



Uniform Complaint Procedure

Urban Discovery Academy

840 14th Street

San Diego, CA 92101

Phone: (619) 788 – 4668

Date UCP Policies and Procedures approved by Governing Board: 9 May 2015

This document contains rules and instructions about the filing, investigation and resolution of a Uniform Complaint Procedures (“UCP”) complaint regarding an alleged violation by the Urban Discovery Academy (“UDA”) of federal or state laws or regulations governing educational programs, including allegations of unlawful discrimination, harassment, intimidation, bullying and noncompliance with laws relating to pupil fees. The Urban Discovery Academy uses the UCP policy to process complaints concerning particular programs or activities for which we receive state or federal funding, which may include Adult Education, Consolidated Categorical Aid Programs, Child Care and Developmental Programs, Child Nutrition Programs and Special Education Programs.

This document also applies to the filing of complaints which allege unlawful discrimination, harassment, intimidation, and bullying against any protected group, including those with actual or perceived characteristics such as age, ancestry, color, ethnic group identification, gender expression, gender identity, gender, disability, nationality, national origin, race or ethnicity, religion, sex, sexual orientation, 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 UDA, which is funded directly by, or that receives or benefits from any state financial assistance.

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:

- Allegations of child abuse shall be referred to County Dept of Social Services (DSS), Protective Services Division or appropriate law enforcement agency.
- Health and safety complaints regarding a Child Development Program shall be referred

to Dept. of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.

- Employment discrimination complaints shall be sent to the State Dept. of Fair Employment and Housing (DFEH).
- Allegations of fraud shall be referred to the Legal, Audits and Compliance Branch in the California Department of Education (CDE).

A 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. Complaints related to pupil fees for 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 sections 49010 et seq. 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 noncompliance with laws relating to pupil fees. If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, Urban Discovery Academy shall assist the complainant in the filing of the complaint.

The Responsibilities of Urban Discovery Academy

Urban Discovery Academy has the primary responsibility to ensure compliance with applicable state and federal laws and regulations. We shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination, harassment, intimidation, bullying and charging pupil fees for participation in an educational activity and seek to resolve those complaints in accordance with our UCP procedures.

In regards to complaints of noncompliance with laws relating to pupil fees, if UDA finds merit in a complaint a remedy will be provided to all affected pupils, parents and guardians, that, where applicable, will include reasonable efforts by UDA to ensure full reimbursement to all affected pupils, parents and guardians.

Our UCP policies shall ensure that complainants are protected from retaliation and that the identity of a complainant alleging discrimination, harassment, intimidation, and bullying remain confidential as appropriate. We submitted our UCP policies and procedures to our governing board for approval and adoption (see the top of this document for final adoption date).

The person responsible for receiving and investigating complaints and ensuring our compliance with state and federal laws and regulations (“Compliance Officer”) is:

Name or title: Jenni Owen – Chief Executive Officer

Unit or office: Urban Discovery Academy

Address: 840 14th Street, San Diego, CA 92101

Phone: (619) 788 – 4668

We ensure that the person above, who is responsible for compliance and/or investigations, or his/her designee, is knowledgeable about the laws/programs that he/she is assigned to investigate and shall seek legal counsel as needed. Complaints of noncompliance with laws relating to pupil fees may also be filed with the Board President.

We shall annually notify in writing our pupils, employees, parents or guardians of our pupils, and other interested parties of our UCP process regarding an alleged violation by a local agency of federal or state law or regulations governing educational programs, including allegations of unlawful discrimination, harassment, intimidation, bullying and noncompliance with laws relating to pupil fees. The UCP Annual Notice will be disseminated to all required groups each year and will include information on how to appeal to the CDE. An appeal is a request made in writing to a level higher than the original reviewing level by an aggrieved party requesting reconsideration or a reinvestigation of the lower adjudicating body's decision.

Our UCP Annual Notice shall also advise the recipient of any civil law remedies that may be available under state or federal discrimination, harassment, intimidation, and bullying laws, if applicable, and of the appeal pursuant to Education Code section 262.3. 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.

A copy of this UCP complaint policies and procedures document is available free of charge by contacting school administration.

Step 1: Filing a Complaint with the Urban Discovery Academy

Any individual, public agency or organization may file a written complaint with the Compliance Officer or his or her designee alleging a matter which, if true, would constitute a violation by UDA of federal or state law or regulation governing a program. A complaint of noncompliance with laws relating to pupil fees may be filed with the Principal of UDA under the Uniform Complaint Procedures and 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.

