

**OPTIONS FOR YOUTH- San Bernardino, Inc.  
UNIFORM COMPLAINT PROCEDURES POLICY**

This Uniform Complaint Procedures Policy (“UCP”) contains rules and instructions about the filing, investigation and resolution of UCP complaints regarding any alleged violation of federal or state laws or regulations governing certain educational programs and activities offered by Options for Youth-San Bernardino, Inc. (the “School”). The School shall have primary responsibility to ensure compliance with applicable state and federal laws and regulations.

The School developed this UCP pursuant to Title 5, California Code of Regulations, §§ 4600-4687 and consistent with policies and procedures adopted by our governing board. This UCP shall apply only to those complaints that fall within the scope of the UCP and are applicable to charter schools. It does not apply to complaints arising from the employment relationship, which are separately addressed by the School’s employment policies. It also does not apply to complaints regarding classroom assignments, student advancement and retention, selection/provision of textbooks and materials, student discipline, provision of core curricula subjects, facilities, graduation requirements, homework policies and practices, use of general education funds, dress codes and school uniforms.

**COMPLAINTS UNDER THE UCP**

A UCP complaint is a written and signed statement by a complainant, including a person’s duly authorized representative or an interested third party, public agency, or organization, alleging a violation of federal or state laws or regulations, which may include: complaints regarding certain programs and activities; complaints regarding charging pupil fees for participation in an educational activity; complaints regarding non-compliance with the requirements of the School’s Local Control and Accountability Plans (“LCAP”); or an allegation of unlawful discrimination, harassment, intimidation, or bullying in certain programs or activities. A UCP complaint must be filed according to the procedures set forth herein.

**Complaints Regarding Programs and Activities**

Complaints of violations of state or federal law or regulations governing the following programs and activities, to the extent offered by the School, are subject to the UCP and will be investigated by the School:

- Adult Education
- After School Education and Safety
- Agricultural Vocational Education
- American Indian Education Centers and Early Childhood Education Program Assessments
- Career Technical and Technical Education; Career Technical; Technical Training
- Child Nutrition
- Consolidated Categorical Aide

## Options for Youth-San Bernardino, Inc.

### Uniform Complaint Procedures Policy

- Bilingual Education
- California Peer Assistance and Review Programs for Teachers
- Child Care and Development
- Regional Occupational Centers and Programs
- Reasonable Accommodation to a Lactating Pupil
- School Safety Plans
- Special Education
- State Preschool
- Course Periods without Educational Content (grades nine through twelve)
- Compensatory Education
- Economic Impact Aid
- Every Student Succeeds Act / No Child Left Behind (Titles I-VII)
- Education of Pupils in Foster Care, Homeless Pupils, former Juvenile Court Pupils now enrolled in a school district, and Pupils of Military Families
- Migrant Education
- Tobacco-Use Prevention Education
- Physical Education Instructional Minutes

### **Complaints Regarding Pupil Fees**

Complaints the School has violated Education Code §§ 49010 through 49013 concerning pupil fees are subject to this UCP and will be investigated by the School. A pupil shall not be required to pay a pupil fee for participation in an educational activity, unless the charge for such a fee is specifically authorized by law and does not violate Education Code §49011. 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. 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 Regarding LCAP**

Complaints concerning the School's LCAP (Education Code § 52075) are subject to this UCP and will be investigated by the School. 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 the School is 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 § 52060(d).

### **Complaints of Discrimination, Harassment, Intimidation and/or Bullying**

Complaints of discrimination, harassment, intimidation, and/or bullying 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, based on 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, immigration 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 program or activity conducted by the School which is funded directly by, or that received or benefits from any state financial assistance, are subject to this UCP and will be investigated by the School. Any School personnel who witness an act of discrimination, harassment, intimidation or bullying, shall take immediate steps to intervene when safe to do so as required by Education Code § 234.1.

Complaints may be based on discrimination, harassment, intimidation, and/or bullying that occurs employee-to-student, student-to-student, and/or third party conduct to a student. Such complaints may also include allegations of failure 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 breast-feeding pursuant to Education Code § 222.

### **UCP ANNUAL NOTIFICATION**

The School shall ensure annual dissemination of this UCP to all students, employees, parents or guardians of its students, school advisory committee members, appropriate private school officials or representatives (if applicable), and other interested parties that includes information regarding allegations about discrimination, harassment, intimidation, or bullying. The annual UCP notice shall be in English. If 15% or more of students enrolled at the School speak a single primary language other than English, the annual notice shall be provided in that language as well pursuant to Education Code § 48985.

This UCP shall be available in the School's main office and copies shall be made available free of charge.

### **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 only those persons with a need to know within the confines of the School's reporting

procedures and investigative process. The School will make every effort to keep as confidential the identity of a complainant alleging discrimination, harassment, intimidation, or bullying.

