



Board Governance BP 01-18 (A)

Board Policy: UNIFORM COMPLAINT PROCEDURES

The Governing Board recognizes that Gateway Community Charter (“GCC”) schools are the local agencies responsible for ensuring compliance with state and federal laws and regulations governing educational programs.

The Uniform Complaint Procedures (UCP) contains rules and instructions about the filing, investigation, and resolution of a Uniform Complaint Procedure (UCP) complaint regarding an alleged violation by a GCC School of federal or state laws or regulations governing educational programs, including non-compliance with laws relating to pupil fees and Local Control and Accountability Plans (LCAP).

This document presents information about how GCC processes UCP complaints concerning particular programs or activities that are subject to the UCP.

A UCP 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 or non-compliance with the requirements of a GCC School’s LCAP.

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 non-compliance with laws relating to pupil fees or non-compliance with the requirements of a GCC School’s LCAP.

If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, GCC shall assist the complainant in the filing of the complaint.

The Responsibilities of Gateway Community Charters (GCC)

GCC shall have the primary responsibility to ensure GCC Schools comply with applicable state and federal laws and regulations.

GCC shall investigate and seek to resolve, in accordance with our UCP process, any 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 GCC that are subject to the UCP.

The GCC developed the Uniform Complaint Procedures (UCP) process with policies and procedures adopted by our governing board.

Copies of the GCC Uniform Complaint Procedure will be made free of charge at any GCC School location or at the GCC Central Office.

According to state and federal codes and regulations, the programs and activities subject to the UCP are:

- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- American Indian Education Centers and Early Childhood Education Program Assessments
- Bilingual Education
- California Peer Assistance and Review Programs for Teachers
- Career Technical and Technical Education; Career Technical; Technical Training (State)
- Career Technical Education (Federal)
- Child Care and Development
- Child Nutrition
- Compensatory Education
- Consolidated Categorical Aid
- Course Periods without Educational Content
- Economic Impact Aid
- Education of Pupils In Foster Care, Pupils Who Are Homeless, Former Juvenile Court Pupils Now Enrolled In a School District, and Pupils Of Military Families
- Every Student Succeeds Act/No Child Left Behind (Titles I-VII)
- Local Control and Accountability Plans (LCAP)
- Migrant Education
- Physical Education Instructional Minutes
- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- School Safety Plans
- Special Education
- State Preschool
- Tobacco-Use Prevention Education

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:

Allegation of child abuse shall be referred to County Department 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 Department of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.

Employment discrimination, harassment, intimidation or bullying complaints shall be resolved following the Internal Complaint Review Policy found in the GCC Employee Handbook. If a complaint cannot be resolved through the internal GCC process, it may be forwarded State Department 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).

The GCC Board encourages the early, informal resolution of complaints at the GCC school site level or GCC level whenever possible.

Pupil Fees

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:

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.

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.

A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

The Local Control Accountability Plan (LCAP)

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 GCC Schools are required to prepare an LCAP, which describes how

the school intends to meet annual goals for its pupils, with specific activities to address state and local priorities identified pursuant to California *Education Code (EC)* Section 52060(d).

The UCP Annual Notice

GCC ensures annual dissemination of a written notice of our complaint procedures to all students, employees, parents or guardians of its students, school and GCC advisory committee members, appropriate private school officials or representatives, and other interested parties that includes information regarding allegations about discrimination, harassment, intimidation or bullying.

Our UCP Annual Notice shall also include information regarding the requirements of EC Section 49010 through 49013 relating to pupil fees and information regarding the requirements of EC Section 52075 relating to the LCAP.

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.

UCP Complaint Investigation/Mediation

The Governing Board designates the following compliance officer(s) to receive and investigate complaints and ensure GCC School compliance with law.

Chief Communications and Strategy Officer (CCSO)

Gateway Community Charters

5112 Arnold Ave. Suite A., McClellan, CA 95652

916.286.5129

916-993-4167 (Fax)

The Chief Communications and Strategy Officer (CCSO) is knowledgeable about the laws and programs he/she is assigned to investigate.

The GCC will investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group as identified in EC Section 200 and 220 and Government Code (GC) Section 11135, including any actual or perceived characteristics as set forth in Penal Code (PC) Section 422.55 or on the basis or a person's association with a person or group with one or more of these actual or perceived characteristics in any program or activity we conduct, which is funded directly by, or that receives or benefits from any state financial assistance.

Unlawful discrimination, harassment, intimidation or bullying complaints shall be filed no later than six months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying.

All complainants are protected from retaliation.

GCC advises complainants of the right to pursue civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws.

UCP Mediation/Initial Investigation Process

The GCC Board encourages the early, informal resolution of complaints at the GCC School site level or GCC level whenever possible.

Within ten business days of receiving the complaint, the GCC Compliance Officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the Compliance Officer shall make all arrangements for this process.

Before initiating the mediation of a discrimination complaint, the Compliance Officer shall ensure that all parties agree to make the mediator a party to related confidential information.

