



Learning for Life Charter School

TITLE: **UNIFORM COMPLAINT PROCEDURES POLICY**

DATE: March 31, 2016

I. BACKGROUND

A complaint under the Uniform Complaint Procedures (UCP) is a written and signed statement by an individual, public agency, or organization alleging a violation of federal or state laws governing educational programs, including allegations of unlawful discrimination, harassment, intimidation, bullying, and failure to comply with laws relating to pupil fees and the Local Control and Accountability Plan (LCAP).

Discrimination, harassment, intimidation and bullying complaints must be filed with the local educational agency (LEA) (charter school, school district or county office of education) by a person harmed or by a person on behalf of others who have been subjected to discrimination. These complaints must be filed no later than six months from the date of the occurrence, or from the time the complainant first learned of the facts of the discrimination, harassment, intimidation and bullying. The LEA must protect the confidentiality of the parties and facts related to the case.

II. UNIFORM COMPLAINT PROCEDURES PROCESS JURISDICTION

A. Complaints Under the Jurisdiction of the School's Uniform Complaint Procedures Process:

1. Discrimination, Harassment, Intimidation, or Bullying
 - a. Employee to student
 - b. Student to student
 - c. Third party to student

2. Various State and Federal Programs that use Categorical Funds
 - a. Adult Education
 - b. After School Education & Safety
 - c. Agricultural Vocational Education
 - d. Career Technical/Technical Education/Technical Training
 - e. Child Care and Development (Including State Preschool)
 - f. Consolidated Categorical Aid
 - g. Foster and Homeless Youth Services
 - h. Migrant Education

- i. Nutrition Services, including Child Nutrition
- j. Physical Education Instructional Minutes
- k. Pupil Instruction: Course Periods Without Educational Content
- l. Pupil Services: Lactation Accommodations
- m. Regional Occupational Centers and Programs and Workforce Development Centers
- n. Special Education
- o. Tobacco-Use Prevention Education

3. Unauthorized Charging of Pupil Fees* for Educational Activities

- a. A school 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.

* "Pupil fee" means a fee, deposit, or other charge imposed on pupils, or a pupil's parents or guardians, in violation of CA Ed. Code § 49011 and Section 5 of Article IX of the California Constitution.

4. Failure to Comply with Legal Requirements Pertaining to LCAP

On July 1, 2013, Assembly Bill 97 was signed by Governor Brown enacting the LCFF. As part of LCFF, school 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 actions geared toward implementing those goals, and must measure progress for student groups across multiple performance indicators based on eight priorities set by the State. The priorities must be aligned to the school's spending plan. The LCAP must be approved before the annual school budget can be adopted.

B. Complaints Not Under the Jurisdiction of the School's UCP Process:

1. Allegations of employment/work, employee-to-employee or student-to-employee discrimination, harassment, intimidation, or bullying complaints. These may be referred to the Executive Director of Learning for Life Charter School (LFLCS) (the School).

2. Allegations of suspected child abuse. These shall be referred to Child Protective Services (CPS) or the appropriate city police department or county sheriff's department, as applicable.

3. Allegations of fraud. These shall be referred to the California Fiscal Crisis Management Team (FICMAT).

4. Bullying complaints that are not based on a protected class / characteristics. These may be referred to the School's Executive Director.

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. 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 School, 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 of school noncompliance with state laws and regulations, which has been developed by the school 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 California Department of Education, which is developed by the parties to the dispute, which resolves the allegations of the complaint.

IV. NOTIFICATION — DISSEMINATION

A. Employees

This *Uniform Complaint Procedures Memo* is to be provided to all School employees on an annual basis.

B. Students and Parents

The School's formal complaint procedures as outlined in this memo are to be sent out to all parents and students annually.

C. Other Interested Parties

The *Uniform Complaint Procedures* (outlined in this memo) are used to provide the required annual distribution of information regarding the School's formal complaint procedures to 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 School's reporting procedures and investigative process.

The School prohibits retaliation in any form for the filing of a complaint or an appeal, reporting instances of non-compliance, discrimination, harassment, intimidation, or bullying, or for participation in the complaint-filing or investigation process. 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 School of federal or state laws or regulations governing the programs and activities as well as allegations of discrimination, harassment, intimidation, or bullying identified in the General Information section of this document.
2. Any parent/guardian/individual/organization has the right to file a written complaint of discrimination, harassment, intimidation, or bullying within six months from the date the alleged incident occurred or the complainant first obtained knowledge of the facts of the alleged incident.
3. A complainant who makes a verbal complaint shall be referred to the administrator/designee who will assist any person with a disability or unable to prepare a written complaint.
4. The complainant will submit a written complaint to:

Executive Director
Learning for Life Charter School
330-F Reservation Rd
Marina, CA 93933
(831) 582-9820
(831) 582-9825 fax
director@learningforlife.com

This individual/office shall be considered the representative of the School for purposes of receiving and coordinating responses to complaints and correspondence related to this policy. The School ensures the School administrator/designee assigned to investigate complaints is knowledgeable about the laws/programs that he/she is assigned to investigate and is responsible for compliance. In addition, the School administrator/designee responsible for providing a written report should be a person trained in the Uniform Complaint Procedures (UCP) investigative process. As such, this designee must have knowledge of federal and state laws and regulations pertaining to Uniform Complaint Procedures.

5. The School 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 non-compliance with state and federal laws and/or regulations. 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 School 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.

