



LOS ANGELES UNIFIED SCHOOL DISTRICT
POLICY BULLETIN

TITLE: Uniform Complaint Procedures (UCP)
NUMBER: BUL-5159.7
ISSUER: David Holmquist, General Counsel
Office of the General Counsel
DATE: February 22, 2017

ROUTING
All Employees

POLICY: The District has the primary responsibility to ensure compliance with applicable state and federal laws and regulations, and shall investigate complaints alleging failure to comply with those laws and regulations, including allegations of discrimination, harassment, intimidation, and/or bullying; unauthorized charging of pupil fees for educational activities; noncompliance with physical education instructional minutes at specified grade levels; noncompliance with education provisions for pupils in foster care and pupils who are homeless; provision of courses without educational content and previously completed/graded courses sufficient for satisfying requirements/prerequisites for postsecondary education and receipt of a diploma, except under specified conditions; failure to reasonably accommodate lactating students; or alleging failure to comply with legal requirements under the Local Control and Accountability Plan (LCAP). The District shall seek to resolve those complaints of noncompliance in accordance with the procedures set out in §§4600-4687 of Title 5 of the California Code of Regulations and the District’s policies and procedures under the UCP, including allegations of retaliation for participation in the UCP process and/or to appeal District decisions regarding such complaints.

UCP brochures are available at all schools and on the District’s website in primary languages of the school community. Written notice regarding UCP must be disseminated annually to staff, students, parents/guardians, appropriate private school officials or representatives, District advisory committee, school advisory committees, and other interested school parties. Distribution may be in any form that will reach the school community. A copy of this policy shall be available free of charge. Complainants are encouraged, where possible, to try to resolve complaints directly at the school, work site or with their Local District.

MAJOR CHANGES: This Bulletin replaces BUL-5159.6, “Uniform Complaint Procedures (UCP),” issued September 22, 2016, by Office of the General Counsel. It includes information and procedures to ensure compliance with legal requirements per State Federal Program Monitoring.

On February 10, 2015, the District Board of Education ratified a delegation of its authority for approval of the District’s UCP policy and procedures to the District’s Superintendent of Schools to remain in force until the delegation is rescinded.



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GUIDELINES:

I. BACKGROUND

A UCP complaint regarding noncompliance with various state and federal programs that use categorical funds must be filed by way of the Uniform Complaint Procedures as written in Title 5 of the California Code of Regulations §§4600-4687.

The UCP complaint is a written statement that may allege discrimination, harassment, intimidation, and/or bullying of a student as identified in Education Code §200 and 220 and Government Code §11135, including any actual or perceived characteristics set forth in Penal Code §422.55, to include actual or perceived sex, sexual orientation, gender, gender identity, gender expression, race or ethnicity, ethnic group identification, ancestry, nationality, national origin, religion, color, mental or physical disability, age, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity it conducts or to which it provides significant assistance, or a violation of a federal or state law or regulation.

Additional new legislation requires schools with at least one lactating pupil on campus, to provide reasonable accommodations to a lactating pupil on campus to express breast milk, breast-feed an infant child, or address other needs related to breast-feeding. The law prohibits the lactating pupil from incurring an academic penalty as a result of her use, during the school day, of reasonable accommodations and affords that she shall be provided the opportunity to make up any work missed due to such use. A complaint of noncompliance with the requirements of Education Code §222 may be filed under the District's UCP.

A pupil shall not be required to pay a pupil fee for participation in an educational activity, unless the charge for such a fee is specifically authorized by law and does not violate Education Code §49011. "Pupil fee" means a fee, deposit, or other charge imposed on pupils, or a pupil's parents/guardians, in violation of Education Code §49011 and §5 of Article IX of the California Constitution. A UCP complaint of noncompliance should be filed first with the school principal or the agency superintendent or his or her designee. A complainant not satisfied with the school's decision may appeal the decision to the District's UCP Coordinator and shall receive a written appeal decision within 60 days of receipt of the complainant's appeal request. A pupil fee complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with laws relating to pupil fees. The complaint shall be filed no later than one year from the date the alleged violation occurred. If merit is found in a pupil fee complaint the public school shall provide a remedy to all affected pupils, parents, and guardians that where applicable includes reasonable efforts by the school to ensure full reimbursement to all affected pupils, parents and guardians, subject to procedures established through regulations adopted by the State



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board. The District will attempt in good faith by engaging in reasonable efforts to identify and fully reimburse all pupils, parents/guardians who paid a pupil fee within one year prior to the filing of the complaint.

Existing law requires the adopted course of study for grades 1 to 6, inclusive, to include instruction in specified areas of study, including physical education for a total period of time of not less than 200 minutes each 10 school days, exclusive of recesses and the lunch period. Instruction in physical education in an elementary school maintaining any of grades 1 to 8, inclusive, shall be for a total period of time of not less than 200 minutes each 10 school days, exclusive of recesses and the lunch period. A complaint that the District has not complied with instructional minute requirements of the physical education adopted course of study for pupils in those grades may be filed under the District's UCP.

Education Codes §§48853, 48853.5, 49069.5, 51225.1 and 51225.2, which address educational rights of pupils in foster care and pupils who are homeless to immediate enrollment, remaining in the school of origin, being enrolled in their local comprehensive school, obtaining partial credits, graduating with the State's minimum requirements, and access to academic resources, services, and extracurricular activities, have been amended to allow that a complaint of noncompliance with the requirements of the sections may be filed under the District's UCP.

Commencing with the 2016-17 school year, the District is prohibited from assigning a pupil enrolled in grades 9 to 12 to a course without educational content. Students may not be enrolled in courses without educational content for more than one week in any semester or to a course the pupil has previously completed and received a grade determined by the District to be sufficient to satisfy requirements and prerequisites for admission to the California public institutions of postsecondary education and the minimum requirements for receiving a diploma of graduation from high school, except under specified conditions. A complaint of noncompliance with the requirements of Education Code §51228.1 or §51228.2 may be filed under the District's UCP. If merit is found in a Course Period without Educational Content complaint, there shall be a remedy provided to the affected pupil.

