

Uniform Complaint Procedures (UCP)

This document contains rules and instructions about the filing, investigation and resolution of a Uniform Complaint Procedures (UCP) complaint regarding an alleged violation by Long Beach Unified School District of federal or state laws or regulations governing educational programs, including non-compliance with laws relating to pupil fees and our Local Control and Accountability Plan (LCAP).

This document presents information about how the District processes UCP complaints concerning particular programs or activities that are subject to the UCP.

A UCP complaint is a written and signed statement alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation, bullying or charging pupil fees for participation in an educational activity or non-compliance with the requirements of the District LCAP. A signature may be handwritten, typed (including in an email) or electronically generated. Complaints may be filed anonymously. A UCP complaint filed on behalf of the individual student may only be filed by that student or that student's duly authorized representative.

A complainant is 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, harassment, intimidation, or bullying in programs and activities funded directly by the state or receiving any financial assistance from the state.

If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, we shall assist the complainant in the filing of the complaint.

The responsibilities of the District

Long Beach Unified School District shall have the primary responsibility to ensure compliance with applicable state and federal laws and regulations. The District shall investigate and seek to resolve, in accordance with our approved UCP process, complaints alleging failure to comply with applicable state and federal laws and regulations including, but not limited to, allegations of discrimination, harassment, intimidation, or bullying or noncompliance with laws relating to all programs and activities implemented by the District that are subject to the UCP.

According to state and federal codes and regulations, the programs and activities subject to the UCP (and any other state or federal educational program the State Superintendent of Public Instruction of the California Department of Education or designee deems appropriate) are:

Accommodations for Pregnant and Parenting Pupils	Every Student Succeeds Act
Adult Education	Education and graduation requirements for Pupils in Foster Care, Pupils who are Homeless, Pupils of Military Families, and pupils formerly in Juvenile Court now enrolled in a school district
After School Education and Safety	Local Control and Accountability Plans (LCAP)
Agricultural Career Technical Education	Migrant Education
Career Technical Education (Federal); Career Technical and Technical Education; Career Technical; Technical Training (State)	Physical Education Instructional Minutes
Child Care and Development	Pupil Fees
Compensatory Education	Reasonable Accommodations to a Lactating Pupil
Consolidated Categorical Aid Programs	Regional Occupational Centers and Programs
Course Periods without Educational Content (for grades nine through twelve)	School Plans for Student Achievement
Discrimination, harassment, intimidation, or bullying against any protected group as identified under <i>Education Code (EC)</i> sections 200 and 220 and <i>Government Code</i> Section 11135, including any actual or perceived characteristic as set forth in <i>Penal Code</i> Section 422.55, 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 an educational institution, as defined in <i>EC</i> Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance.	School Safety Plans
	School Site Councils (SSC)
	State Preschool
	State Preschool Health and Safety Issues Exempt from Licensing

The following complaints shall be referred to other agencies for appropriate resolution and are not subject to the UCP process set forth in this document unless these procedures are made applicable by separate interagency agreements:

- a. Allegations of child abuse shall be referred to County Department of Social Services (DSS), Protective Services Division or appropriate law enforcement agency.
- b. Health and safety complaints regarding licensed facilities operating a Child Development Program shall be referred to Department of Social Services (DSS).
- c. Employment discrimination complaints shall be sent to the State Department of Fair Employment and Housing (DFEH). The complainant shall be notified in writing in a timely manner of any DFEH transferal.

Pupil Fees

A pupil fee is a fee, deposit, or other charge imposed on pupils, or a pupil's parents or guardians, in violation of state codes and constitutional provisions which require educational activities to be provided free of charge to all pupils without regard to their families' ability or willingness to pay fees or request special waivers. Educational activities are those offered by a school, school district, charter school, or county office of education that constitute a fundamental part of education, including, but not limited to, curricular and extracurricular activities.

Local Control Accountability Plan (LCAP)

The LCAP is an important component of the Local Control Funding Formula (LCFF), the revised school finance system that overhauled how California funds its K-12 schools. Under the LCFF we are required to prepare an LCAP, which describes how we intend to meet annual goals for our pupils, with specific activities to address state and local priorities identified pursuant to California *Education Code (EC)* § 52060(d).

