

Appendix A
City Charter Schools
Uniform Complaint Procedures (UCP) Policy
2018–2019

Approved by Board of Directors on April 7, 2017

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 *City Charter Schools* of federal or state laws or regulations governing educational programs, including allegations of unlawful discrimination, harassment, intimidation, bullying and non-compliance with laws relating to pupil fees and our Local Control and Accountability Plan (LCAP).

This document presents information about how we process UCP complaints concerning particular programs or activities in which we receive state or federal funding. A UCP complaint is a written and signed statement by a complainant 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 our LCAP. 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, bullying and non-compliance with laws relating to pupil fees or non-compliance with the requirements of our LCAP. 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 *City Charter Schools*

We have the primary responsibility to insure compliance with applicable state and federal laws and regulations. We shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations including, including, but not limited to, allegations of discrimination, harassment, intimidation, bullying or noncompliance with laws relating to all programs and activities implemented by City Charter Schools that are subject to the UCP.

We shall ensure annual dissemination of the written notice of our complaint procedures to students, employees, parents or guardians of its students, school and City Charter Schools advisory committees member, appropriate private school officials or representatives, and other interested parties that includes information regarding allegations about discrimination, harassment, intimidation, or bullying.

An appeal is 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.

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Our UCP Annual Notice shall also include information regarding the requirements of Education Code sections 49010 through 49013 relating to pupil fees and information regarding the requirements of Education Code section 52075 relating to the LCAP.

Our UCP Annual Notice shall be in English and in the primary language, pursuant to section 48985 of the Education Code, or mode of communication of the recipient of the notice.

The following is responsible for receiving and investigating complaints and ensuring our compliance:

Title IX/UCP Coordinator
City Charter Schools
5753 Obama Blvd.
Los Angeles, CA 90016
310-273-2489
equitycoordinator@citycharterschools.org

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

We will investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group 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 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 the agency, which is funded directly by, or that receives or benefits from any state financial assistance.

An unlawful discrimination, harassment, intimidation and bullying complaint 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.

The time for filing a discrimination, harassment, intimidation or bullying complaint may be extended in writing by our Executive Director or his or her designee, upon written request by the complainant setting forth the reasons for the extension. The period for filing a discrimination, harassment, intimidation or bullying complaint may be extended by our Executive Director or his or her designee for good cause for a period not to exceed 90 calendar days following the expiration of the six month time period. Our Executive Director shall respond immediately upon a receipt of a request for extension.

The complaint shall be filed by one who alleges that he or she has personally suffered unlawful discrimination, harassment, intimidation, and bullying or by one who believes an individual or any specific class of individuals has been subjected to discrimination, harassment, intimidation, and bullying prohibited by this part.

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We ensure that complainants are protected from retaliation.

An investigation of a discrimination, harassment, intimidation, and bullying complaint shall be conducted in a manner that protects confidentiality of the parties and maintains the integrity of the process.

Complainants are advised of the right to pursue civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws. Civil law remedies, including, injunctions, restraining orders, or other remedies or orders may also be available at any time.

If we find merit in a pupil fees, and/or LCAP complaint, we shall provide a remedy. In LCAP and pupil fee complaints, the remedy shall go to all affected pupils, parents and guardians, which in the case of pupil fees, also includes reasonable efforts by us to ensure full reimbursement to all affected pupils, parents and guardians subject to procedures established through regulations adopted by the state board.

Nothing in this document shall prohibit anyone involved in the complaint from utilizing alternative methods to resolve the allegations, such as mediation. Nor are we prohibited from resolving complaints prior to the formal filing of a written complaint. Mediation is a problem solving activity whereby a third party assists the parties to the dispute in resolving the complaint.

We submitted our UCP policies and procedures to our local governing board or authorized designee for approval and adoption (see the top of this document for final adoption date).

Copies of these Uniform Complaint Procedures shall be available free of charge.