B. Complaint Receipt

The School administrator/designee shall:

1. Acknowledge receipt of the complaint and will review the complaint to determine whether it meets the criteria for filing under the procedures or falls within the exceptions listed in the General Information section.
2. Inform the complainant of the School 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 the School representative will participate in mediation to resolve the complaint prior to formal investigation. If the complainant agrees to the mediation, he/she must be informed that he/she may at any time terminate the mediation process and proceed directly to an investigation. Mediation may not extend the time line for investigation and resolution to the complaint unless the complainant agrees, in writing, to the extension.
4. Determine whether a discrimination, harassment, intimidation, 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, or bullying will be observed to the maximum extent possible.
5. Deny the discrimination, harassment, intimidation, or bullying complaint if it has not been filed in a timely manner, and notify the complainant of his/her 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 School office.
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 allegation(s), method of investigation, policy, findings, conclusion(s), and corrective action(s), if applicable.
8. Obtain an extension of time, if appropriate, in order 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 the 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 extend the time line for investigation and resolution to the complaint unless the complainant agrees, in writing, to the extension.

D. Complaint Investigation

Each complaint shall be investigated by the School, which 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 the complainant's representative and the School's representative to present information that is relevant to the complaint during the mediation or investigative process. 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.

3. Obtain statements from other individuals who were witnesses or can provide relevant information concerning the alleged violation.

4. Review documents that may provide information relevant to the alleged violation. When necessary, request clarification on specific issues of the complaint from other School offices (e.g., Parent Community Services Branch, Federal and State Education Programs Branch, Division of Special Education, etc.).

5. Have access to applicable School records and/or other information related to the allegation(s) in the complaint. School units or staff who refuse or otherwise fail to cooperate in the investigation or engage in any other obstruction of the investigation, may cause 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.

6. Prepare a written report (in English and in the language of the complainant) of the investigative findings which contains the following elements:

- a. The findings of fact based on the evidence gathered
- b. Conclusion of law
- c. Disposition of the complaint
- d. The rationale for the disposition
- e. Corrective actions, if any, that are warranted
- f. Notice of the complainant's right to appeal the School's decision to the CDE
- g. Procedures to be followed for initiating an appeal to the CDE

E. Complaint Response

1. The UCP Coordinator will complete and provide the closing letter, along with the written report of investigative findings, to the complainant and to the appropriate administrator/designee.

2. The closing letter provided to the complainant must include the assurance that the School will not tolerate retaliation against the complainant for opposing School actions, reporting, or threatening to report such actions or for the complainant's participation in an investigation of School actions.

3. The closing letter provided to the complainant must also include notice of the complainant's right to appeal the School's decision. Decisions regarding programs listed in the General Information section may be appealed within 15 days to the LFLCS Board of Trustees

and/or to the California Department of Education.

VII. APPEALS

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

1. Appeals of decisions and/or findings involving allegations of discrimination, harassment, intimidation, or bullying may be filed in writing within 15 days to the LFLCS Board of Directors.

a. A written appeal of the decisions and/or findings may be directed to:

Board Secretary
Learning for Life Charter School
330-F Reservation Rd
Marina, California 93933
Telephone: (831) 582-9820
Fax: (831) 582-9825

b. The complainant shall specify the reason(s) for appealing the decision and include a copy of the decision. The School will provide the School investigator with access to records and/or other information related to the allegation in the complaint and information obtained as part of the School's investigation into the allegation. A final written letter of findings will be provided to the complainant of the disposition of the appeal and rationale for the disposition.

2. Appeals of School decisions and/or findings regarding allegations of discrimination, harassment, intimidation, or bullying listed in this document (found in Section II — Uniform Complaint Procedures Process Jurisdiction) may be appealed to the California Department of Education (CDE) — Office of Equal Opportunity by filing a written appeal within 15 days after receiving the School's decision.

a. The written appeal should specify the reason(s) for appealing the decision and include a copy of the School's decision.

b. Appeals of School decisions regarding allegations of discrimination, harassment, intimidation, or bullying may be sent to:

California Department of Education
Office for Equal Opportunity
1430 N Street, Suite 4206
Sacramento, CA 95814

B. Appeals of School Decisions Regarding Educational Program Complaints

Appeals of School decisions and/or findings regarding educational programs listed in this document (found in Section 2 — Uniform Complaint Procedures Process Jurisdiction) may be appealed to the California Department of Education (CDE) - Categorical Programs Complaints Management by filing a signed written appeal within 15 days after receiving the School's decision.

1. The written appeal should specify the reason(s) for appealing the decision and include a copy of the School's decision.

2. Appeals of School decisions regarding educational program complaints should be sent to:

California Department of Education
Categorical Programs Complaints Management Office
1430 N Street, Suite 6408
Sacramento, CA 95814

C. Appeals of School Decisions Regarding Special Education Compliance

Appeals of School decisions and/or findings regarding special education compliance may be filed with the California Department of Education (CDE) — Special Education Division by sending a written appeal within 15 days after receiving the School's decision.

1. The written appeal should specify the reason(s) for appealing the decision and include a copy of the School's decision.
2. Appeals of School decisions regarding special education compliance should be sent to:

California Department of Education
Procedural Safeguards Referral Service 1430
N Street, Suite 2401
Sacramento, CA 95814

VIII. CIVIL REMEDIES

A. Pursuant to California Education Code § 262.3, persons who have filed a complaint, under the UCP, should be advised that civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders may also be available to them.

B. Complainants should be advised of the right to pursue civil law remedies under California or federal discrimination, harassment, intimidation or bullying laws.

LEGAL REFERENCE:

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

ASSISTANCE: For further information, to ask questions, seek assistance regarding the filing of complaints under the Uniform Complaint Procedures, or have questions regarding appeal procedures, contact the Executive Director (831) 582-9820 Ext. 101.