A complaint that a district has not complied with requirements of the LCAP may also be filed using UCP. (Education Code §52075). An LCAP complaint may be filed anonymously if it provides evidence/information leading to evidence to support an allegation of noncompliance. If merit is found in an LCAP complaint, there shall be a remedy provided to the affected pupil, parents and guardians. LCAP requirements are found in Education Code §§52060-52076. On July 1, 2013, Assembly Bill 97 was signed by Governor Brown enacting the Local Control Funding Formula (LCFF). As part of LCFF, districts, county offices of education and charter schools are required to develop, adopt, and annually update a three-year LCAP using the State Board of Education template. The LCAP is required to identify annual goals, specific



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actions geared toward implementing those goals, and must measure progress for student subgroups across multiple performance indicators based on eight priorities set by the State. The priorities must be aligned to the district's spending plan. The LCAP must be approved before the annual district budget can be adopted. Once the budget and LCAP are adopted at the local level the plan will be reviewed by the County superintendent to ensure alignment of projected spending toward goals and services. The following are the eight State priorities:

1. Providing all students access to fully credentialed teachers, instructional materials that align with state standards, and safe facilities.
2. Implementation of California's academic standards, including Common Core State Standards in English language arts and math, Next Generation Science Standards, English language development, history social science, visual and performing arts, health education and physical education standards.
3. Parent involvement and participation, so the local community is engaged in the decision-making process and educational programs of students.
4. Improving student achievement and outcomes along multiple measures, including test scores, English proficiency and college and career preparedness.
5. Supporting student engagement, including whether students attend school or are chronically absent.
6. Highlighting school climate and connectedness through a variety of factors, such as suspension and expulsion rates and other locally identified means.
7. Ensuring all students have access to classes that prepare them for college and careers, regardless of what school they attend or where they live.
8. Measuring other important student outcomes related to required areas of study, including physical education and the arts.

A district may also identify and incorporate in its plan goals related to its own local priorities.

The Board of Education is required to establish a parent advisory committee (PAC) and English learner parent advisory committee (ELPAC) to provide advice to the Board of Education and the superintendent regarding the LCAP. (ELPACs are required if enrollment of a district includes at least 15% English learners and the district enrolls at least 50 pupils who are English learners. Districts are not required to establish a new ELPAC if they already have established an English learner parent committee). PACs shall include parents/legal guardians of low income students, English learner students and foster youth.



Each district is required to consult with its teachers, principals, administrators, other school personnel, local bargaining units, parents, and pupils in developing the LCAP. As part of this process, districts must present their proposed plans to the PAC and ELPAC. The advisory committees can review and comment on the plan. Districts must respond in writing to the comments of the PAC and ELPAC. Districts are also required to notify members of the public that they may submit written comments regarding specific actions and expenditures proposed in the LCAP.

Districts are also required to hold at least two public hearings to discuss and adopt (or update) their LCAPs. The district must first hold at least one hearing to solicit recommendations and comments from the public regarding expenditures proposed in the plan. It then must adopt (or officially update) the LCAP at a subsequent hearing. The district is required to post on its website the LCAP approved by the Board of Education and any updates or revisions to it.

II. UNIFORM COMPLAINT PROCEDURES PROCESS JURISDICTION

A. Complaints Under the Jurisdiction of the District's UCP Process:

1. Discrimination, Harassment, Intimidation, and/or Bullying
 - a. Employee-to-student, student-to-student, and third party to student
 - b. May include allegations of failure to provide reasonable accommodations for lactating students
2. Various Programs that Use Categorical Funds
 - a. Adult Education
 - b. After School Education and Safety
 - c. Agricultural Vocational Education
 - d. American Indian Education Centers and Early Childhood Education Program Assessments
 - e. Bilingual Education
 - f. California Peer Assistance and Review Programs for Teachers
 - g. Career Technical and Technical Education and Career Technical and Technical Training; Career Technical Education
 - h. Child Care and Development
 - i. Child Nutrition
 - j. Consolidated Categorical Aid Programs
 - k. Economic Impact Aid
 - l. Every Student Succeeds Act
 - m. Foster and Homeless Youth Services [The District shall post a standardized notice of the educational rights of foster and homeless youth, as specified in E.C. §§48853, 48853.5, 49069.5, 512225.1, 51225.2; the notice shall include complaint process information, as applicable.]
 - n. Migrant Education
 - o. No Child Left Behind Act (2001) programs, including but not limited to, improving academic achievement, compensatory education,



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- limited English proficiency, and migrant education
 - p. Regional Occupational Centers and Programs
 - q. School Safety Plans
 - r. Special Education
 - s. State Preschool
 - t. Tobacco-Use Education
3. Unauthorized Charging of Pupil Fees, per Education Code §49011 and §5 of Article IX of the California Constitution, for Educational Activities
 - a. A District pupil shall not be required to pay a pupil fee for participation in an educational activity.
 - b. All supplies, materials, and equipment needed to participate in educational activities shall be provided to pupils free of charge.
 4. Elementary School Adopted Course of Study for Physical Education
 5. Failure to Comply with Legal Requirements Pertaining to LCAP
 6. Enrollment in Courses without Educational Content and Previously Completed or Graded Courses Sufficient for Satisfying Requirements or Prerequisites for Postsecondary Education and Receipt of a Diploma
- B. Complaints Not Under the Jurisdiction of the District's UCP Process:
1. Allegations of employment/work, employee-to-employee and/or student-to-employee discrimination, harassment, intimidation, and/or bullying may be referred to the Equal Opportunity Section at (213) 241-7685.
 2. Allegations of suspected child abuse shall be referred to Los Angeles County Department of Children and Family Services or an appropriate city or county law enforcement agency, as applicable.
 3. Allegations of fraud may be referred to Office of the Inspector General.
 4. Personnel action complaints may be referred to the responsible administrator in the division/branch/department/unit/Local District.
 5. Health and safety complaints regarding a Child Development Program may be referred to Department of Social Services, for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.
 6. Bullying complaints not based on protected classes may be referred to the school's Title IX/Bullying Complaint Manager, Principal/Designee, or Administrator of Operations in the Local District.
 7. Complaints involving classroom assignments, common core, grades, graduation requirements, hiring and evaluation of staff, homework policies and practices, provision of core curricula subjects, public meeting laws (Brown Act, Greene Act), student advancement and



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retention, student discipline, students' records, and other general education requirements may be referred to the appropriate Principal/Designee, Administrator of Operations or responsible administrator in the division/branch/department/unit/Local District.