Uniform Complaint Procedures Process Jurisdiction

A. Complaints Under the Jurisdiction of City Charter Schools' UCP Process:

- a. Bilingual Education
- b. Career Technical and Technical Education and
- c. Child Nutrition
- d. Every Student Succeeds Act
- e. Foster and Homeless Youth Services [City Charter Schools 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.]
- f. Migrant Education
- g. No Child Left Behind Act (2001) programs, including but not limited to, improving academic achievement, compensatory education, limited English proficiency, and migrant education
- h. School Safety Plans

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- i. Special Education
2. Unauthorized Charging of Pupil Fees, per Education Code §49011 and §5 of Article IX of the California Constitution, for Educational Activities
 - a. A City Charter Schools 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.
3. Elementary School Adopted Course of Study for Physical Education
4. Failure to Comply with Legal Requirements Pertaining to LCAP

B. Complaints Not Under the Jurisdiction of City Charter Schools' 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 school or the Executive Director.
5. Bullying complaints not based on protected classes may be referred to the school's Principal/Designee.
6. 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 retention, student discipline, students' records, and other general education requirements should be referred to the appropriate Principal/Designee or Executive Director.

Important Definitions:

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 City Charter Schools, charter school, or county office of education that constitute a fundamental part of education, including, but not limited to, curricular and extracurricular activities.

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.

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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, equipment, or clothes associated with an educational activity.

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 Education Code Section 52060(d).

Filing Procedures

How to File a Complaint:

1. Any individual, public agency or organization may file a written complaint, alleging a matter which, if true, would constitute a violation by City Charter Schools 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 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.
 1. A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred.
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:

Title IX/Equity Coordinator
City Charter Schools
11625 W. Pico Blvd.
Los Angeles, CA 90064
Fax: (310) 273-2499
equitycoordinator@citycharterschools.org

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

City Charter Schools 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. City Charter Schools 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.
7. Refusal by *City Charter Schools* 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.

Complaint Receipt

City Charter Schools 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 City Charter Schools 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 City Charter Schools 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

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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, City Charter Schools 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 office/division/branch/unit.
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.

Investigation and Decision

Complaints shall be investigated by an appropriate office. The investigating office of City Charter Schools 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 City Charter Schools 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.

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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.
5. Have access to applicable records and/or information related to the complaint allegations. 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 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 City Charter Schools' decision to California Department of Education
 - g. Procedures to be followed for initiating an appeal to CDE

Complaint Response

Within 60 days of receipt of the complaint, City Charter Schools will provide a written response to the complainant and appropriate administrator/designee, and will include the following:

- 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

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- f. Notice of complainant's right to appeal City Charter Schools' decision to California Department of Education within 15 days
- g. Procedures to be followed for initiating an appeal to CDE
- h. Assurance City Charter Schools will not tolerate retaliation against the complainant for opposing City Charter Schools actions, reporting, or threatening to report such actions or for the complainant's participation in an investigation of those actions.

Appeals

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

- a. Appeals of 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 City Charter Schools' decision.
 - i. The written appeal should specify reasons for appealing the decision and include a copy of the original complaint and City Charter Schools' decision.
 - ii. The appeal may be sent to:
California Department of Education
Education Equity UCP Appeals Office
1430 N Street
Sacramento, CA 95814

B. Appeals of Decisions Regarding Educational Program Complaints

- a. Appeals of decisions/findings regarding educational programs listed in the Uniform Complaint Procedures Jurisdiction section of this policy, including foster/homeless youth services, pupil fees, and elementary physical education instructional minutes, may be appealed to CDE's Categorical Programs Complaints Management Office by filing a signed written appeal within 15 days of receipt of City Charter Schools' decision.
 - i. The written appeal should specify reasons for appealing the decision and include a copy of the original complaint and City Charter Schools' decision.
 - ii. The appeal may be sent to:
California Department of Education
Categorical Programs Complaints Management Office

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1430 N Street
Sacramento, CA 95814

C. Appeals of Decisions Regarding Special Education Compliance

- a. Appeals of 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 City Charter Schools' decision.
 - i. The written appeal should specify reasons for appealing the decision and include a copy of the original complaint and City Charter Schools' decision.
 - ii. 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 Decisions Pertaining to LCAP Requirements

- a. Appeals of 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 City Charter Schools' decision.
 - i. The written appeal should specify reasons for appealing the decision and include a copy of the original complaint and City Charter Schools' decision.
 - ii. The appeal may be sent to:
California Department of Education
Local Agency Systems Support Office
1430 N Street
Sacramento, CA 95814

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.

