



## **UNIFORM COMPLAINT PROCEDURES POLICY**

### **Board Approved 09/2017**

The ICEF Public Schools has the primary responsibility to ensure compliance with federal and state laws and regulations governing its educational, operational, and employment process and programs. The purpose of this policy is to establish a Uniform Complaint Procedures (UCP) to address allegations of unlawful discrimination, harassment, intimidation, and bullying, and complaints alleging violation of state or federal laws governing educational programs, the charging of unlawful pupil fees and the non-compliance of our Local Control and Accountability Plan (LCAP). The UCP shall be used for any program or activity conducted by ICEF Public Schools, which is funded directly by, or that receives or benefits from any state financial assistance.

This complaint procedure is adopted to provide a uniform system of complaint processing for the following types of complaints:

1. Complaints of discrimination against any protected group, including actual or perceived discrimination, on the basis of age, sex, sexual orientation, gender, gender identity, gender expression, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, 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 ICEF Public Schools program, employment, or other related activity; and
2. Complaints of violations of state or federal law and regulations governing any program including but not limited to After School Education and Safety (ASES), Bilingual Education, Career Technical and Technical Education Training Programs, Child Care and Development programs, Child Nutrition Program, Consolidated Categorical Aid program, Economic Impact Aid, Every Child Succeeds Act, Foster and Homeless Youth Services, No Child Left Behind Act (2001) programs, Section 504 of the Rehabilitation Act, Special Education, Title II, and other programs as required by law.
3. 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, ICEF Public Schools 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 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 *Hertzell 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. 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.
4. A complaint may be filed that involves any school activities, policies, procedures, or employee actions or behaviors that may be considered inappropriate.
5. A complaint may be filed by any employee with respect to ICEF's hiring, termination, or its administrative or operational procedures.

*Complaints Not Under the Jurisdiction of ICEF Public 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 ICEF Director of Human Resources.
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 or ICEF Designee.

**Confidentiality**

The ICEF Public Schools acknowledges and respects every individual's rights to privacy. Discrimination 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. The ICEF Public Schools cannot guarantee the anonymity of the complainant. This includes keeping the identity of the complainant confidential. However, the ICEF Public Schools will attempt to do so as appropriate. The ICEF Public Schools may find it necessary to disclose information regarding the complaint/complainant to the extent necessary to carry out the investigation or proceedings, as determined by ICEF, the Senior Director of School Support, or other approved designee, as determined on a case-by-case basis.

**Non-Retaliation**

The ICEF Public Schools 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 discrimination. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

**Compliance Officer**

The Senior Director of School Support (SDSS) is ICEF's designee to receive and investigate complaints and to ensure the ICEF Public Schools' compliance with the law. The SDSS shall ensure that anyone designated to assist in investigating complaints is knowledgeable about the laws and programs for which they are responsible. If the complaint is not resolved at this initial level, the Chief Schools Officer at ICEF Public Schools will take over the complaint process. In the case that they do not find a remedy to the complainant seeks an appeal, the complaint will be addressed by the Executive Team. Should no resolution be found at this level, the complainant will have the right to address the issue with the ICEF Board of Directors.

**Notifications**

The Principal or designee shall annually provide written notification of the ICEF Public Schools' Uniform Complaint Procedures (UCP) to students, employees, parents/guardians, the Governing Board, appropriate private officials or representatives, and other interested parties.

The Principal and/or the Senior Director of School Support shall make available copies of the ICEF Public Schools' UCP is free of charge. The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints.
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable.
3. Advise the complainant of the appeal process pursuant to Education Code Section 262.3, including the complainant's right to take the complaint directly to the California Department of Education ("CDE") or to pursue remedies before civil courts or other public agencies.
4. Include statements that:
  - a. The ICEF Public Schools is primarily responsible for ensuring compliance with state and federal laws and regulations;
  - b. The complaint review shall be completed within sixty (60) business days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline;
  - c. An unlawful discrimination complaint must be filed not later than six (6) months from the date the

- alleged discrimination occurs, or six (6) months from the date the complainant first obtains knowledge of the facts of the alleged discrimination;
- d. The complainant has a right to appeal the ICEF Public Schools' decision to the CDE by filing a written appeal within fifteen (15) business days of receiving the ICEF Public Schools' decision;
  - e. Lastly, the appeal to the CDE must include a copy of the complaint filed with the ICEF Public Schools and a copy of the ICEF Public Schools' decision.

