

**UNIFORM COMPLAINT PROCEDURES POLICY
OPTIONS FOR YOUTH-SAN BERNARDINO**

UNIFORM COMPLAINT PROCEDURE POLICY

Updated January 2026

I. General Policy

This policy outlines the Uniform Complaint Procedures (“UCP”) for submitting and addressing complaints at OPTIONS FOR YOUTH-SAN BERNARDINO (the “School”). The School developed this UCP in accordance with Title 5, California Code of Regulations, §§ 4600 et seq. The School shall have primary responsibility to ensure compliance with applicable state and federal laws and regulations, and the School will investigate and seek to resolve UCP complaints in accordance with this UCP policy. This UCP has been approved by the School’s Board of Directors.

II. Scope of Uniform Complaint Procedures

A. According to applicable law, programs and activities subject to the UCP are:

1. Accommodations for Pregnant and Parenting Pupils
2. Adult Education
3. After-School Education and Safety
4. Agricultural Career Technical Education
5. Career Technical and Technical Education; and Career Technical and Technical Training Programs
6. Child Care and Development Programs
7. Compensatory Education
8. Consolidated Categorical Aid Programs
9. Course Periods without Educational Content
10. Discrimination, harassment, intimidation, and/or bullying against any protected group as identified under California Education Code (EC) § 200 and § 220 and Government Code § 11135, including any actual or perceived characteristic as set forth in Penal Code § 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 an educational institution, as defined in EC § 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance. Unlawful discrimination further includes, but is not limited to, noncompliance with EC § 243(a) and § 244.
11. Educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families, pupils formerly in Juvenile Court now enrolled at the School, pupils who are migratory, and pupils participating in a newcomer program
12. Every Student Succeeds Act (ESSA)
13. Local Control and Accountability Plans (LCAP)
14. Migrant Education
15. Physical Education Instructional Minutes
16. Pupil Fees
17. Reasonable Accommodations to a Lactating Pupil
18. Regional Occupational Centers and Programs
19. School Plans for Student Achievement
20. School site Councils
21. School or Athletic Team Names, Mascots, or Nicknames pursuant to Education Code § 221.3
22. State Preschool
23. State Preschool Health and Safety Issues in LEAs Exempt from Licensing
24. And any other state or federal educational program the California State Superintendent of Public Instruction (“SSPI”) or the CDE or designee deems appropriate.

B. Issues Not Subject to the UCP

Not all complaints fall under the scope of the UCP, including but not limited to: classroom assignments, grades, hiring and evaluation of staff, homework policies and practices, student advancement and retention, student discipline, student records, the Brown Act, and other general education requirements. The School may use these complaint procedures to address complaints not covered by the UCP at the School's discretion. However, only allegations within the subject matters falling within the UCP can be appealed to the California Department of Education ("CDE").

III. The UCP Annual Notification

The School provides notice of this UCP on an annual basis to all students, employees, parents/guardians, advisory committees, private school officials or representatives as appropriate, and other interested parties as applicable. The notice includes information regarding allegations of discrimination, harassment, intimidation, or bullying. It lists all federal and state programs within the scope of the UCP. It lists the staff member at the School who is responsible for and knowledgeable about processing UCP complaints, and that the staff member shall be knowledgeable about the laws and programs that they are assigned to investigate. The notice may be made available on the School's website.

The School does not operate a preschool program, but pursuant to applicable law, the notice shall include a statement that in order to identify appropriate subjects of state preschool health and safety issues pursuant to § 1596.7925 of the California Health and Safety Code ("HSC") a notice shall be posted in each California state preschool program classroom in each school in the local educational agency notifying parents, guardians, pupils, and teachers of both of the following: (1) the health and safety requirements under Title 5 of the California Code of Regulations apply to California state preschool programs pursuant to HSC § 1596.7925, and (2) the location at which to obtain a form to file a complaint. Posting a notice downloadable from the CDE website shall satisfy this requirement.

The School's annual UCP notice is in English. If 15% or more of students enrolled at the School speak a single primary language other than English, the annual notice will be provided in that language as well, pursuant to Education Code § 48985.

IV. Designation of Responsible Employee

The School's Principal is the "Responsible Employee" for receiving, investigating and responding to UCP complaints. Complaints shall be addressed to:

Maricela R. Frymark
Senior Director of School Policy and Compliance
16023 Arrow Hwy, Suite C
Irwindale, CA 91706
maricelafrymark@ofy.org
(909) 520-2018

In no instance will the Responsible Employee be assigned to investigate a complaint in which he or she has a bias that would prohibit him or her from fairly investigating or responding to the complaint. Any complaint against the Responsible Employee or that raises a concern about the Responsible Employee's ability to investigate the complaint fairly and without bias should be referred to the School's Governing Board or other appropriate School official, who will determine how the complaint will be investigated. The School will ensure that the Responsible Employee (or designee) investigating the complaint is knowledgeable about the laws and programs at issue in the complaint. The School may consult with legal counsel in addressing complaints as deemed appropriate.