III. RELATED DEFINITIONS

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

- A. Appeal: A request made in writing to a level higher than the original reviewing level by an aggrieved party requesting reconsideration or a reinvestigation of the lower adjudicating body's decision.
- B. Complainant: An individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging a violation of federal or state laws or regulations, including allegations of discrimination in programs and activities funded directly by the state or receiving any financial assistance from the state.
- C. Complaint: A written and signed statement alleging a violation of federal or state laws or regulations, which may include an allegation of discrimination, harassment, intimidation and/or bullying. If the complainant is unable to put the complaint in writing, due to conditions such as a disability or illiteracy, the public agency shall assist the complainant in the filing of the complaint.
- D. Complaint Investigation: Administrative process used by the District, the California Department of Education (CDE) or local educational agency for the purpose of gathering data regarding the complaint.
- E. Complaint Procedure: An internal process used by the CDE or local educational agency to process and resolve complaints.
- F. Compliance Agreement: An agreement or plan, following a finding or District noncompliance with state laws and regulations, which has been developed by the District and approved by the CDE to resolve a noncompliance issue.
- G. Days: Calendar days, unless designated otherwise.
- H. Direct State Intervention: The steps taken by the CDE to initially investigate complaints or effect compliance.
- I. Local Agency: A school district governing board or a local public or private agency which receives direct or indirect funding or any other financial assistance from the state to provide any school programs or activities or special education or related services.
- J. Mediation: A problem-solving activity whereby a third party assists the parties to the dispute in resolving the complaint.



- K. State Mediation Agreement: A written, voluntary agreement, approved by the CDE, which is developed by the parties to the dispute, which resolves the allegations of the complaint.

IV. NOTIFICATION – DISSEMINATION

A. Employees

This UCP bulletin is to be provided annually to all District employees at the beginning of each school year.

B. Students

The District's formal complaint procedures are provided in the Parent Student Handbook, which all schools are required to distribute annually to every student upon initial enrollment in any District school and at the beginning of each subsequent school year.

C. Parents/Guardians

The District's Parent Student Handbook should be used to provide parents and guardians notification of the District's formal complaint procedures.

D. District/School Advisory Committees, Appropriate Private School Officials or Representatives - Other Interested Parties

The UCP notice brochure is used to provide the required annual distribution of information regarding the District's formal complaint procedures to District/School Advisory Committees, and appropriate private school officials or representatives, as well as other interested parties.

V. CONFIDENTIALITY AND NON-RETALIATION

Complaints shall be handled in a confidential manner to respect the privacy of all parties to the fullest extent possible. Every effort shall be made to limit the distribution of information to those persons with a need to know within the confines of the District's reporting procedures and investigative process.

The District prohibits retaliation in any form for filing of a complaint or an appeal, reporting instances of noncompliance, discrimination, harassment, intimidation, and/or bullying, or for participation in the complaint-filing or investigation process. Complainants are protected from retaliation. These confidentiality and non-retaliation requirements extend to all parties involved.

VI. FORMAL COMPLAINT PROCEDURES

A. Complaint Filing

1. Any individual, public agency or organization may file a written complaint, alleging a matter which, if true, would constitute a violation by the District of federal or state laws or regulations governing the programs and activities as well as allegations of discrimination, harassment, intimidation, and/or bullying identified in the Uniform



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Complaint Procedures Jurisdiction section of this policy.

2. Any parent/guardian/individual/organization has the right to file a written complaint of discrimination, harassment, intimidation, and/or bullying within six months from the date the alleged incident occurred or the complainant first obtained knowledge/facts of the alleged incident.
3. A complaint may be filed anonymously if it provides evidence or information leading to evidence to support an allegation of noncompliance, including in pupil fees and LCAP complaints.
4. Complainants making a verbal complaint shall be referred to an administrator/designee who will assist any person with a disability or unable to prepare a written complaint.
5. The complainant will submit a written complaint to:

Julie Hall-Panameño, Director
Los Angeles Unified School District
Educational Equity Compliance Office (EECO)
333 South Beaudry Avenue - 20th Floor
Los Angeles, California 90017
Facsimile: (213) 241-3312

This individual/office shall be considered the representative of the District for purposes of receiving and coordinating responses to complaints and correspondence related to this policy.

The District ensures the administrator/designee assigned to investigate complaints is knowledgeable of the laws/programs assigned to be investigated and is responsible for compliance. In addition, the administrator/designee responsible for providing a written report should be trained in the UCP investigative process. As such, this designee must have knowledge of federal and state laws/regulations pertaining to UCP.

6. The District shall include an opportunity for the complainant, or the complainant's representative, or both, to present the complaint(s) and evidence or information leading to evidence to support the allegations of noncompliance with state and federal laws and/or regulations. Refusal by the complainant to provide the investigator with documents or other evidence related to the complaint allegations, or to otherwise fail or refuse to cooperate in the investigation or engage in any obstruction of the investigation, may result in 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 complaint allegation, or to otherwise fail or refuse to cooperate in the investigation or engage in any obstruction of the investigation, may result in a finding based on



evidence collected that a violation has occurred and may result in imposition of a remedy in favor of the complainant.

B. Complaint Receipt

The District administrator/designee shall:

1. Acknowledge receipt of the complaint and review it to determine whether it meets the criteria for filing under the procedures or falls within the exceptions listed in the Uniform Complaint Procedures Jurisdiction section of this policy.
2. Inform the complainant of the District policy and appeal procedures in those instances when a complaint may be filed directly with the State Superintendent of Public Instruction or another appropriate state or federal agency.
3. Determine whether the complainant and District representative will participate in mediation to resolve the complaint prior to formal investigation. If the complainant agrees to mediation, the complainant must be informed that the mediation process may be terminated at any time and may proceed directly to an investigation. Mediation may not extend the timeline for investigation and resolution of the complaint unless the complainant agrees, in writing, to the extension. Upon reaching resolution or a remedy that satisfies the complainant, the District will present the complainant with an opportunity to withdraw or proceed with the formal complaint investigation.
4. Determine whether a discrimination, harassment, intimidation, and/or bullying complaint has been filed within six months from the date the alleged incident occurred or the date the complainant first obtained knowledge of the facts of the alleged incident. Confidentiality of complaints alleging discrimination, harassment, intimidation, and/or bullying will be observed to the maximum extent possible.
5. Deny the discrimination, harassment, intimidation, and/or bullying complaint if it has not been filed in a timely manner, and notify the complainant of the right to appeal to the State Superintendent of Public Instruction for an extension of time in which to file the complaint.
6. Refer the complaint for investigation to the appropriate District office/division/branch/unit/Local District.
7. Ensure that, within 60 days of receipt of the written complaint, the complaint has been resolved and/or investigated and that a written report of findings is issued to the complainant. The written report of the investigative findings must contain the allegations, method of investigation, policy, findings, conclusions, and corrective actions, if applicable.



