



St. HOPE Public Schools Uniform Complaint Policy and Procedures

St. HOPE Public Schools (“SHPS”) recognizes that it has primary responsibility for ensuring that it complies with applicable state and federal laws and regulations governing educational programs. SHPS shall investigate and seek to resolve complaints at the local level. SHPS shall follow the Uniform Complaint Procedures (“UCP”) when addressing complaints alleging:

- Unlawful discrimination, harassment, intimidation, or bullying against any protected group, including actual or perceived discrimination, on the basis of the actual or perceived age, ancestry, ethnicity, actual or potential parental, pregnancy, family or marital status that treats students differently on the basis of sex, lactation status, housing or homeless status, color, mental or physical disability, gender, gender identity, gender expression, sex, sexual orientation, genetic information, immigration status, medical information, nationality, race, religion, or association with a person or a group with one or more of these actual or perceived characteristics in any SHPS program or activity; and
- Violations of state or federal law and regulations governing the following programs including but not limited to and as applicable to SHPS:
 - Accommodations for Pregnant and Parenting Pupils (*California Education Code [EC] Section 46015*)
 - Adult Education (*EC sections 8500–8538, 52334.7, 52500-52617*)
 - After School Education and Safety (*EC sections 8482–8484.65*)
 - Agricultural Career Technical Education (*EC sections 52460–52462*)
 - Career Technical and Technical Education and Career Technical and Technical Training Programs (*EC sections 52300-52462*)
 - Child Care and Development Programs (*EC sections 8200-8498*)
 - Compensatory Education (*EC Section 54400*)
 - Consolidated Categorical Aid Programs (*34 CFR sections 299.10-12, EC Section 33315*)
 - Course Periods without Educational Content (*EC sections 51228.1–51228.3*)
 - Discrimination, harassment, intimidation, or bullying against any protected group as identified under sections 200 and 220 and Section 11135 of the Government Code, including any actual or perceived characteristic as set forth in Section 422.55 of the Penal Code, or on the basis of a person’s association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by an educational institution, as defined in Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance.
 - Educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families and pupils formerly in Juvenile Court now enrolled in a school district (*EC sections 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2*)
 - Every Student Succeeds Act (*20 United States Code [20 U.S.C.] Section 6301 et seq.; EC Section 52059*)
 - Local Control and Accountability Plans (LCAP) (*EC Section 52075*)
 - Migrant Education (*EC sections 54440–54445*)
 - Physical Education Instructional Minutes (*EC sections 51210, 51222, 51223*)
 - Pupil Fees (*EC sections 49010–49013*)

- Reasonable Accommodations to a Lactating Pupil (EC Section 222)
- Regional Occupational Centers and Programs (EC sections 52300–52334.7)
- School Plans for Student Achievement (EC Section 64001)
- School Safety Plans (EC sections 32280–32289)
- Schoolsite Councils (EC Section 65000)
- State Preschool (EC sections 8235–8239.1)
- State Preschool Health and Safety Issues in LEAs Exempt from Licensing (EC Section 8235.5)
- That a pupil enrolled in a public school was required to pay a pupil fee for participation in an educational activity as those terms are defined below.
 - “Educational activity” means an activity offered by a school, school district, charter school or county office of education that constitutes an integral fundamental part of elementary and secondary education, including, but not limited to, curricular and extracurricular activities.
 - “Pupil fee” means a fee, deposit or other charge imposed on pupils, or a pupil’s parents or guardians, in violation of Section 49011 of the Education Code and Section 5 of Article IX of the California Constitution, 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, as provided for in *Hartzell v. Connell* (1984) 35 Cal.3d 899. A pupil fee includes, but is not limited to, all of the following:
 - 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.
 - A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, uniform or other materials or equipment.
 - A purchase that a pupil is required to make to obtain materials, supplies, equipment or uniforms associated with an educational activity.
 - A pupil fees 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.
 - If SHPS finds merit in a pupil fees complaint SHPS shall provide a remedy to all affected pupils, parents, and guardians that, where applicable, includes reasonable efforts by SHPS 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 section shall be interpreted to prohibit solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or school districts, school, and other entities from providing pupils prizes or other recognition for voluntarily participating in fundraising activities.
- Noncompliance with the requirements governing the Local Control Funding Formula or Sections 47606.5 and 47607.3 of the Education Code, as applicable.

SHPS acknowledges and respects students’ and employees’ rights to privacy. Unlawful discrimination, harassment, intimidation or bullying complaints shall be investigated in a manner that protects (to the greatest extent reasonably possible) the confidentiality of the parties and the integrity of the process. SHPS cannot guarantee anonymity of the complainant. This includes keeping the identity of the complainant confidential except to the extent necessary to carry out the investigation, as determined by the Chief of Schools or designee on a case-by-case basis.