The UCP Annual Notice

The District annually disseminates written notice ("UCP Annual Notice") of complaint procedures. This notice may be made available on the District website and shall include the following:

- addresses to all students, employees, parents or guardians of its students, school and district advisory committee members, appropriate private school officials or representatives, and other interested parties;
- information regarding allegations about discrimination, harassment, intimidation, or bullying;
- the list of all federal and state programs within the scope of the UCP;

- the title of the position whose occupant is responsible for processing complaints, and the identity(ies) of the person(s) currently occupying that position, if known;
- a statement that the occupant responsible for processing the complaints is knowledgeable about the laws and programs that they are assigned to investigate;
- a statement that in order to identify appropriate subjects of state preschool health and safety issues pursuant to Section 1596.7925 of the Health and Safety Code [HSC section 1596.7925], a notice, separate from UCP Annual Notice, shall be posted in each California state preschool program classroom in each school in the local educational agency notifying parents, guardians, pupils, and teachers of:
 1. the health and safety requirements under Title 5 of the California Code of Regulations (5 CCR) apply to California state preschool programs pursuant to HSC section 1596.7925, and
 2. the location at which to obtain a form to file a complaint.

Filing UCP Complaints

All UCP complaints shall be filed no later than one year from the date the alleged violation occurred.

Complaints within the scope of the UCP are to be filed with the person responsible for processing complaints:

*Kim Dalton, Director, Human Resource Services
1515 Hughes Way, Long Beach, CA 90810
562-997-8108
kdalton@lbschools.net*

A pupil fees complaint may be filed with the principal of a school or our superintendent or their designee.

A pupil fees complaint may be filed anonymously, that is without an identifying signature, if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

A pupil fee includes a purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

For complaints relating to Local Control and Accountability Plans (LCAP), the date of the alleged violation is the date when the reviewing authority approves the LCAP or annual update that was adopted. An LCAP complaint may be filed anonymously, that is without an identifying signature, if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

We advise complainants of the right to pursue civil law remedies that may be available under state or federal discrimination, harassment, intimidation or bullying laws, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may also be available to complainants.

Investigating UCP Complaints

The UCP complaint investigation is the District's administrative process for the purpose of gathering data regarding the complaint. The District will provide an opportunity for complainants and/or representatives to present evidence or 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.

Refusal by the District to provide the investigator with access to records and/or other information related to the allegation 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 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 District ensures that complainants are protected from retaliation.

The Districts investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group. Unlawful discrimination, harassment, intimidation or bullying complaints shall be filed no later than six months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying.

UCP Complaint Resolution

The District will thoroughly investigate the UCP complaint and issue a written Investigation Report to the complainant within 60 calendar days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time.

This Investigation Report will contain the following elements:

- the findings of fact based on the evidence gathered;
- a conclusion that provides a clear determination for each allegation as to whether the District is in compliance with the relevant law;
- corrective actions if we find merit in a complaint:
 - including complaints of Pupil Fees; LCAP; Physical Education Instructional Minutes, or Course Periods without Educational Content, the remedy shall go to all affected pupils, parents, and guardians,

- for all other complaints within the scope of the Uniform Complaint Procedures the remedy shall go to the affected pupil,
- With respect to a pupil fees complaint, corrective actions shall include a remedy where in good faith, by engaging in reasonable efforts, an attempt 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;
- a notice of the complainant's right to appeal our Investigation Report to the Department of Education (CDE); and
- the procedures to be followed for initiating an appeal to the CDE.

UCP Complaint Appeal Process

An appeal is a request, made in writing and signed by the complainant, to the CDE seeking review of the District's Investigation Report that was issued in response to a properly-filed complaint. A signature may be handwritten, typed (including in an email) or electronically-generated.

A complainant may appeal the District's Investigation Report of a UCP complaint to the CDE by filing a written appeal within 30 calendar days of the date. In order to request an appeal, the complainant must specify and explain the basis for the appeal, including at least one of the following:

- the District failed to follow its complaint procedures, and/or
- the Investigation Report lacks material findings of fact necessary to reach a conclusion of law, and/or
- the material findings of fact in the Investigation Report are not supported by substantial evidence, and/or
- the legal conclusion in the Investigation Report is inconsistent with the law, and/or
- in a case in which we were found in noncompliance, the corrective actions fail to provide a proper remedy.

The appeal shall be sent to CDE with: (1) a copy of the locally filed complaint; and (2) a copy of the Investigation Report.