8. Obtain an extension of time, if appropriate, to conduct the investigation.

C. Complaint Timeline

1. Each complaint shall be resolved and a written report of investigative findings issued within 60 days of receipt of the written complaint unless the complainant agrees in writing to an extension of time.
2. If the complainant agrees to mediation, it may not result in an extension of the investigation timeline and complaint resolution unless the complainant agrees, in writing, to the extension.

D. Complaint Investigation

Complaints shall be investigated by an appropriate District office/unit/division/branch/Local District office. The office /unit/division/branch/Local District shall:

1. Adhere to a 30 day timeline to request additional information from the complainant as necessary, conduct the investigation, and prepare the final written report of findings.
2. Provide an opportunity for the complainant and/or complainant's representative and District's representative to present information relevant to the complaint during the mediation or investigative process. Refusal by the complainant to provide the investigator with evidence related to the complaint allegations, or to otherwise fail or refuse to cooperate in the investigation or engage in obstruction of the investigation may result in dismissal of the complaint because of lack of evidence to support the allegations.
3. Obtain statements from individuals/witnesses who can provide relevant information concerning the alleged violation.
4. Review documents that may provide information relevant to the allegation. When necessary, request clarification on specific complaint issues from District offices (e.g., Parent Community Services Branch, Federal and State Education Programs Branch, Division of Special Education, etc.).
5. Have access to applicable District records and/or information related to the complaint allegations. District staff who refuse or fail to cooperate in the investigation or engage in any obstruction of the investigation, may cause a finding, based on evidence collected, that a violation has occurred and may result in imposition of a remedy in favor of the complainant.
6. Prepare a written report (in English and in the language of the complainant) of the investigative findings which contains the following



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elements:

- a. Findings of fact based on evidence gathered
 - b. Conclusion of law
 - c. Disposition of complaint
 - d. Rationale for the disposition
 - e. Corrective actions, if any warranted
 - f. Notice of complainant's right to appeal the District's decision to CDE
 - g. Procedures to be followed for initiating an appeal to CDE
7. Within 30 days of receipt of the complaint, forward the draft report of investigative findings to EECO for review and final disposition.

E. Complaint Response

1. The EECO UCP Coordinator will coordinate completion and provision of the closing letter and the written report of investigative findings, to the complainant and to the appropriate administrator/designee.
2. The closing letter includes an assurance the District will not tolerate retaliation against the complainant for opposing District actions, reporting, or threatening to report such actions or for the complainant's participation in an investigation of District actions.
3. The closing letter also includes notice of the complainant's right to appeal the District's decision. Local District decisions regarding programs listed in the Uniform Complaint Procedures Jurisdiction sections may be appealed within 15 days to EECO and/or to the CDE.

VII. APPEALS

A. Appeals of Local District or District Decisions Regarding Allegations of Discrimination, Harassment, Intimidation, and/or Bullying

1. Appeals of Local District decisions/findings involving allegations of discrimination, harassment, intimidation, and/or bullying may be filed in writing within 15 days to the EECO:

Julie Hall-Panameño, Director
Educational Equity Compliance Office
Los Angeles Unified School District
333 South Beaudry Avenue - 20th Floor
Los Angeles, California 90017
Facsimile: (213) 241-3312

- a. The complainant shall specify reasons for appealing and include a copy of the Local District decision. The Local District will provide the EECO with access to records/information related to the complaint allegation and information obtained as part of the Local District's investigation. A final written letter of findings will be



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provided to the complainant with the disposition of the appeal and rationale for the disposition.

2. Appeals of District decisions/findings regarding discrimination, harassment, intimidation, and/or bullying allegations, as well as findings regarding provision of accommodations to lactating students, may be appealed to CDE's Education Equity UCP Appeals Office by filing a written appeal within 15 days of receipt of the District's decision.
 - a. The written appeal should specify reasons for appealing the decision and include a copy of the original complaint and the District's decision.
 - b. The appeal may be sent to:

California Department of Education
Education Equity UCP Appeals Office
1430 N Street
Sacramento, CA 95814

B. Appeals of District Decisions Regarding Educational Program Complaints

Appeals of District decisions/findings regarding educational programs listed in the Uniform Complaint Procedures Jurisdiction section of this policy, including foster/homeless youth services, pupil fees, elementary physical education instructional minutes, and enrollment in courses without educational content and previously completed/graded courses sufficient for satisfying requirements/prerequisites for postsecondary education and receipt of a diploma, may be appealed to CDE's Categorical Programs Complaints Management Office by filing a signed written appeal within 15 days of receipt of the District's decision.

1. The written appeal should specify reasons for appealing the decision and include a copy of the original complaint and the District's decision.
2. The appeal may be sent to:

California Department of Education
Categorical Programs Complaints Management Office
1430 N Street
Sacramento, CA 95814

C. Appeals of District Decisions Regarding Special Education Compliance

Appeals of District decisions/findings regarding special education compliance may be filed with CDE's Special Education Division by sending a written appeal within 15 days of receipt of the District's decision.

1. The written appeal should specify reasons for appealing the decision and include a copy of the original complaint and the District's decision.



2. The appeal may be sent to:

California Department of Education
 Special Education Division
 Procedural Safeguards Referral Service
 1430 N Street
 Sacramento, CA 95814

D. Appeals of District Decisions Pertaining to LCAP Requirements

Appeals of District decisions/findings regarding legal requirements pertaining to LCAP may be filed with the CDE by sending a written appeal within 15 days of receipt of the District’s decision.

1. The written appeal should specify reasons for appealing the decision and include a copy of the original complaint and the District’s decision.
2. The appeal may be sent to:

California Department of Education
 Local Agency Systems Support Office
 1430 N Street
 Sacramento, CA 95814

VIII. CIVIL REMEDIES

Pursuant to Education Code §262.3, persons who have filed a UCP complaint should be advised that civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders may also be available under California or federal discrimination, harassment, intimidation and/or bullying laws.

