



The O'Farrell Charter Schools

The O'Farrell Elementary School
The O'Farrell Middle School
The O'Farrell High School
Ingenuity Charter School

Jonathan Dean, Ed.D., Superintendent

BOARD POLICY

#1003

UNIFORM COMPLAINT POLICY AND PROCEDURES

The O'Farrell Charter School and Ingenuity Charter School (collectively, "OCS") have the primary responsibility to ensure that OCS programs and activities comply with state and federal laws and regulations. OCS shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination, harassment, intimidation, or bullying, and seek to resolve those complaints in accordance with the Uniform Complaint Policy and Procedures ("UCP") adopted by the OCS board of directors.

The board of directors designates the following compliance officer to receive complaints, investigate complaints, and ensure compliance:

Susan Park, Director of Operations
The O'Farrell Charter School and Ingenuity Charter School
6130 Skyline Drive
San Diego, CA 92114
(619) 263-3009
(619) 263-4339 Fax

Should a complaint be filed against the superintendent or director of operations, the compliance officer shall be the chair of the board of directors or the chair's designee.

Any individual, public agency, or organization alleging noncompliance by OCS and/or alleging discrimination, harassment, intimidation, or bullying may file a written complaint by using the attached **Uniform Complaint Form 1000**. The complaint shall be filed with OCS in accordance with the UCP.

OCS shall ensure that persons responsible for compliance and investigations are knowledgeable about the laws, regulations, programs, and/or activities that the persons are assigned to investigate.

OCS prohibits retaliation in any form for participation in complaint procedures, including, but not limited to, filing a complaint or reporting discrimination, harassment, intimidation, or bullying. Such participation shall not affect the status, grades, or work assignments of the complainant.

OCS shall maintain a log of complaints received, providing each with a code number and date stamp.

"A School You Can Believe In"

WASC Accredited and GATE Certified Staff

6130 Skyline Drive • San Diego, California 92114 • (619) 263-3009 • Fax (619) 263-4339

Board of Directors: Christian Scott, Tim Katzman, Delano Jones, Linda Logan, Agnès Barrelet, Shar Dela Cruz, Cristina Mendoza

OCS shall annually notify in writing its students, employees, parents/guardians, advisory committees, and other interested parties of the UCP, including the opportunity to appeal to the California Department of Education (“CDE”). The notice shall include the identities of the persons responsible for processing complaints. The notice shall also advise the recipient 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 section 262.3. The notice shall also include information regarding the requirements of Education Code sections 49010 through 49013 relating to pupil fees. This notice shall be in English, and when necessary, in the primary language, pursuant to Education Code section 48985, if fifteen (15) percent or more of the students enrolled at OCS speak a single primary language other than English, or mode of communication of the recipient of the notice. Copies of the UCP shall be available free of charge. If a complainant is unable to put a complaint in writing due to conditions such as a illiteracy or disability, OCS shall assist him/her in the filing of the complaint.

An investigation of alleged unlawful discrimination, harassment, intimidation, or bullying shall be initiated by filing a complaint within six (6) months from the date the alleged discrimination, harassment, intimidation, or bullying occurred, or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying.

The complaint shall be filed by one who alleges that he or she has personally suffered unlawful discrimination, harassment, intimidation, or bullying, or by one who believes an individual or any specific class of individuals has been subjected to unlawful discrimination, harassment, intimidation, or bullying.

Although OCS cannot guarantee anonymity of the complainant, investigations shall be conducted in a manner that protects confidentiality of the parties, to the extent reasonably possible, and maintains the integrity of the process. OCS may find it necessary to disclose information regarding the complainant or complaint to the extent necessary to carry out the investigation.

Pupil fee complaints shall be filed not later than one (1) year from the date the alleged violation occurred. Pupil fee complaints may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with applicable laws.

Within sixty (60) days from the receipt of the complaint, the compliance officer or his/her designee shall conduct and complete an investigation in accordance with the UCP and prepare a written decision. This time period may be extended by written agreement of the complainant.

The investigation shall include an opportunity for the complainant, or the complainant’s representative, or both, to present the complaint and evidence or information leading to evidence to support the allegations.

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

Refusal by OCS to provide the investigator with access to records and/or other information related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage 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.

OCS should issue its decision (“Decision”) based on the evidence. The Decision shall be in writing and sent to the complainant within sixty (60) days from receipt of the complaint by OCS. The Decision should contain the findings of fact based on the evidence gathered; conclusion of law; disposition of the complaint; the rationale for such disposition; corrective actions, if they are warranted, including, with respect to a pupil fee complaint, a remedy that comports with Education Code section 49013(d) and Title

5, California Code of Regulations section 4600(u); notice of the complainant's right to appeal the Decision to the CDE; and, procedures to be followed for initiating an appeal to the CDE.

Nothing in the UCP shall prohibit the parties from utilizing alternative methods to resolve the allegations in the complaint, including, but not limited to, a resolution meeting with OCS and/or mediation.

