

Lewis Center for Educational Research

BP 1312.3 COMMUNITY RELATIONS
UNIFORM COMPLAINT POLICY AND PROCEDURES

Adopted: June 11, 2012

Last Revised: May 11, 2020

The Lewis Center for Educational Research ("LCER") complies with applicable federal and state laws and regulations governing educational programs. This policy contains rules and instructions about the filing, investigation and resolution of a Uniform Complaint Procedures ("UCP") complaint regarding an alleged violation of certain federal or state laws or regulations.

The LCER is the local agency primarily responsible for compliance with federal and state laws and regulations governing educational programs. 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 and signed complaint alleging violation of applicable federal or state laws or regulations as set forth in this policy. If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, the LCER shall assist the complainant in the filing of the complaint.

Pursuant to this policy, persons responsible for conducting investigations shall be knowledgeable about the laws and programs, which they are assigned to investigate. This complaint procedure is adopted to provide a uniform system of complaint processing for the following types of complaints:

- (1) Complaints of unlawful discrimination, harassment, intimidation or bullying against any protected group, including actual or perceived discrimination, on the basis of the actual or perceived characteristics of age, ancestry, color, mental disability, physical disability, ethnic group identification, immigration status/citizenship, gender expression, gender identity, gender, genetic information, nationality, national origin, race or ethnicity, religion, medical condition, marital status, sex, or 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 LCER program or activity.
- (2) Complaints of violations of state or federal law and regulations governing the following applicable programs: Adult Education; After School Education and Safety; Agricultural Vocational Education; American Indian Education Centers and Early Child Education Program Assessments; Bilingual Education; California Peer Assistance and Review Programs for Teachers; Career Technical and Technical Education and Career Technical and Technical Training; Child Care and Development; Child Nutrition; Compensatory Education; Consolidated Categorical Aid; Economic Impact Aid; Foster and Homeless Youth Services; Every Student Succeeds Act / No Child Left Behind Act (2001) Programs (Titles I-VII), including improving academic achievement, compensatory education, limited English proficiency, and migrant education; Pupils from Military Families; Migratory Pupils; Accommodations for Pregnant and Parenting Pupils; Migrant Education; Regional Occupational Centers and Programs; Special Education; State Preschool; and Tobacco - Use Prevention Education.

- (3) A complaint may also be filed alleging that a pupil enrolled in a public school was required to pay a pupil fee for participation in an educational activity as those terms are defined below.
- a. “Educational activity” means an activity offered by a school, school district, charter school or county office of education that constitutes an integral fundamental part of elementary and secondary education, including, but not limited to, curricular and extracurricular activities.
 - b. “Pupil fee” means a fee, deposit or other charge imposed on pupils, or a pupil’s parents or guardians, in violation of Section 49011 of the Education Code and Section 5 of Article IX of the California Constitution, 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, as provided for in *Hartzell v. Connell* (1984) 35 Cal.3d 899. A pupil fee includes, but is not limited to, all of the following:
 - i. 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.
 - ii. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, uniform or other materials or equipment.
 - iii. A purchase that a pupil is required to make to obtain materials, supplies, equipment or uniforms associated with an educational activity.
 - c. A pupil fees complaint 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.
 - d. If the LCER finds merit in a pupil fees complaint the LCER shall provide a remedy to all affected pupils, parents, and guardians that, where applicable, includes reasonable efforts by the LCER to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.
 - e. Nothing in this section shall be interpreted to prohibit solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or school districts, school, and other entities from providing pupils prizes or other recognition for voluntarily participating in fundraising activities.
- (4) Complaints of noncompliance with the requirements governing the Local Control Funding Formula (“LCFF”) or Sections 47606.5 and 47607.3 of the Education Code regarding Local Control Accountability Plans (“LCAP”), as applicable. The LCAP is an important component of the LCFF, the revised school finance system that overhauled how California funds its K-12 schools. Under the LCFF, the LCER is required to prepare an LCAP, which describes how the LCER intends to meet annual goals for its pupils, with specific activities to address state and local priorities identified pursuant to Education Code Section 52060(d).