V. Confidentiality and Non-Retaliation

The School will ensure that complainants are protected from retaliation and that the identity of a complainant alleging discrimination, harassment, intimidation, or bullying remains confidential as appropriate.

UNIFORM COMPLAINT PROCEDURES

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I. Step 1: Filing a UCP Complaint

A UCP complaint must be filed according to the procedures set forth herein.

Any individual, including a person's duly authorized representative or an interested third party, public agency, or organization, may file a UCP complaint. However, a complaint filed on behalf of a student may only be filed by that student or that student's duly authorized representative.

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 the same.

A UCP complaint is written and signed. If a complainant is unable to put his/her complaint in writing due to a disability or illiteracy, the School will assist the complainant in the filing of the complaint. A signature on a UCP complaint may be handwritten, typed (including in an email), or electronically-generated. Complaints related to pupil fees and/or LCAPs may be filed anonymously, that is, without an identifying signature, if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

Complainants are encouraged, but not required, to use the appropriate complaint form(s), attached.

Complaints shall be filed with the Responsible Employee at the address provided herein. A pupil fees complaint may also be filed with the School's Principal or designee. The Responsible Employee will maintain a log of complaints and subsequent related actions to the extent required by oversight agencies.

Upon receipt of a complaint, the Responsible Employee (or designee) will evaluate the complaint to determine whether it is subject to this UCP and will endeavor to notify the complainant within ten (10) workdays if the complaint is outside the jurisdiction of this UCP.

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

A. Timing of Complaints and Investigation

A complaint alleging unlawful discrimination, harassment, intimidation, or bullying shall be filed no later than six (6) months from the date when the alleged unlawful discrimination, harassment, intimidation or bullying occurred or the complainant first obtained knowledge of it. The time for filing may be extended by the Responsible Employee (or designee) for good cause upon written request from the complainant. Such extension shall be in writing and may not exceed ninety (90) calendar days following the expiration of the six-month period.

All other complaints shall be filed no later than one (1) year from the date the alleged violation occurred, except this one-year timeline shall not apply to complaints regarding the educational rights of foster youth. For complaints regarding LCAP, the date of the alleged violation is the date when the School's governing board approves the LCAP or annual update.

Unless a UCP complaint is resolved through mediation as set forth below, the School will investigate the UCP complaint and issue a written Investigation Report to the complainant within sixty (60) calendar days from the date of receipt of the complaint, unless the complainant agrees in writing to an extension of time.

II. Step 2: Mediation (Optional)

The Responsible Employee (or designee) and complainant may mutually agree to mediation. Any School employee or member of the School's governing board who has not been involved with the allegations in the complaint may be assigned by the Responsible Employee (or designee) to serve as mediator. The mediator will arrange for both the complainant and the School to present relevant evidence. The Responsible Employee (or designee) will inform the complainant that the mediation process may be terminated at any time by either the School or complainant, in which case the complaint will proceed directly to an investigation. 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 (or designee) shall proceed with his/her investigation of the complaint.

The use of mediation does not extend the School's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time.

III. Step 3: Investigation of Complaint

In order to investigate the complaint, the Responsible Employee (or designee) shall have access to applicable School records and/or information related to the complaint allegations. As part of his/her investigation, the Responsible Employee (or designee) will do all of the following, in any order:

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

Refusal by the complainant or his/her representatives to provide the Responsible Employee (or designee) with documents or other evidence related to the allegations in the complaint, or failure or refusal to cooperate or obstruction of the investigation, may result in dismissal of complaint because of a lack of evidence to support the allegation.

Refusal by the School to provide the Responsible Employee (or designee) with access to records and/or other information related to the allegations in the complaint, or failure or refusal to cooperate or 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.

IV. Step 4: Superintendent's Review (Optional)

If the Superintendent is not the employee to investigate the complaint, the Superintendent has the discretion to evaluate the complaint and/or the proposed decision before a final written decision is issued. If the Superintendent elects to do so, then based on all the evidence obtained during the investigation, the Superintendent may approve, modify or reject the proposed decision and issue a final decision that meets the requirements set forth herein. The Superintendent may also decide not to review the complaint, in which case the decision shall be final.