AUTHORITY: This is the policy of the District Superintendent of Schools. The following legal standard is applied in this policy:

California Code of Regulations, Title 5, §§4600 - 4687

ASSISTANCE: For further information or assistance:

Educational Equity Compliance Office; 213-241-7682; <http://achieve.lausd.net/eeco>
 Julie Hall-Panameño, Director/District Title IX Coordinator/Section 504 Coordinator

Complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils, and teacher vacancy or misassignment are addressed in District bulletin, BUL-4759.3, “Williams Complaint Procedures.”

- ATTACHMENTS:**
- Attachment A - UCP Complaint Form – English
 - Attachment B - UCP Complaint Form – Spanish
 - UCP Notice Brochure - English
 - UCP Notice Brochure - Spanish



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Translations of the above documents are also available in Armenian, Chinese, Farsi, Korean, Polish, Russian, and Tagalog. To obtain these translations, please contact EECO at (213) 241-7682 or access the website at <http://achieve.lausd.net/eeco>.

Los Angeles Unified School District Uniform Complaint Procedures Form

Last Name _____ First Name _____

Student Name (if applicable) _____ Grade _____ Date of Birth _____

Address _____ Apt. # _____

City _____ State _____ Zip Code _____

Home Phone _____ Cell Phone _____ Work Phone _____

Email Address _____

Date of Alleged Violation _____ School/Office of Alleged Violation _____

For allegations of noncompliance, please check the program or activity referred to in your complaint, if applicable:

- | | | |
|--|---|---|
| <input type="checkbox"/> Adult Education | <input type="checkbox"/> Consolidated Categorical Aid | <input type="checkbox"/> Child Care & Development |
| <input type="checkbox"/> Child Nutrition | <input type="checkbox"/> Regional Occupational Centers and Programs | |
| <input type="checkbox"/> Special Education | <input type="checkbox"/> Pupil Fees for Educational Activities | <input type="checkbox"/> Foster/Homeless |
| <input type="checkbox"/> After School Education/Safety | <input type="checkbox"/> Agricultural Vocational Education | <input type="checkbox"/> NCLB |
| <input type="checkbox"/> Tobacco-Use Education | <input type="checkbox"/> Local Control Accountability Plan | <input type="checkbox"/> Physical Education Minutes |
| <input type="checkbox"/> Bilingual Education | <input type="checkbox"/> Every Student Succeeds Act | <input type="checkbox"/> Economic Impact Aid |
| <input type="checkbox"/> Migrant Education | <input type="checkbox"/> School Safety Plans | <input type="checkbox"/> State Preschool |
| <input type="checkbox"/> California Peer Assistance and Review Programs for Teachers | | |
| <input type="checkbox"/> Career/Technical Education, Career Technical and Technical Education, and Career Technical and Technical Training | | |
| <input type="checkbox"/> Courses without Educational Content/Already Satisfied for Graduation/Postsecondary Education | | |
| <input type="checkbox"/> American Indian Education Centers & Early Childhood Education Program Assessments | | |

For complaints of discrimination, harassment, intimidation and/or bullying (employee-to-student, student-to-student, and third party to student), please check which of the actual or perceived protected characteristics upon which the alleged conduct was based:

- | | | |
|---|--|--|
| <input type="checkbox"/> Sex | <input type="checkbox"/> Sexual Orientation | <input type="checkbox"/> Gender |
| <input type="checkbox"/> Gender Identity | <input type="checkbox"/> Gender Expression | <input type="checkbox"/> Ancestry |
| <input type="checkbox"/> Ethnic Group Identification | <input type="checkbox"/> Race or Ethnicity | <input type="checkbox"/> Religion |
| <input type="checkbox"/> Nationality | <input type="checkbox"/> National Origin | <input type="checkbox"/> Age |
| <input type="checkbox"/> Color | <input type="checkbox"/> Mental or Physical Disability | <input type="checkbox"/> Lactating Student |
| <input type="checkbox"/> Association with a person or group with one or more of the actual or perceived categories listed above | | |

For complaints of bullying that are not based on the above listed protected characteristics, and other complaints not listed on this form, please contact your school Title IX/Bullying Complaint Manager, School Principal or Administrator of Operations in your Local District.

Local Districts:

- | | | |
|---|---|---|
| <input type="checkbox"/> Northeast (818) 252-5400 | <input type="checkbox"/> Northwest (818) 654-3600 | <input type="checkbox"/> South (310) 354-3400 |
| <input type="checkbox"/> East (323) 224-3100 | <input type="checkbox"/> West (31) 914-2100 | <input type="checkbox"/> Central (213) 241-0126 |

Distrito Escolar Unificado de Los Ángeles

Formulario del Procedimiento Uniforme para Presentar Quejas

Apellido _____ Nombre _____
Nombre del estudiante (si corresponde) _____ Grado _____ Fecha de nacimiento _____
Dirección _____ Depto. _____
Ciudad _____ Estado _____ Código postal _____
Teléfono del hogar _____ Teléfono celular _____ Teléfono del trabajo _____
Dirección de email _____
Fecha de la supuesta acusación _____ Escuela/Oficina de la supuesta acusación _____

Para acusaciones por incumplimiento, por favor marque el programa o la actividad a la que se refiere su queja, si corresponde:

- | | | |
|---|---|--|
| <input type="checkbox"/> Educación para Adultos | <input type="checkbox"/> Asistencia Categórica Consolidada | <input type="checkbox"/> Cuidado y Desarrollo Infantil |
| <input type="checkbox"/> Nutrición Infantil | <input type="checkbox"/> Centros y Programas Regionales Ocupacionales | |
| <input type="checkbox"/> Educación Especial | <input type="checkbox"/> Tarifas por Actividades Educativas | <input type="checkbox"/> Niños de Crianza/Sin Hogar |
| <input type="checkbox"/> Educación/Seguridad después de la Escuela | <input type="checkbox"/> Educación Vocacional de Agricultura | <input type="checkbox"/> Ley NCLB |
| <input type="checkbox"/> Educación sobre el Uso del Tabaco | <input type="checkbox"/> Plan de Responsabilidad del Control Local | <input type="checkbox"/> Minutos de Educación Física |
| <input type="checkbox"/> Educación Bilingüe | <input type="checkbox"/> Ley Todos los Estudiantes con Éxito | <input type="checkbox"/> Ayuda para Compensar Efectos Económicos |
| <input type="checkbox"/> Educación para Migrantes | <input type="checkbox"/> Planes de Seguridad Escolar | <input type="checkbox"/> Preescolar Estatal |
| <input type="checkbox"/> Programas de Asistencia de Colegas y de Revisión de Maestros de California | | |
| <input type="checkbox"/> Educación Vocacional/Técnica, Educación Vocacional y Técnica y Capacitación Técnica Vocacional y Técnica | | |
| <input type="checkbox"/> Cursos sobre Contenido Educativo/ Cumplidos para la Graduación/Educación Postsecundaria | | |
| <input type="checkbox"/> Centros de Educación para Indoamericanos & Evaluaciones del Programa de Educación Preescolar | | |