SHPS recognizes that a neutral mediator can often suggest an early compromise that is agreeable to all parties in a dispute. The Chief of Schools shall ensure that the mediation results are consistent with applicable state and federal laws and regulations.

SHPS prohibits any form of retaliation against any complainant in the complaint process, including but not limited to a complainant's filing of a complaint or the reporting of instances of unlawful discrimination, harassment, intimidation or bullying. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

COMPLIANCE OFFICER

SHPS designates the below compliance officer. The compliance officer shall receive and investigate complaints and ensure compliance with the law. The Chief of Schools/CEO may appoint a designee to conduct the investigation.

Equity Compliance Officer/ Title IX Compliance Officer:

Emily Heizer
Director of Conflict Resolution and Credential Advising
PO Box 5038
Sacramento, CA 95817
916-649-7900
eheizer@sthopepublicschools.org

The Chief of Schools shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Chief of Schools or designee.

Should a complaint be filed against the Chief of Schools, the compliance officer for that case shall be the President of the SHPS Board of Directors.

NOTIFICATIONS

The Chief of Schools or designee shall annually provide written notification of SHPS' uniform complaint procedures to employees, students, parents and/or guardians, advisory committees, private school officials and other interested parties (e.g., Adult Education).

The annual notice shall be in English, and when necessary, in the primary language, pursuant to section 48985 of the Education Code if fifteen (15) percent or more of the pupils enrolled in the Charter School speak a single primary language other than English.

The Chief of Schools or designee shall make available copies of SHPS' uniform complaint procedures free of charge.

The annual notice shall include the following:

- (a) A statement that SHPS is primarily responsible for compliance with federal and state laws and regulations.

- (b) A statement that a pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.
- (c) A statement identifying the responsible staff member, position, or unit designated to receive complaints.
- (d) A statement that the complainant has a right to appeal SHPS' decision to the CDE by filing a written appeal within 15 days of receiving SHPS' Decision.
- (e) A statement advising the complainant of any civil law remedies that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable, and of the appeal pursuant to Education Code § 262.3.
- (f) A statement that copies of the local educational agency complaint procedures shall be available free of charge.

PROCEDURES

The following procedures shall be used to address all complaints that allege that SHPS has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint and subsequent related actions.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

STEP 1: FILING OF A COMPLAINT

Any individual, public agency, or organization may file a written complaint of alleged noncompliance by SHPS.

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and date stamp.

A complaint alleging unlawful discrimination, harassment, intimidation or bullying against any protected group shall be initiated no later than six (6) months from the date when the alleged unlawful discrimination, harassment, intimidation or bullying occurred, or six (6) months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination, harassment, intimidation or bullying. A complaint may be filed by a person who alleges that he/she personally suffered unlawful discrimination, harassment, intimidation or bullying or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination, harassment, intimidation or bullying.

All UCP complaints shall be filed not later than one year from the date the alleged violation occurred.

Pupil fee complaints shall be filed not later than one year from the date the alleged violation occurred.

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

If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, the SHPS staff shall assist him/her in the filing of the complaint.

The signature on a complaint may be handwritten, typed (including in an email) or electronically-generated.

A complaint filed on behalf of an individual student may only be filed by that student or that student's duly authorized representative.

STEP 2: MEDIATION

Within three (3) days of receiving the complaint, the compliance officer or designee may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make arrangements for this process.

Before initiating the mediation of an unlawful discrimination, harassment, intimidation or bullying complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.

If the mediation process does not resolve the problem within the parameters of the law, the compliance officer or designee shall proceed with their investigation of the complaint.

The use of mediation shall not extend SHPS' timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time.

STEP 3: INVESTIGATION OF COMPLAINT

The compliance officer or designee is encouraged to hold an investigative meeting within five (5) days of receiving the complaint or an unsuccessful attempt to mediate the complaint. The investigative meeting shall provide an opportunity for the complainant and/or their representative to repeat the complaint orally.

The complainant and/or their representative shall have an opportunity to present the complaint and evidence or information leading to evidence to support allegations in the complaint.

A complainant's refusal to provide SHPS' investigator with documents or other evidence related to the allegations in the complaint, or their failure or refusal to cooperate in the investigation or their engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation.

SHPS' refusal to provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement 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.

STEP 4: RESPONSE

Unless extended by written agreement with the complainant, the compliance officer or designee shall prepare and send to the complainant a written report of SHPS' investigation and decision, as described in Step #5 below, within 60 days of SHPS' receipt of the complaint.

STEP 5: FINAL WRITTEN DECISION

SHPS' decision shall be in writing and sent to the complainant. SHPS' decision shall be written in English and in the language of the complainant whenever feasible or as required by law.