V. Step 5: Final Written Decision (Investigation Report)

The Responsible Employee (or designee) shall prepare and send to the complainant a written report of the investigation and final decision (Investigation Report) within sixty (60) calendar days of receipt of the complaint unless the complainant agrees in writing to extend this date. The School's Investigation Report shall be written in English and, when required by law, in the complainant's primary language.

The Investigation Report shall include:

- A. The finding(s) of fact based on the evidence gathered;
- B. Conclusion providing a clear determination as to each allegation as to whether the School is in compliance with the relevant law;
- C. If the School finds merit in the complaint, the corrective actions required by law;
- D. Notice of the complainant's right to appeal the School's Investigation Report to the CDE, except when the School has used its UCP to address a non-UCP complaint; and
- E. Procedures to be followed for initiating an appeal to the CDE.

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

An Investigation Report shall not include student information protected under the Family Educational Rights and Privacy Act ("FERPA") or any private employee personnel information, including but not limited to the nature of the disciplinary action taken against a student or employee. If a student or employee is disciplined as a result of the complaint, the Investigation Report 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, physical education instructional minutes, course periods without educational content, or LCAP, the remedy will go to all affected pupils and parents/guardians. For all other complaints within the scope of the UCP, the remedy shall go to the affected student. With respect to a pupil fees complaint, the School, in good faith, will engage in reasonable efforts to identify and fully reimburse all pupils, parents, and guardians who paid any unlawful pupil fee within one year prior to the filing of the complaint.

VI. Appeal Process

- A. A complainant may appeal the School's Investigation Report by filing a written appeal within thirty (30) calendar days of the date of the Investigation Report to the CDE. This appeal to the CDE must specify and explain the basis for the appeal, including at least one of the following:
 1. The School failed to follow its complaint procedures;
 2. Relative to the allegations of the complaint, the Investigation Report lacks material findings of fact necessary to reach a conclusion of law;
 3. The material findings of fact in the Investigation Report are not supported by substantial evidence;
 4. The legal conclusion in the Investigation Report is inconsistent with the law; and/or
 5. In a case where the School found noncompliance, the corrective actions fail to provide a proper remedy.
- B. The appeal must be sent to CDE with:
 1. A copy of the locally filed complaint; and
 2. Scope of the School's Investigation Report.
- C. 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 the direct filing of the complaint, which must include evidence that supports such a basis.

VII. 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.

VIII. UCP Requirements Regarding State Preschool Health and Safety Issues Pursuant to HSC § 1596.7925

To file a UCP complaint regarding a state preschool health and safety issue pursuant to HSC § 1596.7925, the complainant must file the complaint with the preschool program administrator or designee. The School does not currently operate a preschool program.

A state preschool health and safety issues complaint about problems beyond the authority of a school's preschool program administrator shall be forwarded to the appropriate school official for resolution in a timely manner not to exceed ten (10) working days.

A state preschool health and safety issues complaint may be filed anonymously. A complainant who identifies themselves is entitled to a response if they indicate that a response is requested. A complaint form shall include a space to mark whether a response is requested. If Education Code § 48985 is otherwise applicable, the response, if requested, and the Investigation Report shall be written in English and the primary language in which the complaint was filed.

A complaint for a state preschool health and safety issue shall specify the location for filing a complaint. A complainant may add as much text as they wish to explain the contents of the complaint.

When investigating a UCP state preschool health and safety issue, the preschool program administrator or designee shall make all reasonable efforts to investigate any problem within their authority, and investigations shall begin within ten (10) calendar days of the receipt of the complaint. A valid complaint shall be remedied within a reasonable time period not to exceed thirty (30) working days from the date the complaint was received. The resolution of the complaint shall be reported to the complainant within forty-five (45) working days of the initial filing. If the preschool program administrator or designee makes this report, they shall also report the same information in the same timeframe to the Charter School's designee.

IX. Filing an Appeal Regarding UCP State Preschool Health and Safety Issues

A complainant not satisfied with the resolution of the preschool program administrator or designee has the right to describe the complaint at a regularly scheduled hearing of the board. A complainant will not be precluded from filing an appeal to the SSPI if the complainant does not file a local appeal.

A complainant who is not satisfied with the resolution proffered by the preschool program administrator or designee has the right to file an appeal to the SSPI within thirty (30) calendar days of the date of the Investigation Report. The complainant shall comply with all appeal requirements listed in Title 5, California Code of Regulations, § 4632.

The School shall report summarized data on the nature and resolution of all UCP state preschool health and safety issues complaints on a quarterly basis to the county superintendent of schools and its board. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the Charter School's board. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints.

All complaints and responses are public records.