Para quejas sobre discriminación, acoso, intimidación o “bullying” (empleado a estudiante, estudiante a estudiante, y terceros a estudiantes), por favor marque cuál de las características protegidas reales o percibidas en la cual se basó la supuesta conducta:

- | | | |
|--|---|--|
| <input type="checkbox"/> Sexo | <input type="checkbox"/> Orientación sexual | <input type="checkbox"/> Género |
| <input type="checkbox"/> Identidad de género | <input type="checkbox"/> Expresión de género | <input type="checkbox"/> Ascendencia |
| <input type="checkbox"/> Identificación con grupos étnicos | <input type="checkbox"/> Raza o grupo étnico | <input type="checkbox"/> Religión |
| <input type="checkbox"/> Nacionalidad | <input type="checkbox"/> Nacionalidad | <input type="checkbox"/> Edad |
| <input type="checkbox"/> Color | <input type="checkbox"/> Discapacidad Mental o Física | <input type="checkbox"/> Estudiante en periodo de lactancia de su bebé |
- Asociación con una persona o grupo con uno o más de las categorías reales o percibidas enumeradas anteriormente

Para quejas sobre intimidación o “bullying” que no se basen en las características protegidas de la lista que consta más arriba, y otras quejas no enumeradas en este formulario, por favor comuníquese con el administrador de su escuela a cargo del Título IX/intimidación, el director de la escuela o el administrador de operaciones de su Distrito Local.

Distritos Locales:

- | | | |
|---|--|---|
| <input type="checkbox"/> Noreste (818) 252-5400 | <input type="checkbox"/> Noroeste (818) 654-3600 | <input type="checkbox"/> Sur (310) 354-3400 |
| <input type="checkbox"/> Este (323) 224-3100 | <input type="checkbox"/> Oeste (31) 914-2100 | <input type="checkbox"/> Central (213) 241-0126 |

How to Submit a Complaint:

Any person, organization, or public agency may mail or fax a written complaint to:

Julie Hall-Panameño, Director
Educational Equity Compliance Office
Los Angeles Unified School District
333 South Beaudry Avenue - 20th Floor
Los Angeles, CA 90017
Fax: (213) 241-3312

Any person with a disability or who is unable to prepare a written complaint can receive assistance from the site administrator/designee or by calling the EECO at (213) 241-7682.

The District assures confidentiality to the maximum extent possible. Complainants are protected from retaliation. The District prohibits retaliation against anyone who files a complaint or participates in the complaint investigation process.

Pursuant to E.C. §262.3, Complainants are advised civil law remedies may also be available under state or federal discrimination, harassment, intimidation, and/or bullying laws.

A copy of the District's UCP policy and complaint procedures shall be available free of charge.

For questions regarding UCP, contact Dr. Joseph Green, UCP Coordinator at (213) 241-7682.

Complaint Investigation and Response:

Each complaint is investigated by the appropriate District office, unit, division, branch, or Local District. The investigation and District response:

1. Provides an opportunity for complainant and District personnel to present information relevant to the complaint
2. Obtains relevant information from other persons or witnesses who can provide evidence
3. Reviews related documents
4. Results in a written Report of Findings in English, or in the primary language of the complainant, which contains the investigative findings and District's decision, including corrective action(s), if any, and suggested remedies, if applicable
5. Concludes the investigation within 60 days from the date of receipt of the written complaint, unless the complainant agrees in writing to extend the investigative timeline
6. Notifies the person or organization of appeal procedures

How to Appeal:

Persons or organizations disagreeing with the investigative findings and District's decision, or local site decisions involving Title VI or Title IX, have 15 days after receipt of the Report of Findings to file an appeal.

The appeal must be in writing and include a copy of the original complaint, as well as a copy of the District's decision. The appeal should be sent to:

California Department of Education
1430 N Street
Sacramento, CA 95814

**The 60-day timeline
for investigation and District
response shall begin when
the written complaint is received.**

Uniform Complaint Procedures (UCP)



**Educational Equity
Compliance Office
(EECO)**

(213) 241-7682

Why This Brochure?

The Los Angeles Unified School District has the primary responsibility to ensure compliance with applicable state and federal laws and regulations, and shall investigate complaints alleging failure to comply with those laws and regulations including those alleging discrimination, harassment, intimidation, and/or bullying; unauthorized charging of pupil fees for educational activities; noncompliance with physical education instructional minutes at specified grade levels; noncompliance with education provisions for pupils in foster care and pupils who are homeless; provision of courses without educational content and previously completed/graded courses sufficient for satisfying requirements/prerequisites for postsecondary education and receipt of a diploma, except under specified conditions; failure to reasonably accommodate lactating students; and failure to comply with legal requirements pertaining to the Local Control Accountability Plan (LCAP). The District shall seek to resolve those complaints in accordance with the procedures set out in California Code of Regulations §§4600-4687 and the policies and procedures of the District, including allegations of retaliation for participation in the UCP process and/or to appeal District decisions regarding such complaints.

Protected Characteristics Covered under UCP:

Allegations of discrimination, harassment, intimidation, and/or bullying of students based on protected characteristics, set forth in Penal Code §422.55 and Education Code (E.C.) §220, include actual or perceived sex, sexual orientation, gender, gender identity, gender expression, race or ethnicity, ethnic group identification, ancestry, nationality, national origin, religion, color, mental or physical disability, age, or on the basis of a person's association with a person or group with one or more of these actual or perceived categories, in any program or activity it conducts or to which it provides significant assistance.

Complaints of discrimination, harassment, intimidation, and/or bullying must be filed within six months from the date the alleged incident occurred or the date when knowledge of the facts of the alleged incident was first obtained.