Lastly, 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.

### **Procedure for Filing a Complaint**

The following procedures shall be used to address all complaints which allege that the ICEF Public Schools has violated federal or state laws or regulations governing educational programs. The Compliant Officer (CO) 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 Complaint**

Any individual, public agency or organization may file a written complaint of alleged noncompliance by the ICEF Public Schools. A complaint alleging unlawful discrimination shall be initiated no later than six (6) months from the date when the alleged discrimination occurred, or six (6) months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination. A complaint may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint shall be presented to the

Compliance Officer (CO) who shall maintain a log of complaints received, providing each with a code number and date stamp. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, ICEF Public Schools staff shall assist him/her in the filing of the complaint.

The complainant will submit a written complaint to:

ICEF Public Schools Home Office  
Attention: Senior Director of School Support  
3855 W. Slauson Ave. Los Angeles, CA 90043.

#### **Step 2: Mediation**

Within three (3) business days of receiving the complaint, the CO may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the CO shall make arrangements for this process. Before initiating the mediation of a discrimination complaint, the CO 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 CO shall proceed with his/her investigation of the complaint. The use of mediation shall not extend the ICEF Public Schools' 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 CO is encouraged to hold an investigative meeting within five (5) business days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This 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 the allegations in the complaint. A complainant's refusal to provide the CO 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. The ICEF Public Schools' 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

- **OPTION 1:** Unless extended by written agreement with the complainant, the CO shall prepare and send to the complainant a written report of the ICEF Public Schools' investigation and decision, as described in Step #5 below, within thirty (30) business days of the ICEF Public Schools' receipt of the complaint.
- **OPTION 2:** Within thirty (30) business days of receiving the complaint, the CO shall prepare and send to the complainant a written report of the ICEF Public Schools' investigation and decision, as described in Step #5 below. If the complainant is dissatisfied with the CO's decision, he/she may, within five business days, file his/her complaint in writing to the Board. The Board may consider the matter in a closed Board session at the time of its next regular Board meeting. The Board may, at its discretion, decide not to hear the complaint, in which case the CO's decision shall be final. If the Board hears the complaint, the CO shall send the Board's decision to the complainant within twenty (20) business days from the decision of the Board.

#### Step 5: Final Written Decision

The ICEF Public Schools' decision shall be in writing and sent to the complainant. The ICEF Public Schools' decision shall be written in English and in the language of the complainant whenever feasible or as required by law. For discrimination 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. The report shall not give any further information as to the nature of the disciplinary action.

#### 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 the 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 ICEF Public Schools' decision.
    - i. The written appeal should specify reasons for appealing the decision and include a copy of the original complaint and ICEF Public 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 ICEF Public Schools' decision.
    - i. The written appeal should specify reasons for appealing the decision and include a copy of the original complaint and ICEF Public Schools' decision.
    - ii. The appeal may be sent to:  
California Department of Education  
Categorical Programs Complaints Management Office  
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 ICEF Public Schools' decision.
    - i. The written appeal should specify reasons for appealing the decision and include a copy of the original complaint and ICEF Public Schools' decision.
    - ii. The appeal may be sent to:  
California Department of Education  
Special Education Division  
Procedural Safeguards Referral Service

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

**Failure to Comply**

Any ICEF employee who is found to have purposely or recklessly in violation of this policy will be subject to immediate disciplinary action.

**Civil Law Remedies**

Nothing in this policy precludes a complainant from pursuing available civil law remedies outside of ICEF Public School's complaint procedures. Such remedies may include mediation centers, public/private interest attorneys, injunctions, restraining orders, etc. For discrimination complaints in California, however, a complainant must wait until sixty (60) days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if ICEF Public Schools has appropriately, and in a timely manner, apprised the complainant of his or her right to file a complaint.



2. Have you discussed your complaint or brought your complaint to any ICEF Public School personnel?  Yes  No

If you have, with whom did you discuss your complaint and what was the result?

3. 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 as deemed appropriate.

\_\_\_\_\_  
*SIGNATURE OF COMPLAINANT*

\_\_\_\_\_  
*DATE*

\_\_\_\_\_  
*PRINT NAME*

*Mail your complaint to:  
ICEF Public Schools  
Attention: Senior Director of School Support  
3855 W. Slauson Ave.  
Los Angeles, CA 90043*