the district's UCP.

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

The Superintendent or designee shall maintain ~~records of all UCP complaints and the investigations of those complaints in accordance with applicable law and district policy.~~ 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.

### **Non-UCP Complaints**

The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency:

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~~ Any complaint alleging fraud shall be referred to the Legal, Audits and Compliance Branch

*of the California Department of Education.*

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

*Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.*

~~In addition, the district's Williams Uniform Complaint Procedures, BR 1312.4, shall be used to investigate and resolve 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.~~

*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 the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 8235.5, 35186)*

Legal References:

EDUCATION CODE

200-262 Prohibition of discrimination

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18203 School libraries

32280-32289 School safety plan, uniform complaint procedure

35186 Williams uniform complaint procedures

46015 *Parental leave for students*

48853-48853.5 Foster youth

48985 Notices in language other than English

49010-49013 Student Fees

49060-49079 Student records, *especially:*

49069.5 ~~Rights of parents~~ *Records of foster youth*

49490-49590 Child nutrition programs

49701 *Interstate Compact on Educational Opportunity for Military Children*

51210 Courses of study grades 1 -6

51222 *Physical education, secondary schools*

51223 Physical education, elementary schools

51225.1 – 51225.2 Foster youth and homeless children, *former juvenile court school students, military-connected students, migrant students, and newly arrived immigrant students; course credits; graduation requirements*

51226-51226.1 *Career technical education*

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

~~52160-52178 Bilingual education programs~~

52300-~~52490~~ 52462 Career-Technical education

52500-52616.24 Adult schools

~~52800-52870 School-based coordinated programs~~

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; *school plan  
for student achievement*

65000-65001 *School Site councils*

GOVERNMENT CODE

11135 Non-discrimination in programs or activities funded by the  
state

12900-12996 Fair Employment and Housing Act

HEALTH AND SAFETY CODE

1596.792 *California Child Day Care Act; general provisions and definitions*

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  
CODE OF REGULATIONS, TITLE 2

11023 *Harassment and discrimination prevention and correction*

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

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX of the Education Amendments of 1972 6301-

~~6301-6577 Title I, basic programs~~ *Improving the Academic  
Achievement of the Disadvantaged*

6801-~~6874~~ 7014 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–  
12101-12213 Title II equal opportunity for individuals with  
Disabilities~~

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-

6101- 6107 Age Discrimination Act of 1975

*12101-12213 Title II equal opportunity for individuals with disabilities*

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

100.3 Prohibition of discrimination on basis of race, color or  
national origin

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

110.25 Notification of nondiscrimination on the basis of age

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Uniform Complaint Procedure 2020-21 Program Instrument*

*Sample UCP Board Policies and Procedures*

U.S. Department of Education, Office of Civil Rights Publications

*Dear Colleague Letter, September 22, 2017*

*Dear Colleague Letter: Title IX Coordinators, April 2015*

~~*Questions and Answers on Title IX and Sexual Violence, April 2014*~~

~~*Dear Colleague Letter: Bullying of Students with Disabilities,*~~

~~*August 2013*~~

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

~~*Dear Colleague Letter: Sexual Violence, April 2011*~~

~~*Dear Colleague Letter: Harassment and Bullying, October 2010*~~

~~*Revised Sexual Harassment Guidance: Harassment of Students by School  
Employees, Other Students, or Third Parties, January 2001*~~

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,  
2002*

MANAGEMENT RESOURCES:

WEB SITES

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



California Department of Education: <http://www.cde.ca.gov>  
Family Policy Compliance Office: <http://www2.ed.gov/policy/gen/guid/fpco>

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

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

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Policy adopted: 06/10/80  
revised: 09/15/92  
revised: 02/03/98  
revised: 06/03/03  
revised: 08/05/03 (technical revision)  
revised: 11/04/03 (technical revision)  
revised: 09/21/04 (technical revision)  
revised: 05/03/05  
revised: 09/05/06  
revised: 09/02/08 (technical revision)  
revised: 09/02/14  
revised: 05/19/15  
revised: 07/14/15 (technical revision)  
revised: 08/15/17  
*revised: 05/01/18*