Programs under UCP:

1. Discrimination, harassment, intimidation, and/or bullying
 - a. Employee-to-student, Student-to-student, Third party to student
 - b. May include allegations of failure to provide reasonable accommodations for lactating students
2. Programs that use categorical funds
 - a. Adult Education
 - b. After School Education and Safety
 - c. Agricultural Vocational Education
 - d. American Indian Education Centers and Early Childhood Education Program Assessments
 - e. Bilingual Education
 - f. California Peer Assistance and Review Programs for Teachers
 - g. Career Technical and Technical Education and Career Technical and Technical Training
 - h. Child Care and Development
 - i. Child Nutrition
 - j. Consolidated Categorical Aid Programs
 - k. Economic Impact Aid
 - l. Every Student Succeeds Act
 - m. Foster and Homeless Youth Services [The District shall post a standardized notice of the educational rights of foster and homeless youth, as specified in E.C. §§48853, 48853.5, 49069.5, 512225.1, 51225.2; the notice shall include complaint process information, as applicable.]
 - n. Migrant Education
 - o. No Child Left Behind Act (2001) programs, including but not limited to, improving academic achievement, compensatory education, limited English proficiency, and migrant education
 - p. Regional Occupational Centers and Programs
 - q. School Safety Plans
3. Unauthorized Charging of Pupil Fees, per E.C. §49011 and §5 of Article IX of the California Constitution, for Educational Activities
 - a. District pupils shall not be required to pay pupil fees for participation in educational activities
 - b. Supplies, materials, and equipment needed to participate in educational activities shall be provided to pupils free of charge

A pupil shall not be required to pay a pupil fee for participation in an educational activity, unless the charge for such a fee is specifically authorized by law and does not violate E.C. §49011. A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred. A complaint may be filed anonymously if it provides evidence or information leading to evidence to support an allegation of noncompliance. The District will attempt in good faith to engage in reasonable efforts to identify and fully reimburse all pupils, parents/guardians, who paid a pupil fee within one year prior to the filing of the complaint
4. Elementary School Adopted Course of Study for Physical Education
5. Failure to comply with legal requirements as to development, adoption and annual update of the LCAP, which includes identification of annual goals, actions to implement goals, and measuring student subgroup progress across indicators based on the States' eight priorities and aligned with the District's spending plan. A complaint may be filed anonymously if it provides evidence/information leading to evidence to support the complaint.
6. Enrollment in Courses without Educational Content and Previously Completed or Graded Courses Sufficient for Satisfying Requirements or Prerequisites for Postsecondary Education and Receipt of a Diploma
 - r. Special Education
 - s. State Preschool
 - t. Tobacco-Use Education

Cómo presentar una queja:

Cualquier persona, organización o entidad pública puede enviar por correo o fax una queja por escrito a:

Julie Hall-Panameño, Director
Educational Equity Compliance Office
Los Angeles Unified School District
333 South Beaudry Avenue - 20th Floor
Los Angeles, CA 90017
Fax: (213) 241-3312

Cualquier persona con una discapacidad, o que no pueda preparar una queja por escrito, podrá recibir ayuda del administrador del plantel o la persona designada por él/ella, o podrá llamar a la Oficina de Equidad Educativa y Cumplimiento al (213) 241-7682.

El Distrito garantiza la confidencialidad en la mayor medida posible. Los reclamantes tienen protección contra represalias. El Distrito prohíbe las represalias contra cualquier persona que presente una queja o que participe en el proceso de investigación de una queja.

De conformidad con el Artículo 262.3 del Código de Educación, se informa que quienes presenten quejas también podrían tener disponibles los recursos para la reparación de agravios de la ley civil estatal o federal contra discriminación, acoso, intimidación y/o “bullying.”

Una copia de la política y los procedimientos de presentación de quejas del Distrito (UCP) estará disponible de forma gratuita.

Para preguntas sobre el Procedimiento Uniforme para Presentar Quejas (UCP), comuníquese con el Dr. Joseph Green, Coordinador de UCP al (213) 241-7682.

Investigación y respuesta a las quejas:

Cada queja es investigada por la oficina, unidad, subdivisión, o división correspondiente del Distrito, o del Distrito Local. La investigación y respuesta del Distrito:

1. ofrece a quien presentó la queja y al personal del Distrito una oportunidad para que presenten información relevante sobre la queja;
2. obtiene información de importancia que otras personas o testigos puedan proporcionar;
3. examina los documentos relacionados;
4. resulta en un Informe de los Hallazgos, escrito en inglés o en el idioma natal de quien presentó la queja, con las conclusiones de la investigación, las disposiciones del Distrito, incluyendo las medidas para corregirlo si las hubiere, y las reparaciones de agravios sugeridas, si correspondiera;
5. concluye la investigación dentro de los 60 días a partir de la fecha en que se recibió la queja escrita, excepto si quien presentó la queja expresara por escrito que está de acuerdo con una extensión de este plazo;
6. notifica a la persona u organización sobre los procedimientos de apelación.

Cómo apelar:

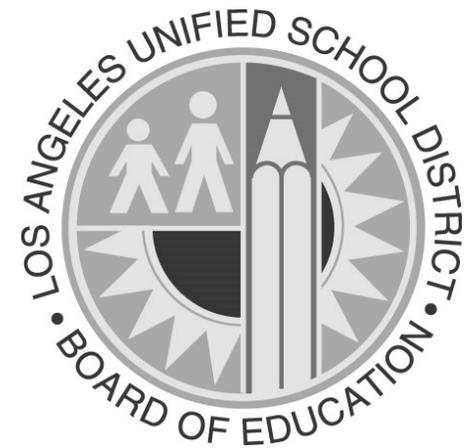
Las personas u organizaciones que no estén de acuerdo con las conclusiones de la investigación por el Título VI o Título IX y la decisión del Distrito, o las decisiones del Distrito Local, tendrán 15 días después del recibir el Informe de los Hallazgos para presentar una apelación.

La apelación deberá presentarse por escrito e incluir una copia de la queja original, y también una copia de la decisión del Distrito. La apelación se deberá enviar a

Departamento de Educación de California
1430 N Street
Sacramento, CA 95814

El plazo de sesenta (60) días para que la investigación y respuesta del Distrito comenzará cuando se reciba la queja.

