



## St. HOPE Public Schools Uniform Complaint Policy and Procedures

St. HOPE Public Schools (“SHPS”) recognizes that it has primary responsibility for insuring 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: Adult Education Programs, Consolidated Categorical Aid Programs, Migrant Education, Career Technical and Technical Education and Career Technical and Technical Training Programs, Child Care and Development Programs, Child Nutrition Programs, and Special Education Programs.
- A complaint may also be filed alleging 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.
  - a. “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.
  - b. “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:
    - i. 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.
    - ii. 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.
    - iii. A purchase that a pupil is required to make to obtain materials, supplies, equipment or uniforms associated with an educational activity.

- c. 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.
  - d. 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.
  - e. 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.
- Complaints of 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 Superintendent 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 Superintendent 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 Superintendent/CEO may appoint a designee to conduct the investigation.

#### **Equity Compliance Officer/ Title IX Compliance Officer:**

Emily Heizer

Director of Credential Advising and Conflict Resolution

2315 34<sup>th</sup> Street

Sacramento, CA 95817

916-649-7900

eheizer@sthopepublicschools.org

The Superintendent 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 Superintendent or designee.

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

## **NOTIFICATIONS**

The Superintendent 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 Superintendent 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.

A complaint alleging unlawful discrimination, harassment, intimidation or bullying 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.

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.

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

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.

## **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 his/her 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 his/her representative to repeat the complaint orally.

The complainant and/or his/her 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 his/her failure or refusal to cooperate in the investigation or his/her 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 shall include:

- The findings of fact based on evidence gathered.
- The conclusion(s) of law.
- Disposition of the complaint.
- Rationale for such disposition.
- Corrective actions, if any are warranted.
- Notice of the complainant's right to appeal SHPS' decision within 15 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 15 days of receiving SHPS' decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of SHPS' decision.

Upon notification by the CDE that the complainant has appealed SHPS' decision, the Superintendent 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.

### **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 his/her 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.

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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?

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4. If the complaint is against a teacher or staff member, have you met informally with the principal 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?

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

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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.

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