



Policy: Uniform Complaint Procedures (UCP)

Reference: BP 1312.3
Approved: June 13, 2017

This document contains guidelines and instructions about how to file, investigate and resolve a Uniform Complaint Procedures (UCP) complaint regarding an alleged violation by *Camino Nuevo Charter Academy (CNCA)* 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).

If staff is made aware of unlawful discrimination they are required to take immediate steps to intervene when safe to do so or when he or she witnesses an act of discrimination, harassment, intimidation, or bullying.

What is a Uniform Complaint?

This document presents information about how CNCA processes UCP complaints concerning particular programs or activities for 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 noncompliance with the requirements of our Local Control and Accountability Plan (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 noncompliance 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.

CNCA will investigate all allegations of unlawful discrimination, harassment, intimidation, or bullying against any protected group as identified in Education Code §200 and 220 and Government Code §11135, including any actual or perceived characteristics set forth in Penal Code §422.55, to include actual or perceived sex, sexual orientation, gender, gender identity, gender expression, race or ethnicity, ethnic group identification, ancestry, nationality, national origin, religion, color, mental or physical disability, age, 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 CNCA, which is directly funded by, or that receives benefits from any state financial assistance.

Programs and activities that are implemented by CNCA and subject to the UCP in which CNCA receives state or federal funding are:

- After School Education and Safety
 - Issues related to the content and safety of the after-school program
- Consolidated Categorical Programs
 - State and Federal categorical programs
- Discrimination, Harassment, Intimidation, and Bullying
 - Any alleged discrimination, harassment, intimidation, and/or bullying of a student as identified in Education Code §200 and 220 and Government Code §11135, including any actual or perceived characteristics set forth in Penal Code §422.55, to include actual or perceived sex, sexual orientation, gender, gender identity, gender expression, race or ethnicity, ethnic group identification, ancestry, nationality, national origin, religion, color, mental or physical disability, age, 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 it conducts or to which it provides significant assistance, or a violation of a federal or state law or regulation.
- Foster and Homeless Youth
 - Education Codes §§48853, 48853.5, 49069.5, 51225.1 and 51225.2, which address educational rights of pupils in foster care and pupils who are homeless to immediate enrollment, remaining in the school of origin, being enrolled in their local comprehensive school, obtaining partial credits, graduating with the State's minimum requirements, and access to academic resources, services, and extracurricular activities, have been amended to allow that a complaint of noncompliance with the requirements of the sections may be filed under CNCA's UCP.
- Local Control Funding Formula (LCFF) and Local Control Accountability Plans (LCAP)
 - 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).
- Nutrition Services - USDA Civil Rights
 - In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA. CNCA participates in the National School Lunch Program, School Breakfast Program, and the Child and Adult Care Food Program.

- In order to file a USDA Civil Right complaint, please refer to the instructions in attachment “**UCP – Civil Rights Complaint Procedures**”
- School Facilities
 - School Facility complaints shall use the Williams Complaint Form Williams Complaints shall be filed with the principal of the school or his or her designee, in which the complaint arises. A complaint about problems beyond the authority of the school principal shall be forwarded in a timely manner, but not to exceed 10 working days, to the UCP official for resolution. Williams Complaints may be filed anonymously. If a response is requested, the response shall be made to the mailing address of the complainant indicated on the complaint. If Section 48985 of the EC is applicable, the response, if requested, and report shall be written in English and the primary language in which the complaint was filed. Williams Complaints forms are available at school sites. The Williams Complaints forms identify the place for filing the complaint. The Williams Complaints form includes a space to indicate whether a response is requested. The complainant need not use the Williams Complaint form to file a complaint. The principal or CNCA’s designee, as applicable, shall make all reasonable efforts to investigate any problem within his or her authority. The principal, or, where applicable or CNCA’s designee shall remedy a valid complaint within a reasonable time period but not to exceed 30 working days from the date the complaint was received. The principal, or where applicable, CEO or his or her designee, shall report to the complainant the resolution of the complaint within 45 working days of the initial filing, if complainant identifies himself or herself and requested a response. The principal makes this report; the principal shall also report the same information in the same timeframe to CNCA. A complainant who is not satisfied with the resolution of the principal or CNCA, has the right to describe the complaint to the CNCA Board Dispute Resolution Committee at a regularly scheduled meeting of the governing board. CNCA shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of CNCA’s governing board. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. The complaints and responses shall be available as public records.
- Special Education
 - To investigate allegations of noncompliance with special education laws, federal or state. CNCA must meet the educational needs of students with disabilities.
- Unlawful Pupil Fees
 - 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 district, charter school, or county office of education that constitute a fundamental part of education, including, but not