- (5) Complaints of noncompliance with the requirements of Education Code Section 222 regarding the rights of lactating pupils on a school campus.
- (6) Complaints of noncompliance with the requirements of Education Code Section 48645.7 regarding the rights of juvenile court school pupils when they become entitled to a diploma.
- (7) Complaints of noncompliance with the Charter School's School Safety Plan.

The LCER acknowledges and respects every individual's rights to privacy. Unlawful discrimination, harassment, intimidation or bullying complaints shall be investigated in a manner that protects (to the greatest extent reasonably possible) the confidentiality of the parties and the integrity of the process. The LCER cannot guarantee anonymity of the complainant. This includes keeping the identity of the complainant confidential. However, the LCER will attempt to do so as appropriate. The LCER may find it necessary to disclose information regarding the complaint/complainant to the extent necessary to carry out the investigation or proceedings, as determined by the compliance officer investigating the complaint or the CEO/designee on a case-by-case basis.

The LCER prohibits any form of retaliation against any complainant in the complaint process, including but not limited to a complainant's filing of a complaint or the reporting of instances of unlawful discrimination, harassment, intimidation or bullying. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

Compliance Officers

Board of Directors designates the following UCP Coordinator and Compliance Officer(s) to receive and investigate complaints and to ensure the LCER's compliance with law:

Coordinator of Uniform Complaint Procedures:

CEO Executive Assistant
Lewis Center for Educational Research
17500 Mana Road
Apple Valley, CA 92307
(760) 946-5414

Compliance Officers:

Director, Human Resources
Director, Special Education
Director, Finance
Director, Categorical Programs

Lewis Center for Educational Research
17500 Mana Road
Apple Valley, CA 92307
(760) 946-5414

The CEO or designee shall ensure that compliance officers are knowledgeable about the laws and

programs which they are assigned to investigate. Designated employees may have access to legal counsel as determined by the CEO or designee. Should a complaint be filed against a compliance officer, the compliance officer for that case shall be the CEO or designee.

Notifications

The LCER shall annually provide written notification of its uniform complaint procedures to its students, employees, parents and/or guardians of its students, school and district advisory committee members, the Foundation Board, appropriate private school officials or representatives, and other interested parties, as applicable.

The annual notice shall be in English. Pursuant to Education Code Section 48985, if fifteen (15) percent or more of the pupils enrolled in the Charter School speak a single primary language other than English, this annual notice will also be provided to the parent or guardian of any such pupils in their primary language.

The CEO or designee shall make available copies of the LCER's uniform complaint procedures free of charge.

The annual notice shall include the following:

- (a) A statement that the LCER is primarily responsible for compliance with state and federal laws and regulations.
- (b) A statement that a pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.
- (c) A statement identifying the person, position, or unit responsible for receiving complaints.
- (d) A statement that the complainant has a right to appeal the LCER's decision to the California Department of Education ("CDE") by filing a written appeal within 15 days of receiving the LCER's decision.
- (e) A statement advising the complainant 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 § 262.3.
- (f) A statement that copies of the local educational agency complaint procedures shall be available free of charge.

Procedures

The following procedures shall be used to address all complaints which allege that the LCER has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint and subsequent related actions.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

- **Step 1: Filing of Complaint**

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

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 when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination, harassment, intimidation, or bullying. The period for filing a discrimination, harassment, intimidation or bullying complaint may be extended by the CEO 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. The CEO shall respond immediately upon a receipt of a request for extension.

A complaint may be filed by a person who alleges that he/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.

A pupil fee complaint shall be filed not later than one (1) year from the date the alleged violation occurred.

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and date stamp.

If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, LCER staff shall assist him/her in the filing of the complaint.

- **Step 2: Mediation**

Within three (3) days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make arrangements for this process.

Before initiating the mediation of an unlawful discrimination, harassment, intimidation, or bullying complaint, 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 LCER'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**

The compliance officer is encouraged to hold an investigative meeting within five (5) days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or the complainant's representative to repeat the complaint orally.

