

LODI UNIFIED SCHOOL DISTRICT

REVISION

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 Uniform Complaint Procedures

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

1. Accommodations for pregnant and parenting students
2. Adult education programs
3. After School Education and Safety programs
4. Agricultural career technical education
5. Career technical and technical education and career technical and technical training programs
6. Child care and development programs
7. Compensatory education
8. Consolidated categorical aid programs
9. Course periods without educational content
10. Discrimination, 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 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

11. Educational and graduation requirements for students in foster care, homeless students, students from military families, and students formerly in a juvenile court school

12. Every Student Succeeds Act

13. Local control and accountability plan

14. Migrant education

15. Physical education instructional minutes

16. Student fees

17. Reasonable accommodations to a lactating student

18. Regional occupational centers and programs

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

20. School safety plans

21. School site councils as required for the consolidated application for specified federal and/or state categorical funding

22. State preschool programs

23. State preschool health and safety issues in license-exempt programs

24. 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

25. Any other state or federal educational program the Superintendent of Public Instruction or designee deems appropriate.

1. ~~Any complaint alleging District violation of applicable state or federal law or regulations governing 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, 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.~~
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 an infant, child, or address other breastfeeding related needs of the student.~~
4. ~~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.~~

- ~~5. Any complaint alleging District noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities.~~
- ~~6. 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.~~
- ~~7. 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.~~
- ~~8. 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.~~
- ~~9. 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~~
- ~~10. 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.~~

- ~~11. 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.~~
- ~~12. Any complaint alleging District noncompliance with the physical education instructional minutes requirement.~~
- ~~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.~~
- ~~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 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 Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

The District 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 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 requirements related to UCP, including the steps and timelines specified in this policy and the accompanying ~~administrative regulation~~ **Board Rule**.

The 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.

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be **investigated and resolved by** ~~referred to~~ 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, ~~the County Protective Services Division, and~~ **or** 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 fraud shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education.~~
4. **Any complaint alleging that a student, while in an education program or activity in which the district 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.**
5. **Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in Board Rule 4030 - Nondiscrimination in Employment, including**

the right to file the complaint with the California Department of Fair Employment and Housing.

6. 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 (FAPE), failure or refusal to implement a due process hearing order to which the district is subject, or a physical safety concern that interferes with the district's provision of FAPE shall be submitted to the California Department of Education (CDE) in accordance with Board Rule 6159.1 - Procedural Safeguards and Complaints for Special Education.
7. Any complaint alleging noncompliance of the district'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 Board Policy 3555 - Nutrition Program Compliance.
8. Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the district's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with Board Policy 3555 - Nutrition Program Compliance.
9. 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 Board Rule 1312.4 - Williams Uniform Complaint Procedures.

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

~~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 Rule 1312.4—Williams Uniform Complaint Procedures.~~

Legal Reference:

2 CCR 11023 Harassment and discrimination prevention and correction
5 CCR 15580-15584 Child nutrition programs complaint procedures
5CCR 3200-3205 Special education compliance complaints
5 CCR 4600-4670 Uniform complaint procedures
5 CCR 4600-4687 Uniform complaint procedures and Williams complaints
5 CCR 4690-4694 Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965 Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
EDUCATION CODE
200-262.4 Prohibition of discrimination
~~222 Reasonable accommodations; lactating students~~
8200-8498~~88~~ Childcare and development programs
8500-8538 Adult basic education
18100-18203 School libraries
32280-32289.5 School safety plans, ~~uniform complaint procedures~~
~~33380-33384 California Indian Education Centers~~
35186 Williams Uniform Complaint Procedures
46015 Parental leave for students
~~44500-44508 California Peer Assistance and Review Program for Teachers~~
48853-48853.5 Foster youth
48985 Notices in language other than English
49010-49013 Student fees
49060-49079 Student records, especially:
49069.5 Records of foster youth
49490-49590 Child nutrition programs
49701 **Provisions of the** Interstate Compact on Educational Opportunity for Military Children
51210 Courses of study **for** grades 1-6
51222 Physical education, ~~secondary schools~~
51223 Physical education, elementary schools
51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, ~~and 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
52059.5 Statewide system of support
52060-52077 Local control and accountability plan, especially:
52075 Complaint for lack of compliance with local control and

accountability plan requirements

52300-52462 Career technical education

52500-52616-247 Adult schools

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 ~~Prohibition of Nondiscrimination in programs or activities funded by 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 ~~Definition of H~~ate crime; definition

422.6 ~~Interference with Constitutional right or privilege~~ Crimes; harassment

CODE OF REGULATIONS, TITLE 2

11023 ~~Harassment and discrimination prevention and correction~~

CODE OF REGULATIONS, TITLE 5

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 (FERPA) of 1972

1681-1688 Title IX of the Education Amendments of 1972; ~~discrimination based on sex~~

6301-6577 6Title I, Improving the Academic Achievement of the Disadvantaged

6801-7014 Title III language instruction for limited English proficient 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 Title II equal opportunity for individuals with disabilities~~

[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 [Section 504](#) Designation of responsible employee for ~~Section 504~~ [and adoption of grievances procedures](#)

[106.1-106.82 Nondiscrimination on the basis of sex in education programs](#)

[106.30 Discrimination on the basis of sex in education programs and activities; definitions](#)

[106.44 Recipient's response to sexual harassment](#)

[106.45 Grievance process for formal complaints of sexual harassment](#)

[106.8 Designation of responsible employee for Title IX coordinator; dissemination of policy, and adoption of grievance procedures](#)

~~[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 FOR CIVIL RIGHTS~~ PUBLICATIONS

[Part 1: Questions and Answers Regarding the Department's Title IX Regulations, January 2021](#)

[Questions and Answers on the Title IX Regulations on Sexual Harassment, July 2021](#)

~~Dear Colleague Letter, September 22, 2017~~

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

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

~~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~~ 2007

WEB SITES

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

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

Family Policy Compliance Office: <http://familypolicy.ed.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/ocr>

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

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

revised: 03/02/21