Procedimiento Uniforme para Presentar Quejas (UCP)



Oficina de Equidad Educativa y Cumplimiento

(213) 241-7682

¿Por qué existe este folleto?

El Distrito Escolar Unificado de Los Ángeles tiene la principal responsabilidad de garantizar el cumplimiento de las leyes y de las normas estatales y federales pertinentes, e investigará las quejas denunciando el incumplimiento de dichas leyes y normas. Se incluyen acusaciones por discriminación, acoso, intimidación o “bullying”; cobro no autorizado a un estudiante de tarifas para actividades educativas; incumplimiento de los minutos de instrucción de educación física en niveles de grado específicos; incumplimiento de las disposiciones educativas para los estudiantes en hogares de crianza y estudiantes sin hogar; provisión de cursos sin contenido educativo y cursos previamente completados/calificados que son suficientes para satisfacer los requisitos / pre-requisitos para la educación superior y la obtención de un diploma, excepto bajo condiciones específicas; no acomodar de manera razonable a una estudiante durante el periodo de lactancia de su bebé; e incumplimiento con los requisitos legales pertinentes al Plan de Rendición de Cuentas del Control Local (LCAP). El Distrito deberá tratar de resolver dichas quejas de acuerdo con los procedimientos establecidos en los Artículos 4600-4687 del Código de Regulaciones de California, y las normas y procedimientos del Distrito, incluyendo acusaciones de represalias por participar en el proceso UCP y/o por apelar las decisiones del Distrito sobre dichas quejas.

Categorías protegidas que están cubiertas bajo UCP:

Las acusaciones por, acoso, intimidación o “bullying” de estudiantes basados en las categorías protegidas que establece el Artículo 422.55 del Código Penal y el Artículo 220 del Código de Educación, incluyen: sexo real o percibido, orientación sexual, género, identidad con un género, expresión de género, raza u origen étnico, identificación con un grupo étnico, ascendencia, nacionalidad, nación de origen, religión, color, discapacidad mental o física, edad; o que se basen en la asociación de una persona con una persona o grupo con una o más de estas características reales o percibidas, en cualquiera de los programas o actividades que el Distrito conduzca o en el cual ofrezca asistencia de manera significativa.

Las quejas por discriminación, acoso, intimidación o “bullying” se deberán presentar dentro de los seis meses

BUL-5159.7

Oficina del Asesor Legal

desde la fecha en que ocurrió el supuesto incidente o la fecha en que se tuvo conocimiento por primera vez de los hechos del supuesto incidente.

Programas bajo UCP:

1. Discriminación, acoso, intimidación o “bullying”
 - a. Empleado a estudiante, estudiante a estudiante, tercero a estudiante.
 - b. Puede incluir acusaciones por incumplimiento de proporcionar adaptaciones razonables a una estudiante durante el periodo de lactancia de su bebé
2. Programas que usan fondos categóricos
 - a. Educación para Adultos
 - b. Educación y Seguridad después de la Escuela
 - c. Educación Vocacional de Agricultura
 - d. Centros de Educación para Indoamericanos y Evaluaciones del Programa de Educación Preescolar
 - e. Educación bilingüe
 - f. Programas de Asistencia y Revisión de Maestros por sus Colegas
 - g. Educación Técnica y Vocacional y Capacitación en Educación Técnica y Vocacional
 - h. Cuidado y Desarrollo Infantil
 - i. Nutrición Infantil
 - j. Programas de Asistencia bajo la Solicitud Consolidada
 - k. Ayuda para Compensar los Efectos Económicos
 - l. Ley Todos los Estudiantes con Éxito
 - m. Servicios para Niños de Crianza y Sin Hogar [El Distrito deberá publicar una notificación estandarizada de los derechos educativos de los niños de crianza y sin hogar, como se especifica en E.C. §48853, 48853.5, 49069.5, 512225.1, 51225.2; La notificación incluirá la información del proceso de queja, según corresponda.]
 - n. Educación para Migrantes
 - o. Programas bajo la Ley Ningún Niño Quedará Rezagado en la Educación (2001), incluyendo, pero sin limitarse a mejorar el logro académico, educación compensatoria, dominio limitado del Inglés, y estudiantes migrantes
 - p. Programas y Centros Regionales Ocupacionales
 - q. Planes de Seguridad Escolar
 - r. Educación Especial
 - s. Preescolar Estatal
 - t. Educación sobre el Uso del Tabaco

3. Cobro no autorizado de tarifas a un estudiante para actividades educativas, según el Artículo 49011 del Código de Educación y el Artículo 5 de la Sección IX de la Constitución de California.
 - a. A los alumnos del Distrito no se les requerirá el pago de tarifas para participar en actividades educativas
 - b. Los suministros, materiales, y equipos necesarios para participar en las actividades educativas serán proporcionados sin cargo a los estudiantes.

A un alumno no se le requerirá pagar una tarifa para participar en una actividad educativa, excepto cuando el cargo de esa tarifa esté autorizado específicamente por ley y no infrinja el Artículo 49011 del Código de Educación. Las quejas sobre las tarifas cobradas a los estudiantes deberán presentarse antes de que se cumpla un año desde la fecha en que ocurrió la supuesta infracción. Se puede presentar la queja de manera anónima si se proporcionan pruebas o información que lleve a obtener pruebas para apoyar la acusación de incumplimiento. El Distrito intentará, de buena fe, hacer todos los esfuerzos posibles para identificar y reembolsar plenamente a todos los alumnos, padres/tutores que hayan pagado una tarifa de estudiante en el periodo de un año anterior a la presentación de la queja.

4. Curso de Estudio de Educación Física Adoptado para las Escuelas Primarias
5. Incumplimiento de los requisitos legales con respecto al desarrollo, la adopción y la actualización anual del LCAP, que incluye la identificación anual de las metas, las acciones para implementar las metas, y la medida de los indicadores del progreso de los subgrupos de estudiantes basados en las ocho prioridades del Estado e integrados con el plan de gastos del Distrito. Una queja puede ser presentada anónimamente si proporciona evidencia / información que conduzca a evidencia que apoye tal queja.
6. Inscripción en Cursos sin un contenido educativo y en cursos previamente completados o calificados que son suficientes para satisfacer los requisitos o pre-requisitos para la educación post-secundaria y el otorgamiento del Diploma.

Folleto UCP (Español)
febrero 2017