



BOARD POLICY ON UNIFORM COMPLAINT PROCEDURES

Uniform Complaint Procedures

Some matters lie within the Uniform Complaint Procedures (UCP) scope. Federal and state laws and regulations specify which programs and issues do. Not all complaints are within the scope of the UCP, even if they involve alleged violations of law. Charter schools which receive federal funds are subject to the UCP or where specified in statute. The Academy UCP shall apply only to those complaints that fall within the scope of the UCP and are applicable to charter schools.

Complaints Under the UCP

A complaint under the Uniform Complaint Procedures (UCP) is a written and signed statement by an individual, public agency, or organization alleging a violation of federal or state laws governing certain educational programs. Anonymous (unsigned) complaints shall be accepted and considered when required by law.

The Executive Director or designee shall utilize the procedures listed below to comply with the Uniform Complaint Procedures consistent with local, state and federal laws and regulations as applicable to charter schools.

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

- Complaints of unlawful discrimination, harassment, intimidation, or against any protected group, including actual or perceived discrimination, on the basis of the actual or perceived characteristics of age, ancestry, color, disability, ethnic group identification, gender expression, gender identity, gender, gender expression, genetic information, nationality, national origin, race or ethnicity, religion, sex, sexual orientation, marital or parental status, 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 JAA school program or activity.
- Complaints of violations of state or federal law and regulations governing the following programs including but not limited to: After School Education and Safety Programs, Consolidated Categorical Aid Programs, Child Nutrition Programs, Foster and Homeless Youth Services, Migrant Education, Career

Technical and Technical Education Training Programs, Every Scholar Succeeds Act 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.
 - “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.
 - 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.
- Complaints of noncompliance with the requirements of Education Code Section 222 regarding the rights of lactating pupils on a school campus.

If the JAA school finds merit in a complaint, or if the Executive Director finds merit in an appeal, JAA shall provide a remedy to the affected pupil(s).

JAA acknowledges and respects every individual’s rights to privacy. In investigating complaints, the confidentiality of the parties involved and the integrity of the process shall be protected. As appropriate, the Compliance Officer or his or her designee may keep the identity of a complainant confidential to the extent that the investigation of the complaint is not obstructed, or as otherwise permitted by law.

JAA 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.

Designation of staff member responsible for receiving, investigating and resolving complaints

The Governing Board of John Adams Academies Inc. designates the individual(s) identified below as the employee(s) responsible for coordinating John Adams Academies Inc.'s response to complaints. The individual(s) also serve as the compliance officer(s) specified as the responsible employee to handle complaints regarding unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).

Joseph Benson
Executive Director
1 Sierra Gate Plaza, Roseville, CA 95768
916-780-6800
Joseph.benson@johnadamsacademy.org

The compliance officer listed above who receives a complaint may designate another representative of John Adams Academies, Inc. to serve as the compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent, if applicable, if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which he/she has a bias or conflict of interest that would prohibit him/her from fairly investigating or resolving the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Executive Director or designee who shall determine how the complaint will be investigated.

The Executive Director or designee shall ensure that employees assigned to investigate complaints are knowledgeable about the laws and programs at issue in the complaints for which they are responsible. Assigned employees may have access to legal counsel as determined by the Executive Director or designee.

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the result of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Executive Director, the Executive Director's designee, or, if appropriate, the Headmaster, to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until John Adams Academies, Inc. issues its final written decision, whichever occurs first.

Notifications

The Executive Director or designee shall annually provide written notification of John Adams Academies Inc.'s UCP to employees, scholars, parents/guardians. Information regarding the UCP will be provided to other interested parties upon request.

John Adams Academies Inc.'s UCP shall be available in all JAA schools' main offices and JAA's Home Office. The Executive Director shall make copies of the uniform complaint procedures available free of charge.

The notification shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints;
2. Include information about complaints that may be related to pupil fees, pursuant to the requirements of Education Code section 49010 *et seq.*;
3. Include information about complaints related to the Local Control and Accountability Plan, Annual Updates, or other Plan compliance requirements, pursuant to Education Code section 52075.
4. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable;
5. Advise the complainant of the appeal process, including the complainant's right to take a complaint directly to the CDE or to pursue remedies before civil courts or other public agencies; and
6. Include statements that:
 - a. JAA is primarily responsible to ensure compliance with applicable state and federal laws and regulations governing education programs;
 - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline;
 - c. A complaint alleging unlawful discrimination, harassment, intimidation or bullying must be filed not later than six months from the date it occurred or six months from the date the complainant first obtains knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying;
 - d. The complainant has a right to appeal the decision to the CDE by filing a written appeal within 15 calendar days of receiving the decision;
 - e. The appeal to the CDE must include a copy of the complaint filed with JAA and a copy of the decision; and
 - f. Copies of JAA's uniform complaint procedures are available free of charge.