An investigation of alleged unlawful discrimination, harassment, intimidation, and bullying shall be initiated by filing a complaint no later than six 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, and bullying. The time for filing may be extended in writing by our Compliance Officer or his or her designee, upon written request by the complainant setting forth the reasons for the extension. The period for filing may be extended by our Compliance Officer or his or her designee for good cause for a period not to exceed 90 calendar days following the expiration of the six month time period. Our Compliance Officer shall respond immediately upon receipt of a request for extension.

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

An investigation of a discrimination, harassment, intimidation, and bullying complaint shall be conducted in a manner that protects confidentiality of the parties and maintains the integrity of the process.

Step 2: Potential Mediation

Within seven (7) days of receiving the complaint, the Compliance Officer may choose to informally discuss with all the parties the possibility of using mediation. If the parties agree to mediation, the Compliance Officer shall make all arrangements for this process. Before initiating the mediation of a complaint alleging discrimination, harassment, intimidation or bullying, 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 school's 60-day timeline for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (5 CCR 4631)

Step 3: Investigation of Complaint

Within thirty (30) days of receiving the complaint, the Compliance Officer shall provide the complainant and/or his/her representative an opportunity to present the complaint and any evidence, or information leading to evidence, to support the allegations in the complaint. The Compliance Officer also shall collect all documents and interview all witnesses with

information pertinent to the complaint.

A complainant's refusal to provide UDA's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation or engaging in any other obstruction of the investigation may result in the dismissal of the complaint because of lack of evidence to support the allegation. (5 CCR 4631)

In accordance with law, UDA shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal to cooperate in 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. (5 CCR 4631)

Step 4: Response

Within forty (40) days of receiving the complaint, the Compliance Officer shall prepare and send to the complainant a written response of UDA's investigation and decision, as described in Step #5 below. If the complainant is dissatisfied with the Compliance Officer's decision, he/she may, within five (5) days, file his/her complaint in writing with the Board.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the sixty (60) calendar day time limit within which the complaint must be answered. The Board may 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 the charter school initially receiving the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

Step 5: Final Written Decision

UDA's decision shall be in writing and sent to the complainant. (5 CCR 4621)

UDA's decision shall be written in English and in the primary language of the complainant whenever required by law.

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings 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 actions, if any are warranted; and

6. Notice of the complainant's right to appeal the charter school's decision within fifteen (15) calendar days to the CDE, and procedures to be followed for initiating such an appeal.

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 the investigation of a complaint results in discipline to a student or an employee, the decision shall simply state that effective action was taken and that the student or employee was informed of appropriate expectations. The report shall not give any further information as to the nature of the disciplinary action.

If a complaint alleging noncompliance with the laws regarding student fees, deposits and other charges is found to have merit, the charter school shall provide a remedy to all affected students and parents/guardians, which, where applicable, shall include reasonable efforts to ensure full reimbursement to them. (Ed. Code, § 49013)

Appeals to the California Department of Education

If dissatisfied with UDA's decision, the complainant may appeal in writing to the CDE. The complainant shall file his/her appeal within fifteen (15) calendar days of receiving the charter school's decision and the appeal shall specify the basis for the appeal of UDA's 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 UDA's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant has appealed UDA's decision, the Compliance Officer or designee shall forward the following documents to the CDE: (5 CCR 4633)

- a. 1. A copy of the original complaint;
- b. 2. A copy of the decision;
- c. 3. A summary of the nature and extent of the investigation conducted by the charter school, if not covered by the decision;
- d. 4. A copy of the investigation file including, but not limited to, all notes, interviews and documents submitted by the parties and gathered by the investigator;
- e. 5. A report of any action taken to resolve the complaint;
- f. 6. A copy of UDA's complaint procedures; and
- g. 7. Other relevant information requested by CDE.

The CDE may directly intervene in the complaint without waiting for action by the charter school when one of the conditions listed in 5 CCR 4650 exists, including when UDA has not

taken action within 60 calendar days of the date the complaint was filed with UDA. A direct complaint to the 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

Complainant may pursue available civil law remedies outside UDA'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 or 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, provided UDA has appropriately and in a timely manner apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622. The moratorium does not apply to injunctive relief and to discrimination based on federal law.