UCP Requirements Regarding State Preschool Health and Safety Issues Pursuant to *HSC* Section 1596.7925:

When Filing a UCP Complaint Regarding State Preschool Health and Safety Issues

To file a UCP complaint regarding a state preschool health and safety issue pursuant to *HSC* Section 1596.7925 the complainant must file with the preschool program administrator or their designee.

A state preschool health and safety issues complaint about problems beyond the authority of the preschool program administrator shall be forwarded in a timely manner, but not to exceed 10 working days to the District's official for resolution.

A state preschool health and safety issues complaint may be filed anonymously. A complainant who identifies themselves is entitled to a response if they indicate that a response is requested. A complaint form shall include a space to mark to indicate whether a response is requested. If *EC* section 48985 is otherwise applicable, the response, if requested, and the District's Investigation Report shall be written in English and the primary language in which the complaint was filed.

A complaint form for a state preschool health and safety issue shall specify the location for filing a complaint. A complainant may add as much text to explain the complaint as they wish.

When investigating a UCP state preschool health and safety issue the preschool program administrator or the designee of the district superintendent shall (1) make all reasonable efforts to investigate any problem within his or her authority. Investigations shall begin within 10 calendar days of the receipt of the complaint and (2) remedy a valid complaint within a reasonable time period, but not to exceed 30 working days from the date the complaint was received and report to the complainant the resolution of the complaint within 45 working days of the initial filing. If the preschool program administrator makes this report, they shall also report the same information in the same timeframe to the designee of the district superintendent.

Filing an Appeal Regarding UCP State Preschool Health and Safety Issues

When filing an appeal regarding UCP State Preschool Health and Safety Issues, a complainant not satisfied with the resolution of the preschool program administrator or the designee of the district superintendent has the right to describe the complaint at a regularly scheduled hearing of the board.

A complainant who is not satisfied with the resolution proffered by the preschool program administrator or the designee of our superintendent has the right to file an appeal to the State Superintendent of Public Instruction (SSPI) within 30 calendar days of the date of the Investigation Report.

The complainant shall comply with the same appeal requirements of 5 *CCR* section 4632 as in the section above 'UCP Complaint Appeal Process.'

A written appeal to the CDE shall be within 30 days of the date of the Investigation Report and accompanied by a copy of the locally filed complaint and a copy of the Investigation Report. The complainant shall specify and explain the basis for the appeal, including at least one of the following:

- the preschool program administrator or the designee of our superintendent failed to follow its complaint procedures, and/or
- the Investigation Report lacks material findings of fact necessary to reach a conclusion of law, and/or
- material findings of fact in the Investigation Report are not supported by substantial evidence, and/or
- the legal conclusion in the Investigation Report is inconsistent with the law, and/or
- if the preschool program is found noncompliant, the corrective actions fail to provide a proper remedy.

The SSPI or their designee shall comply with the requirements of 5 *CCR* section 4633 and shall provide the written Investigation Report to the State Board of Education describing the basis for the complaint, the District response to the UCP state preschool health and safety issues complaint and its remedy or proposed remedy and, as appropriate, a proposed remedy for the issue described in the complaint, if different from the District's remedy.

The District shall report summarized data on the nature and resolution of all UCP state preschool health and safety issues complaints on a quarterly basis to the county superintendent of schools and to the Governing Board. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the board. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints.

All complaints and responses are public records.

Legal Reference:

20 *United States Code (U.S.C.)* section 6301 et seq.

34 *Code of Federal Regulations (CFR)* sections 299.11

California *Education Code (EC)* sections 200, 220, 222, 234.1-234.5, 262.3, 8235.5, 8200-8493; 8500-8538, 32280-32289, 33315, 35186, 46015, 47606-47606.5, 47607.3, 48645.5, 48645.7, 48853, 48853.5, 48985, 49010-49013, 49069.5, 51210, 51223, 51225.1, 51225.2, 51228.1-51228.3, 52060-52075, 52300-52462, 52500-52616.4, 54440-54445, 64001, 65000.

California *Government Code (GC)* sections 11135, 17581.6(f).

California *Penal Code (PC)* section 422.55.

California *Welfare and Institutions Code (WIC)* section 300

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LONG BEACH UNIFIED SCHOOL DISTRICT