Procedures

The following procedures shall be used to address all complaints which allege that the JAA has violated federal or state laws or regulations governing educational programs. All complaints shall be investigated and resolved within 60 calendar days of JAA's receipt of the complaint.

The Compliance Officer shall maintain a record of each complaint and subsequent related actions, in compliance with California Code of Regulations, Title 5, sections 4631 and 4633.

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 a Complaint

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

A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed by a person who alleges that he or 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. Such a complaint 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 the complainant first obtained knowledge of the facts of the alleged unlawful discrimination, harassment, intimidation, or bullying. Upon written request by the complainant, the Compliance Officer may choose to extend the filing period for up to 90 calendar days.

Pupil fee complaints shall be filed no later than one (1) year from the date the alleged violation occurred and may be presented to the school principal.

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 presented to a school principal shall be immediately forwarded to the Compliance Officer within an indication of the date received.

Complaints related to pupil fees for participation in educational activities may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the requirements of Education Code section 49010 et seq. (pupil fees). Complaints related to Local Control and Accountability Plan compliance may also be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the requirements of Education Code section 52075.

If a complainant is unable to prepare a written complaint due to conditions such as disability or illiteracy, the complainant can receive assistance from JAA staff.

Step 2: Mediation

Within ten (10) operating days of receiving the complaint, the Compliance Officer 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 law, the Compliance Officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the JAA's 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 is encouraged to hold an investigative meeting within five (5) days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide the complainant with the opportunity to repeat the complaint orally.

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

Refusal by the complainant to provide JAA's Compliance Officer with documents or other evidence related to the allegations in the complaint, or otherwise fail or refuse to cooperate or obstruct the investigation may result in dismissal of complaint because of a lack of evidence to support the allegation.

JAA's refusal to provide the Compliance Officer 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

The Compliance Officer shall prepare and send to the complainant a written report of the investigation and decision, as described in Step #5 below, within sixty (60) days of JAA's receipt of the complaint, unless extended by written agreement with the complainant.

JAA's Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60 calendar day total time limit within which the complaint must be answered. The Board may also decide not to hear the complaint, in which case the Compliance Officer's decision shall be final.

If the Board hears the complaint, the Compliance Officer shall send the Board's decision to the complainant within 60 calendar days of receipt of the complaint or within the time period that has been specified in a written agreement with the complainant.

Step 5: Final Written Decision

JAA's decision shall be in writing and sent to the complainant. JAA's decision shall be written in English and, when required by law, in the complainant's primary language.

The decision shall include:

1. The finding(s) of fact based on the evidence gathered;
2. The conclusion(s) of law;
3. Disposition of the complaint;
4. Rationale for such disposition;
5. Corrective action, if any are warranted;
6. For unlawful discrimination, harassment, intimidation or bullying complaints arising under state law, notice that the complainant must wait until sixty (60) days have elapsed from the filing of an appeal with the CDE before pursuing civil remedies.
7. 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 of Civil Rights.

In addition, any decision on a complaint of discrimination, harassment, intimidation or bullying based on state law shall include a notice that the complainant must wait until 60 calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies.

If a scholar or employee is disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the scholar or employee was informed of JAA's expectations. The report shall give no further information as to the nature of the disciplinary action.

If a complaint alleging noncompliance with the laws regarding Local Control and Accountability Plans or scholar fees, deposits and other charges is found to have merit, JAA shall provide a remedy to all affected scholars and parents/guardians, which, where applicable, shall include reasonable efforts to ensure full reimbursement to them.

Appeal

If dissatisfied with JAA's decision, the complainant may appeal to the CDE by filing a written appeal within 15 calendar days of receiving the JAA's final decision. The appeal shall specify the basis for the appeal and whether the findings of 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 JAA's final decision.

Appeals of JAA decisions regarding discrimination, harassment, intimidation, and/or bullying allegations, as well as findings regarding provision of accommodations to lactating scholars should be sent to:

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

Appeals of JAA decisions regarding educational program complaints or pupil fees should be sent to:

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

Appeals of JAA decisions regarding LCAP should be sent to:

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

Appeals of JAA decisions regarding special education compliance should be sent to:

California Department of Education
Procedural Safeguards Referral Service
1430 N Street, Suite 2401
Sacramento, CA 95814

Upon notification by the CDE that the complainant has appealed JAA's decision, the Executive Director 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 JAA, 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 JAA's complaint procedures.
7. Other relevant information requested by the CDE.

The CDE may directly intervene in the complaint without waiting for action by JAA when one of the conditions listed in Title 5, California Code of Regulations, Section 4650 exists, including cases in which JAA has not taken action within sixty (60) days of the date the complaint was filed with JAA. A direct complaint to CDE must identify the basis for direct filing of the complaint, which must include clear and convincing evidence that supports such a basis.

Civil Law Remedies

A complainant may pursue available civil law remedies outside of JAA's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For complaints alleging unlawful discrimination, harassment, intimidation, and bullying based on state law, a complainant shall wait until sixty (60) calendar 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 JAA has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.