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

If the complainant refuses mediation, or 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 Compliance Officer shall hold an investigative meeting within ten business days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally. The complainant and/or his/her representatives shall also have an opportunity to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses.

Refusal by the complainant to provide the investigator with documents or other evidence related to 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 a lack of evidence to support the allegations.

Refusal by the GCC to provide the investigator with access to records and/or other information related to the allegation 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.

UCP Complaint Resolution

If the GCC finds merit in a complaint regarding Pupil Fees, Local Control and Accountability Plans (LCAP), Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in the GCC and pupils in military families, Reasonable Accommodations to a Lactating Pupil, Course Periods without Educational Content (grades nine through twelve), and Physical Education Instructional Minutes (grades one through eight), we shall provide a remedy.

The remedy shall go to the affected pupil in the case of complaints regarding

- Course Periods without Educational Content,
- Reasonable Accommodations to a Lactating Pupil, and/or
- Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in the GCC and pupils of military families.

The remedy shall go to all affected pupils and parents/guardians in the case of complaints regarding

- Pupil Fees,
- Physical Education Instructional Minutes and/or
- Local Control and Accountability Plans.

A pupil fees complaint may be filed with the GCC School principal or our Superintendent/CEO or his or her designee.

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

A pupil fees complaint shall be filed no later than one year from the date the alleged violation occurred.

GCC ensures an attempt shall be made in good faith to engage in reasonable efforts to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint.

Response

Within 60 business days of receiving the complaint, the Compliance Officer shall prepare and send the complainant a written report of the investigation and decision.

The Superintendent/CEO may consider the matter and review the investigation of the Compliance Officer. Parties should consider and accept the Superintendent/CEO decision as final. However, the complainant, the employee, or the Superintendent or

designee may ask to address the Board regarding the complaint. The Superintendent/CEO in consultation with the GCC Executive Committee may decide if a Board hearing is required.

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

Final Written Decision

The final Decision regarding the complaint shall be in writing and sent to the complainant. The report of the Decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, a meeting will be arranged where a community member will interpret it for the complainant.

This report will contain the following elements:

- I. The findings based on the evidence gathered.
- II. Conclusion of law.
- III. Disposition of the complaint.
- IV. The rationale for such a disposition.
- V. Corrective Actions, if any are warranted. *
- VI. Notice of the complainant's right to appeal the GCC Decision to the CDE.
- VII. Procedures to be followed for initiating an appeal to CDE.

* If an employee is disciplined as a result of the complaint, this report shall simply state that effective action was taken and that the employee was informed of GCC expectations. The report shall not give any further information as to the nature of the disciplinary action.

An appeal is a request made in writing to a higher level than the original reviewing level by an aggrieved party requesting reconsideration or a reinvestigation of the lower adjudicating body's decision.

A complainant may appeal our Decision of a UCP complaint regarding all specified federal and state educational programs subject to our UCP.

UCP Appeal Process to the California Department of Education (CDE)

If dissatisfied with the GCC Decision, the complainant may appeal in writing to the CDE within 15 business days of receiving the GCC decision. For good cause, CDE may grant an extension for filing appeals.

When appealing to the CDE, the complainant must specify the reason(s) for appealing the GCC 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 the GCC Decision.

Upon notification by the CDE that the complainant has appealed the GCC Decision, the Compliance Officer or GCC School Principal or his/her 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 the GCC, 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 the GCC complaint procedures.
7. Other relevant information requested by the CDE.

The CDE may directly intervene in the complaint without waiting for action by the GCC when one of the conditions listed in Title 5, California Code of Regulations, Section 4650 5 CCR 4650 exists, including cases in which the GCC has not taken action within 60 days of the date the complaint was filed with the GCC/GCC School.

Civil Law Remedies

A complainant may pursue available civil law remedies outside of the GCC'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 discrimination complaints arising under state law, however, a complainant must wait until 60 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 GCC has appropriately and in a timely manner appraised the complainant of his or her right to file a complaint in accordance with 5 CCR 4622.

Federal and State Laws Cited:

20 *United States Code (USC)* Section 6301 et seq.

34 *Code of Federal Regulations (CFR)* Section 229.11 & 300.510-511

California Education Code (EC) Section 200, 220, 222, 234.1-234.5, 262.3, 8200-8493, 8500-8538, 32280-32289; 33380-33384. 35186, 44500, 47606-47606.5, 47607.3, 48645.5, 48645.7(e), 48853, 48853.5, 48985, 49010-49013, 49069.5, 49490-49570, 51210, 51223, 51225.1, 51225.2, 51228.1-51228.3, 52059, 52060-52075, 52075 (a),

52160, 52300-52462, 52500-52616.4, 54440-54445, 56000-56865, 59000-59300,
64000(a)

California *Government Code (GC)* Section 11135, 17581.6 (f)

California *Health and Safety Code (GSC)* Section 104420

California *Penal Code (PC)* Section 422.55

California *Welfare and Institutions Code (WIC)* Section 300, 309, 602

California *Code of Regulations, Title 5 (5 CCR)* Section 4600-4687

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