Nothing in this document shall prohibit anyone involved in the complaint from utilizing alternative methods to resolve the allegations, such as mediation. Nor are we prohibited from resolving complaints prior to the formal filing of a written complaint. Mediation is a problem solving activity whereby a third party assists the parties to the dispute in resolving the complaint.

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Federal and State Laws cited:

20 United States Code [USC] § 6301 et seq.

34 Code of Federal Regulations [CFR] §§ 299.11 & 300.510-511

California Education Code [EC] §§ 200, 220, 222, 234.1 - 234.5, 262.3, 8200 - 8493, 8500 - 8538, 32280 - 32289; 33380 - 33385, 35186, 44500, 47606 - 47606.5, 47607.3, 48204, 48645.5, 48853, 48853.5, 48985, 49010 - 49013, 49069.5, 49490 - 49570, 51210, 51223, 51225.1, 51225.2, 51226 - 51226.1, 51228.1 - 51228.3, 52059, 52060 - 52075, 52160, 52300 - 52480, 52500 - 52616.4, 52800, 54100, 54440 - 54445, 56000 - 56865, 59000 - 59300, 64000 (a)

California Government Code [GC] §§ 11135, 11138

California Health and Safety Code [HSC] § 104420

California Penal Code [PC] § 422.55

California Welfare and Institutions Code [WIC] §§ 300, 309, 602

California Code of Regulations [CCR] Title 5 §§ 4600-4687



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"/> Child Nutrition | <input type="checkbox"/> Every Student Succeeds Act |
| <input type="checkbox"/> Special Education | <input type="checkbox"/> Foster/Homeless Student Services |
| <input type="checkbox"/> Bilingual Education | <input type="checkbox"/> NCLB |
| <input type="checkbox"/> Consolidated Categorical Aid | <input type="checkbox"/> Physical Education Minutes |
| <input type="checkbox"/> Pupil Fees for Educational Activities | <input type="checkbox"/> School Safety Plans |
| <input type="checkbox"/> Local Control Accountability Plan | |

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"/> Mental or Physical Disability |
| <input type="checkbox"/> Gender Identity | <input type="checkbox"/> Gender |
| <input type="checkbox"/> Ethnicity | <input type="checkbox"/> Ancestry |
| <input type="checkbox"/> Nationality | <input type="checkbox"/> Religion |
| <input type="checkbox"/> Sexual Orientation | <input type="checkbox"/> Age |
| <input type="checkbox"/> Gender Expression | <input type="checkbox"/> Lactating Student |
| <input type="checkbox"/> Race | |

- 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 Principal.

If you have contacted your School Principal and Title IX Coordinator and still require assistance, referrals or resources, please contact the Executive Director at (818) 877-3557 or vbraimah@citycharterschools.org.

Please describe the events or conduct that are the basis of your complaint by providing as much factual detail as possible (including but not limited to names, dates, whether witnesses were present; names of those witnesses; specific statements; etc.). Include all information that may be relevant or helpful to the complaint investigator. (Attach additional pages, if needed):

Have you attempted to discuss your complaint with any City Charter Schools personnel? If so, with whom and what was the result?

Please provide copies of any written documents that may be relevant or supportive of your complaint.

- I have attached supporting documents. Yes ___ No ___

I hereby certify that the information I have provided in this complaint is true and correct and complete to the best of my knowledge and belief. I further understand that providing false information in this regard could result in disciplinary action up to and including termination.

Signature of Complainant

Date

Print Name

Deliver, mail, or fax your complaint to:

ATTN: Stephanie Romero-Crockett
Title IX Coordinator
City Charter Schools
5753 Obama Blvd.
Los Angeles, CA 90016
Fax: 310-273-2499
equitycoordinator@citycharterschools.org

To be completed by Equity Compliance Office:

Received by: _____

Date: _____