- limited to, curricular and extracurricular activities (E.g. a fee to register or attend a class; a fee to obtain a locker, book, or other school-issued material; a purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity)
- Pupil Services: Lactation Accommodations
 - State law requires schools with at least one lactating pupil on campus to provide reasonable accommodations to a lactating pupil on campus to express breast milk, breast-feed an infant child, or address other needs related to breastfeeding. The law prohibits the lactating pupil from incurring an academic penalty as a result of her use, during the school day, of reasonable accommodations and affords that she shall be provided the opportunity to make up any work missed due to such use. A complaint of noncompliance with the requirements of Education Code §222 may be filed under CNCA's UCP.
 - Pupil Instruction: Course Periods Without Educational Content
 - Commencing with the 2016-17 school year, the CNCA is prohibited from assigning a pupil enrolled in grades 9 to 12 to a course without educational content. Students may not be enrolled in courses without educational content for more than one week in any semester or to a course the pupil has previously completed and received a grade determined by CNCA to be sufficient to satisfy requirements and prerequisites for admission to the California public institutions of postsecondary education and the minimum requirements for receiving a diploma of graduation from high school, except under specified conditions. A complaint of noncompliance with the requirements of Education Code §51228.1 or §51228.2 may be filed under the CNCA's UCP.
 - Physical Education Instructional Minutes
 - Existing law requires the adopted course of study for grades 1 to 6, inclusive, to include instruction in specified areas of study, including physical education for a total period of time of not less than 200 minutes each 10 school days, exclusive of recesses and the lunch period. Instruction in physical education in an elementary school maintaining any of grades 1 to 8, inclusive, shall be for a total period of time of not less than 200 minutes each 10 school days, exclusive of recesses and the lunch period. A complaint that CNCA has not complied with instructional minute requirements of the physical education adopted course of study for pupils in those grades may be filed under the CNCA's UCP

What is not covered?

The following complaints shall be referred to other agencies for appropriate resolution and are not subject to our UCP process set forth in this document unless these procedures are made applicable by separate interagency agreements:

1. Allegations of child abuse shall be referred to California Dept. of Social Services (CDSS), Protective Services Division or appropriate law enforcement agency.

2. Health and safety complaints regarding a Child Development Program shall be referred to CDSS for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.
3. Employment discrimination, harassment, intimidation or bullying complaints shall be sent to the California Dept. of Fair Employment and Housing (DFEH).
4. Allegations of fraud shall be referred to the Legal, Audits and Compliance Branch in the California Department of Education (CDE).
5. Allegations of employment/work, employee-to-employee and/or student to employee discrimination, harassment, intimidation, and/or bullying may be referred to the CNCA Home Support Office at (213) 417-3400.
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), student advancement and retention, student discipline, students' records, and other general education requirements may be referred to the school principal.

The responsibilities of *Camino Nuevo Charter Academy*

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 CNCA's reporting procedures and investigative process. CNCA prohibits retaliation in any form for filing of a complaint or an appeal, reporting instances of noncompliance, discrimination, harassment, intimidation, and/or bullying, or for participation in the complaint-filing or investigation process. These confidentiality and non-retaliation requirements extend to all parties involved.

Dissemination and Notification

CNCA shall ensure annual dissemination of the written notice of the complaint procedures to students, employees, parents or guardians of its students, school and district advisory committee member, appropriate private school officials or representatives, and other interested parties that includes information regarding unlawful pupil fees and LCAP requirements.

CNCA's 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.

CNCA' 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:

Name or title:	Vice President of Operations
Unit or office:	Home Support Office
Address:	3435 W Temple St., Los Angeles, CA 90026
Phone:	(213) 417-3400

The above, responsible for compliance and investigations, is knowledgeable about the laws and programs assigned to investigate. This individual is considered the representative of CNCA for purposes of receiving and coordinating responses to complaints and correspondence related to this policy.

CNCA submitted our UCP policies and procedures to our local governing board for approval and adoption (see footer of this document for final adoption date).

Filing a complaint with *Camino Nuevo Charter Academy*

Any individual, public agency or organization may file a written complaint, alleging a matter which, if true, would constitute a violation by CNCA 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.

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. A complaint may be filed anonymously if it provides evidence or information leading to evidence to support an allegation of noncompliance. 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. The Complainant may use the CNCA Uniform Complaint Procedures Form, or a signed letter outlining the allegation of violations, as long as the letter contains any relevant information that would have been included in the form.

