

Linden Unified School District

ANNUAL NOTIFICATION OF THE UNIFORM COMPLAINT PROCEDURES (UCP)

2020-2021 SCHOOL YEAR

(Board Policy 1312.3)

For students, employees, parents/guardians, school and district advisory committee members, and other interested parties

The Linden Unified School District has the primary responsibility for compliance with federal and state laws and regulations. We have established Uniform Complaint Procedures (UCP) to address allegations of unlawful discrimination, harassment, intimidation, and bullying, and complaints alleging violation of state or federal laws governing educational programs, the charging of unlawful pupil fees and the non-compliance of our Local Control and Accountability (LCAP).

We will investigate all allegations of unlawful discrimination, harassment, intimidation, or bullying against any protected group (race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, political affiliation, marital or parental status, mental or physical disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information) as identified in Education Code section 200 and 220 and Government Code section 11135, including any actual or perceived characteristics as set forth in Penal Code section 422.55 or on the basis or a person's association with a person or group with one or more of these actual or perceived characteristics in any program or activity conducted by the agency, which is funded directly by, or that receives or benefits from any state financial assistance.

Programs and Activities Subject to the UCP

The UCP shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in:

- Accommodations for Pregnant and Parenting Pupils
- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education

- Career Technical and Technical Education, Career Technical, Technical Training (state)
- Career Technical Education (federal)
- Child Care and Development
- Compensatory Education
- Course Periods without Educational Content
- Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in a school district and Children of Military Families
- Every Student Succeeds Act
- Local Control and Accountability Plan (LCAP)
- Migrant Education
- Physical Education Instructional Minutes
- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- School Plans for Student Achievement
- School Safety Plans
- School Site Councils

Pupil Fees

A pupil fee includes, but is not limited to, all of the following:

1. A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.
2. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book class apparatus, musical instrument, clothes, or other materials or equipment.
3. A purchase that a pupil is required to make to obtain materials, supplies, or equipment, or clothes associated with an educational activity.

A pupil fees for LCAP complaint may be filed with the principal of a school or our superintendent or his/her designee. A pupil fees and/or a LCAP complaint may be filed anonymously, however, the complainant must provide evidence or information leading to evidence to support the complaint.

A pupil enrolled in a public school in our district shall not be required to pay a pupil fee for participation in an educational activity.

A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred. If a complaint regarding pupil fees is valid, then the parents are due full reimbursement.

Additional Information

We shall post a standardized notice of the educational rights of foster and homeless youth, former juvenile court pupils now enrolled in a school district, and pupils in military families as specified in Education Code Sections 48645.7, 48853, 49069.5, 51225.1 and 51225.2. This notice shall include complaint process information, as applicable.

Contact Information

Complaints other than issues relating to pupil fees must be filed in writing with the following designated to receive complaints:

Rick Hall, Superintendent
18527 East Main Street, Linden, CA 95236
(209) 887-3894
lindensuperintendent@lindenUSD.com

The above, responsible for compliance and investigations, is knowledgeable about the laws and programs assigned to investigate.

The superintendent may assign a designee to investigate and resolve the complaint. The superintendent shall promptly notify the complainant and respondent, if applicable, if designee is assigned to the complaint.

A pupil fees complaint is filed with the Superintendent or his designee and/or the principal of a school.

Complaints alleging unlawful discrimination, harassment, intimidation, or bullying against any protected group must be filed within six (6) months from the date the alleged unlawful discrimination, harassment, intimidation, or bullying against any protected group occurred or the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination, harassment, intimidation, or bullying against any protected group, unless the time for filing is extended by the superintendent or his/her designee.

Complaints will be investigated and a written Decision or report will be sent to the complainant within sixty (60) days from the receipt of the complaint. This time period may be extended by written agreement of the complainant. The person responsible for investigating the complaint shall conduct and complete the investigation in accordance with local procedures adopted under section 4621.

The complainant has a right to appeal our Decision of complaints regarding specific programs, pupil fees and the LCAP to the California Department of Education (CDE) by filing a written appeal within 15 days of receiving our Decision. The appeal must be accompanied by a copy of the originally-filed complaint and a copy of our Decision.

For discrimination complaints, 60 days must elapse from the time an appeal is filed with CDE before pursuing civil remedies except for an injunction. Complaints may also be forwarded to appropriate state or federal agencies in the following cases:

- Rehabilitation Act Section 504 - Office of Civil Rights
- Child Abuse - Department of Social Services, Protective Services Division, or law enforcement
- Discrimination/Nutritional Services - U.S. Secretary of Agriculture
- Employment Discrimination - Department of Fair Employment and Housing, Equal Employment Opportunity Commission
- General Education - this school district
- Health and Safety/Child Development - Department of Social Services
- Student Records - Family Policy Compliance Office (FPCO), U.S. Department of Education

Notwithstanding the process for written complaints, any individual who believes that he/she or another student or group has been subjected to unlawful discrimination may orally report the alleged discrimination to the involved student's teacher (or a teacher of a student in the alleged group), or to the principal, or to the principal's designee of the school site where the alleged discrimination occurred. The principal or principal's designee shall, in the process of following up on the report, inform the individual making the report of the right to file written complaint. If the individual making the oral report does not want to file a written complaint, does not want to be identified, or does not give names of the perpetrators, the school still may have a duty to respond in some way depending on the seriousness of the allegations and the risk of future harm to the student or others. However, the extent to which these concerns can be investigated and/or responded to may be limited given the lack of information made available to the District. The District's response to the oral reporting of concerns of unlawful discrimination shall follow the process set forth in the local UCP.

Annual Notification of the Uniform Complaint Procedures (UCP)

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A copy of our UCP complaint policies and procedures is available free of charge at the district office and is available on the District's website at the following link:

For more information regarding the District's uniform complaint procedures or assistance with the complaint or investigation process, please contact (209) 887-3894.