Nothing in the UCP shall prohibit OCS from resolving complaints prior to the formal filing of a written complaint.

A complainant may appeal the Decision to the CDE by filing a written appeal within fifteen (15) days of receiving the Decision. The complainant shall specify the basis for the appeal of the Decision and whether the facts are incorrect and/or the law is misapplied. The appeal shall be accompanied by a copy of the complaint filed with OCS and a copy of the Decision.

If the CDE determines the appeal raises issues not contained in the OCS complaint, the CDE will refer those new issues back to OCS for resolution as a new complaint. If the CDE determines that the Decision failed to address an issue raised by the complaint, the CDE shall refer the matter to OCS to make the necessary findings and conclusions on any issue not addressed. OCS will address the issue within twenty (20) days from the date of the referral.



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Uniform Complaint Form

TO: Susan Park, Director of Operations
 The O'Farrell Charter School and Ingenuity Charter School
 6130 Skyline Drive
 San Diego, CA 92114
 (619) 263-3009
 (619) 263-4339 Fax

FROM:

Name	
Address	
Zip Code	
Phone Number	

PROGRAM AREA OF ALLEGED NONCOMPLIANCE:

- Consolidated Categorical Aid Programs
- Student Fees
- Special Education
- Other: _____*
- Child Nutrition
- Foster/Homeless Youth
- Local Control Funding Formula

BASIS (ACTUAL OR PERCEIVED) OF ALLEGED UNLAWFUL, HARASSMENT, INTIMIDATION, OR BULLYING:

- Age
- Disability, Physical or Mental
- Gender, Gender Expression, Gender Identity
- Race or Ethnicity
- Sexual Orientation
- Other: _____
- Ancestry
- Ethnic Group Identification
- National Origin
- Religion
- Color
- Association with person/group listed above

*The O'Farrell Charter School is located on property owned by the San Diego Unified School District (District) property pursuant to a facilities use permit agreement. Complaints regarding facilities may be referred to the District, where appropriate.

NATURE OF COMPLAINT: Please provide facts about the complaint, including the names of persons involved, dates, and any other relevant details to help The O’Farrell Charter School and/or Ingenuity Charter School understand and investigate.

OCS PERSONNEL: If you have discussed the complaint with any The O’Farrell Charter School and/or Ingenuity Charter School personnel, please list their names and the result of the discussions.

DOCUMENTS: If you have relevant documents in support of the complaint, please describe below and attach them.

SIGNATURE: _____ **DATE:** _____

Please submit form to:

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The O’Farrell Charter School and Ingenuity Charter School
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Annual Notification of Uniform Complaint Policy & Procedures (UCP)

**TO: STUDENTS, EMPLOYEES, PARENTS/GUARDIANS, ADVISORY COMMITTEES,
AND OTHER INTERESTED PARTIES**

The O'Farrell Charter School and Ingenuity Charter School (collectively, "OCS") have the primary responsibility to ensure that OCS programs and activities are in compliance with applicable state and federal laws and regulations. OCS has established the Uniform Complaint Policy and Procedures ("UCP") to address allegations of unlawful discrimination, harassment, intimidation, and bullying, and complaints alleging violations of state or federal laws, including, but not limited to, the charging of unlawful pupil fees.

The board of directors designates the following compliance officer to receive complaints, investigate complaints, and ensure compliance:

Susan Park, Director of Operations
The O'Farrell Charter School and Ingenuity Charter School
6130 Skyline Drive
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Any individual, public agency, or organization alleging non-compliance by OCS and/or alleging discrimination, harassment, intimidation, or bullying may file a written complaint by using the **Uniform Complaint Form 1003**. The complaint shall be filed with OCS in accordance with the UCP.

OCS shall investigate allegations of unlawful discrimination, harassment, intimidation, or bullying against any protected group as identified in Education Code section 200 and 220 and Government Code section 11135, including any actual or perceived characteristics as set forth in Penal Code section 422.55 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 the OCS.

A pupil fees complaint may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint.

A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity. A pupil fee includes, but is not limited to, all of the following:

1. 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.
2. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
3. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

Complaints alleging discrimination, harassment, intimidation, or bullying, must be filed within six (6) months from the date the alleged discrimination, harassment, intimidation, or bullying occurred or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying, unless the time for filing is extended by the compliance officer.

A pupil fee complaint shall be filed no later than one (1) year from the date the alleged violation occurred.

Complaints will be investigated and a written decision (“Decision”) will be sent to the complainant within sixty (60) days from the receipt of the complaint. This timeline may be extended by written agreement of the complainant. OCS shall conduct and complete the investigation in accordance with the UCP. The complainant has a right to appeal the Decision to the California Department of Education (“CDE”) by filing a written appeal within fifteen (15) days of receiving the Decision. The appeal must be accompanied by a copy of the complaint filed with OCS and a copy of the Decision.

Civil law remedies may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable. In appropriate cases, an appeal may be filed pursuant to Education Code section 262.3. A complainant may pursue available civil law remedies outside of the OCS 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.

Copies of the UCP are available free of charge.