Except for Williams complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancies or mis-assignments any individual, public agency or organization may file a CNCA Uniform Complaint Form with CNCA’s representative named above. A pupil fees complaint may be filed with the principal of the CNCA campus in question. If CNCA finds merit in a pupil fees, LCAP, and/or a Course Period without Educational Content complaint, CNCA shall provide a remedy. In the case of a Course Period without Educational Content complaint, the remedy will go to the affected pupil. 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 CNCA to ensure full reimbursement to all affected pupils, parents and guardians subject to procedures

established through regulations adopted by the state board. A pupil fees or LCAP complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. Pupil fees complaints shall be filed no later than one year from the date the alleged violation occurred. CNCA will attempt in good faith by engaging in reasonable efforts 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.

CNCA 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. Refusal by CNCA to provide the investigator with access to records and/or other information related to the complaint allegation, or to otherwise fail or refuse to cooperate in the investigation or engage in any obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in imposition of a remedy in favor of the complainant.

After a Complaint is Filed

CNCA will 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 section of this policy.

The investigator will determine whether, in the estimation of CNCA mediation may be a productive alternative resolution. The mediation process may be terminated at any time and may proceed directly to an investigation. Mediation may not extend the timeline for investigation and resolution of the complaint unless the complainant agrees, in writing, to the extension.

The investigator will 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.

If a discrimination, harassment, intimidation, and/or bullying complaint has not been filed in a timely manner, the complaint will be denied. CNCA will notify the complainant of the right to appeal.

Refer the complaint for investigation to the appropriate CNCA department.

CNCA will 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.

How long does it take?

Each complaint shall be resolved and a written report of investigative findings issued within 60 days of receipt of the written complaint unless the complainant agrees in writing to an extension of time. Mediation may not result in an extension of the investigation timeline unless the complainant agrees, in writing, to the extension.

How is an investigation conducted?

Except for Williams site complaints, all complaints will be directed to the CNCA Home Support Office.

CNCA will have sixty (60)-days from the receipt of the complaint to request additional information from the complainant as necessary, conduct the investigation, and prepare the written report of findings.

CNCA will provide an opportunity for the complainant and/or complainant's representative and CNCA's 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.

CNCA may obtain statements from individuals/witnesses who can provide relevant information concerning the alleged violation. CNCA will review documents that may provide information relevant to the allegation.

CNCA will prepare a written report (in English and in the language of the complainant) of the investigative findings which contains the following elements:

- Findings of fact based on evidence gathered
- Conclusion of law
- Disposition of complaint
- Rationale for the disposition
- Corrective actions, if any warranted
- Notice of complainant's right to appeal the District's decision to CDE
- Procedures to be followed for initiating an appeal to CD

The findings will state that CNCA will not tolerate retaliation against the complainant or witnesses participating in the investigation. The findings will include notice of the complainant's right to appeal the decision to the California Department of Education.

How to Appeal

Appeals of decisions must be filed in writing within 15 days to the California Department of Education.

The complainant shall specify reasons for appealing and include a copy of CNCA's decision.

Appeals of CNCA 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 CNCA's decision. The written appeal should specify reasons for appealing the decision and include a copy of the District's decision.

The appeal may be sent to:

California Department of Education
Education Equity UCP Appeals Office
1430 N Street, Suite 5405
Sacramento, CA 95814

Appeals of CNCA decisions/findings regarding educational programs listed in the Uniform Complaint Procedures including foster/homeless youth services, pupil fees, elementary physical education instructional minutes, and enrollment in courses without educational content and previously completed/graded courses sufficient for satisfying requirements/prerequisites for postsecondary education and receipt of a diploma, may be appealed to CDE's Categorical Programs Complaints Management Office by filing a signed written appeal within 15 days of receipt of CNCA's decision. The written appeal should specify reasons for appealing the decision and include a copy of CNCA's decision.

The appeal may be sent to:

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

Appeals of CNCA 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 the District's decision. The written appeal should specify reasons for appealing the decision and include a copy of the District's decision.

The appeal may be sent to:

California Department of Education
Procedural Safeguards Referral Service

1430 N Street, Suite 2401
Sacramento, CA 95814

Appeals of CNCA's 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 the CNCA's decision.

The appeal may be sent to:

California Department of Education
Local Agency Systems Support Office
1430 N Street, Suite 6400
Sacramento, CA 95814

Appeals of CNCA's decisions/findings regarding Williams Complaints can be made within 15 days to the State Superintendent of Public Instruction. A complainant who is not satisfied with the resolution proffered by the school principal or CNCA, involving a condition of a facility that poses an emergency or urgent threat, as defined in paragraph (1) of subdivision (c) of EC 17592.72, has the right to file an appeal to the State Superintendent of Public Instruction within 15 days of receiving the report.

Tom Torlakson
Department of Education
1430 N Street
Sacramento, CA 95814
Superintendent@cde.ca.gov
916-319-0800

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.