The decision report shall include:

- The findings of fact based on evidence gathered.
- A conclusion that provides a clear determination for each allegation as to whether the LEA is in compliance with the relevant law

- Disposition of the complaint.
- Rationale for such disposition.
- Corrective actions, if any are warranted.
 - o Pertaining to complaints of Pupil Fees; LCAP; Physical Education Instructional Minutes, or Course Periods without Educational Content, the remedy shall go to all affected pupils, parents, and guardians;
 - o For all other complaints within the scope of the Uniform Complaint Procedures, the remedy shall go to the affected pupil;
 - o With respect to a pupil fees complaint, corrective actions shall include a remedy where in good faith, by engaging in reasonable efforts, an attempt to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint;
- Notice of the complainant's right to appeal SHPS' decision within 30 days to the California Department of Education ("CDE") and procedures to be followed for initiating such an appeal.
- For unlawful discrimination, harassment, intimidation or bullying complaints arising under state law, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies.
- For unlawful discrimination, harassment, intimidation or bullying complaints arising under federal law such complaint may be made at any time to the U.S. Department of Education, Office for Civil Rights.

If an employee is disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the employee was informed of SHPS' expectations. The report shall not give any further information as to the nature of the disciplinary action.

APPEALS TO THE CALIFORNIA DEPARTMENT OF EDUCATION

If dissatisfied with SHPS' decision, the complainant may appeal in writing to the CDE within 30 days of receiving SHPS' decision and report. In order to request an appeal, the complainant must specify and explain the basis for the appeal, including at least one of the following:

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

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

Upon notification by the CDE that the complainant has appealed SHPS' decision, the Chief of Schools or designee shall forward the following documents to the CDE:

1. A copy of the original complaint.
2. A copy of the decision.
3. A summary of the nature and extent of the investigation conducted by SHPS, if not covered by the decision.
4. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by all parties and gathered by the investigator.
5. A report of any action taken to resolve the complaint.
6. A copy of SHPS' complaint procedures.
7. Other relevant information requested by the CDE.

The CDE may directly intervene in the complaint without waiting for action by SHPS when one of the conditions listed in Title 5, California Code of Regulations, Section 4650 exists, including cases in which SHPS has not taken action within sixty (60) days of the date the complaint was filed with SHPS.

SHPS shall follow all other applicable requirements for the appeal process including Reconsideration of an Appeal (5 CCR 4635).

CIVIL LAW REMEDIES

Nothing in this policy precludes a complainant from pursuing available civil law remedies outside of SHPS' complaint procedures. Such remedies may include mediation centers, public/private interest attorneys, injunctions, restraining orders, etc. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For unlawful discrimination, harassment, intimidation or bullying complaints arising under state law, however, a complainant must wait until sixty (60) days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if SHPS has appropriately, and in a timely manner, apprised the complainant of their right to file a complaint in accordance with 5 CCR 4622.



COMPLAINT FORM

Name: _____ Address: _____

Telephone No.: (Day) _____ (Evening) _____

E-mail Address: _____

1. Who or what SHPS Policy does your complaint concern? _____

School / Department: _____ Position: _____

2. Date of incident giving rise to complaint? _____

Description of Complaint: Please include all important information such as location, names, dates, who was present, and to whom it was reported. Please use additional paper if more space is needed.

3. Have you met informally with the person against whom you are making this complaint?

Yes ___ No ___ Date of Meeting: _____

What was the outcome of the informal meeting?

4. If the complaint is against a teacher or staff member, have you met informally with the Site Lead of PS7 or the small school to which that person has been assigned?

Yes ___ No ___ Date of Meeting: _____

What was the outcome of the informal meeting?

5. What remedy or action do you propose to resolve the complaint?

By my signature below, I hereby acknowledge that all matters set forth above are true and that I have read and understood the Acknowledgement set forth below.

Signature: _____ Date: _____

Acknowledgement: The following information is listed neither to encourage nor discourage the filing of a complaint. Rather, it is intended to inform you of the possible outcomes of a formal complaint proceeding:

- I understand that SHPS may request additional information from me regarding this matter, and I agree that I will provide such information, as it is available to me. I also understand that as the complainant, I may also be required to testify and be subject to cross-examination.
- I understand that, while my requested resolution of this matter will be considered carefully, the ultimate action taken may be more or less severe than the remedy I have proposed. In serious situations, the information contained in this complaint form may be used among other things as a basis for termination of an employee.
- If the complaint is directed towards an individual, I understand that SHPS will give a copy of this complaint to the individual(s) about whom I have filed this complaint against. The individual(s) will be given an opportunity to respond to this complaint, in writing and at a hearing.

- I understand that I may request to withdraw this complaint at any time. However, in the event SHPS views the matters raised in this complaint as being sufficiently serious, SHPS may pursue this matter despite my desire not to proceed. I also understand that if any judicial or other legal proceedings arise from the matters that I have raised in this complaint, both the person I have filed this complaint about, and I, would be entitled to all rights and protections available in such proceedings.

Date received by St. HOPE Public Schools (to be completed by SHPS): _____