The School 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. Complainants are protected from retaliation.

These confidentiality and non-retaliation requirements extend to all parties involved.

### **DESIGNATION OF RESPONSIBLE EMPLOYEE**

The School hereby designates to the Assistant Principal of Instructional Operations as the employee responsible for receiving, investigating and responding to complaints and acting as the compliance officer(s) responsible for handling complaints under this UCP, referred to herein as the "Responsible Employee."

In no instance shall the Responsible Employee be assigned to a complaint in which he or she has a bias or conflict of interest that would prohibit him or her from fairly investigating or responding to the complaint. Any complaint against Responsible Employee or that raises a concern about Responsible Employee's ability to investigate the complaint fairly and without bias shall be filed with or referred to the School's Principal or other appropriate School official, who shall determine how the complaint will be investigated.

The School will ensure that persons assigned to investigate complaints are knowledgeable about the laws and programs at issue in the complaints for which they are responsible. The Responsible Employee may consult with legal counsel as permitted by the Principal or designee.

The Responsible Employee shall determine whether interim measures are necessary pending the result of an investigation. If interim measures are determined to be necessary, Responsible Employee shall consult with the Principal or designee, prior to implementing any such measures. The interim measures shall remain in place until the Responsible Employee determines that they are no longer necessary or until the School issues its final written decision, whichever occurs first.

### **COMPLAINT PROCEDURES**

The School shall investigate and seek to resolve, in accordance with this UCP, complaints alleging failure to comply with applicable state and federal laws and regulations, including but not limited to, allegations of discrimination, harassment, intimidation, or bullying or noncompliance with laws relating to all programs and activities implemented by the School that are subject to this UCP. All parties involved in allegations shall be notified by the Responsible

Options for Youth-San Bernardino, Inc.

Uniform Complaint Procedures Policy

Employee when a complaint is filed, when a mediation or hearing is scheduled, and when a decision is made.

### **Step 1: Filing a Complaint**

Any individual, public agency, or organization may file a written complaint of alleged noncompliance by the School. 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, or by a parent or guardian.

Complainants are encouraged, but not required, to use the appropriate complaint form(s), attached. If a complainant is unable to prepare a written complaint due to conditions such as disability or illiteracy, the complainant can receive assistance from School staff.

Complaints shall be filed with the Responsible Employee at the address provided herein. The Responsible Employee will maintain a log of complaints and subsequent related actions, as required by oversight agencies. The Responsible Employee will evaluate the complaint to determine whether it is subject to this UCP and will notify the complainant within five (5) workdays if the complaint is outside the jurisdiction of this UCP.

### **Timing of Complaints**

A complaint alleging unlawful discrimination, harassment, intimidation, or bullying 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. If the complaint is not timely filed, the complainant will be notified of his or her right to appeal to the State Superintendent of Public Instruction for an extension of time in which to file the complaint.

Pupil fee complaints shall be filed no later than one (1) year from the date the alleged violation occurred with the Responsible Employee or designee.

### **Anonymous Complaints**

Complaints related to pupil fees and/or LCAPs may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

### **Step 2: Mediation (Optional)**

Within ten (10) workdays of receiving the complaint, the Responsible Employee and complainant may mutually agree to mediation. The Responsible Employee shall make arrangements for any mutually agreed upon mediation that will allow both the complainant

and School to present relevant evidence. The Responsible Employee shall inform the complainant that the mediation process may be terminated at any time and proceed directly to an investigation. In the mediation of an unlawful discrimination, harassment, intimidation or bullying complaint, the mediator must agree to keep confidential any information obtained through mediation. If mediation resolves the complaint to the satisfaction of both parties, the School will implement any remedial measures and the complainant may choose to withdraw the complaint. If mediation does not resolve the complaint to the satisfaction of both parties or within the parameters of law, the Responsible Employee shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the School'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**

In order to investigate the complaint, the Responsible Employee shall have access to applicable School records and/or information related to the complaint allegations. As part of his/her investigation, the Responsible Employee shall do all of the following, in no specific order:

- Provide an opportunity for the complainant or complainant's representative and the School's representative to present information relevant to the complaint or investigative process.
- Obtain statements from individuals/witnesses who can provide relevant information concerning the alleged violation.
- Review documents that may provide information relevant to the allegation.
- When necessary, seek clarification on specific complaint issues.

Refusal to provide the Responsible Employee with documents or other evidence related to the allegations in the complaint, or failure or refusal to cooperate or obstruction of the investigation by the complainant or his/her representatives may result in dismissal of complaint because of a lack of evidence to support the allegation. Refusal to provide the Responsible Employee with documents or other evidence related to the allegations in the complaint, or failure or refusal to cooperate or obstruction of the investigation by the School or its staff 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: Principal Review**

The Principal has discretion to evaluate the complaint and/or the Responsible Employee's proposed decision before a final written decision is issued. Based on all the evidence obtained during the investigation, the Principal may approve, modify or reject the

Responsible Employee's proposed decision and issue a final decision that meets the requirements set forth herein. The Principal may also decide not to hear the complaint, in which case the Responsible Employee's decision shall be final.

### **Step 5: Final Written Decision**

The Responsible Employee shall prepare and send to the complainant a written report of the investigation and final decision within sixty (60) calendar days of School's receipt of the complaint, unless extended by written agreement with the complainant. The School'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, including, with respect to a pupil fee complaint, a remedy that comports with Education Code § 49013(d) and Title 5, California Code of Regulations, § 4600(u);
6. Notice of the complainant's right to appeal the School's decision to the CDE; and
7. Procedures to be followed for initiating an appeal to the CDE.

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.

In no event shall a decision under this section include identifying information of a student or any private employee personnel information, including but not limited to the nature of the disciplinary action taken against the student or employee. If a student or employee is disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the student or employee was informed of the School's expectations.

If the School finds merit in a complaint regarding Pupil Fees, LCAP, Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district, Pupils in Military Families, Reasonable Accommodations to a Lactating Pupil, Course Periods without Educational Content (grades nine through twelve), and Physical

Options for Youth-San Bernardino, Inc.

Uniform Complaint Procedures Policy

Education Instructional Minutes (grades one through eight), we shall provide a remedy. If the School finds merit in a complaint regarding Course Periods without Educational Content, Reasonable Accommodations to a Lactating Pupil, and Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in a district, and Pupils in Military Families, the remedy shall go to the affected pupil. If the School finds merit in a complaint regarding Pupil Fees, Physical Education Instructional Minutes and LCAP, the remedy shall go to all affected pupils and parents/guardians. The School, in good faith will engage in reasonable efforts to identify and fully reimburse all pupils, parents and guardians who paid an unlawful pupil fee within one year prior to the filing of the complaint.

**APPEAL PROCESS**

A complainant may appeal the School's decision by filing a written appeal within 15 calendar days of receiving the decision to the California Department of Education ("CDE"). This appeal to the CDE must fully explain the basis for the appeal, stating how the facts of the School's Decision are incorrect and/or the law is misapplied. The appeal must be sent to CDE with: (1) a copy of the locally filed complaint; and (2) a copy of the School's decision of this original locally filed complaint.

*Appeals of decisions regarding discrimination, harassment, intimidation, and/or bullying, and regarding provision of accommodations to lactating students should be sent to:*

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

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

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

*Appeals of decisions regarding LCAP should be sent to:*

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

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

California Department of Education  
Special Education Division - Procedural Safeguards Referral Service  
1430 N Street  
Sacramento, CA 95814



Options for Youth-San Bernardino, Inc.  
Uniform Complaint Procedures Policy

The CDE may directly intervene in the complaint without waiting for action by the School when one of the conditions listed in Title 5, California Code of Regulations, § 4650 exists, including cases in which the School has not taken action within sixty (60) days of the date the complaint was filed with the School. 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 under state or federal discrimination, harassment, intimidation or bullying laws. 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 the School has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with Title 5, California Code of Regulations, § 4622.

Adopted: \_\_\_\_\_, 2019

**Options for Youth-San Bernardino, Inc.**  
**Uniform Complaint Procedures Complaint Form**

This Complaint Form may be used to file a complaint subject to the School’s Uniform Complaint Procedures. Complaints concerning pupil fees and/or LCAPs may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. However, if you wish to receive a response, you must provide the following contact information. Complaints shall be handled in a confidential manner to respect the privacy of all parties to the fullest extent possible. Retaliation in any form for filing of a complaint is prohibited.

Response requested:  Yes  No

Name (Optional for Pupil Fee & LCAP Complaints):	Mailing Address (Optional):
Phone Number (Optional):	Email Address (Optional):

Issue of complaint (please check all that apply):

- Pupil Fees
- Local Control and Accountability Plans (“LCAP”)
- Discrimination, Harassment, Intimidation, or Bullying in Programs or Activities
- Other Complaint Re: Programs and Activities

Date(s) of Problem: \_\_\_\_\_

Location of Problem (school name, address, and room number or location): \_\_\_\_\_

\_\_\_\_\_

Describe specific nature of the complaint in detail. You may include as much text as necessary (please use other side): \_\_\_\_\_

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Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Please file this complaint with the following Responsible Employee or at your local learning center:  
Assistant Principal of Instructional Operations. Complaints can be filed at [uniformcomplaint-SB@propelcmg.org](mailto:uniformcomplaint-SB@propelcmg.org).**