The investigation shall provide an opportunity for the complainant and/or the complainant's representative to present evidence or information.

Refusal by the complainant to provide the LCER's 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 the LCER 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.

- **Step 4: Response**

A UCP complaint will be investigated and a written report (also known as a Decision) as described in Step #5 below will be issued to the complainant within sixty (60) days of the receipt of the complaint, unless the complainant agrees in writing to an extension of time.

- **Step 5: Final Written Decision**

The LCER's decision shall be in writing and sent to the complainant. The LCER's decision shall be written in English and in the language of the complainant whenever feasible or as required by law.

The decision shall include:

1. The findings of fact based on 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.
6. Notice of the complainant's right to appeal the LCER's Decision within fifteen (15) days to the CDE and procedures to be followed for initiating such an appeal.
7. For unlawful discrimination, harassment, intimidation or bullying complaints arising under state law, notice that the complainant must wait until sixty (60) days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies.

8. For unlawful discrimination, harassment, intimidation or bullying complaints arising under federal law such complaint may be made at any time to the U.S. Department of Education, Office for Civil Rights.

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

Appeals to the California Department of Education ("CDE")

The complainant may appeal the LCER's Decision in writing to the CDE within fifteen (15) days of receiving the LCER's Decision. When appealing to the CDE, the complainant must specify the basis for the appeal and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be sent with a copy of the locally filed complaint and a copy of the LCER's Decision.

Upon notification by the CDE that the complainant has appealed the LCER's decision, the CEO or 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 LCER, 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 LCER's complaint procedures.
7. Other relevant information requested by the CDE.

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

Civil Law Remedies

A complainant may pursue available civil law remedies outside of LCER'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 unlawful discrimination, harassment, intimidation or bullying complaints arising under state law, however, a complainant must wait until sixty (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 LCER has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.

UNIFORM COMPLAINT PROCEDURE FORM

Last Name: _____

First Name/MI: _____

Student Name (if applicable): _____ Grade: _____

Date of Birth: _____

Street Address/Apt.#: _____

City: _____ State: _____

Zip Code: _____ Home Phone: _____

Cell Phone: _____ Work Phone: _____

School Office of Alleged Violation: _____

For allegation(s) of noncompliance, please check the program or activity referred to in your complaint, if applicable:

- | | | |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Adult Education | <input type="checkbox"/> After School Education and Safety | <input type="checkbox"/> Agricultural Vocational Education |
| <input type="checkbox"/> American Indian Education | <input type="checkbox"/> Consolidated Categorical Aid | <input type="checkbox"/> Career/Technical Education and Training |
| <input type="checkbox"/> Child Care and Development Programs | <input type="checkbox"/> Child Nutrition | <input type="checkbox"/> Foster/Homeless Youth |
| <input type="checkbox"/> Migrant Education | <input type="checkbox"/> No Child Left Behind/ESSA Programs | <input type="checkbox"/> Regional Occupational Programs |
| <input type="checkbox"/> Special Education | <input type="checkbox"/> State Preschool | <input type="checkbox"/> Tobacco-Use Prevention Education |
| <input type="checkbox"/> Pupil Fees | <input type="checkbox"/> Local Control Funding Formula/LCAP | <input type="checkbox"/> Lactating Pupils |
| <input type="checkbox"/> Bilingual Education | <input type="checkbox"/> Compensatory Education | <input type="checkbox"/> Pupils from Military Families |
| <input type="checkbox"/> California Peer Assistance and Review Programs for Teacher | <input type="checkbox"/> Economic Impact Aid | <input type="checkbox"/> Pregnant and Parenting Pupils |
| | <input type="checkbox"/> School Safety Plan | <input type="checkbox"/> Migratory Pupils |
| | <input type="checkbox"/> Juvenile Court School Pupils | |

For allegation(s) of unlawful discrimination, harassment, intimidation or bullying, please check the basis of the unlawful discrimination, harassment, intimidation or bullying described in your complaint, if applicable:

- | | | |
|----------------------------------------------------------|---------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Age | <input type="checkbox"/> Genetic Information | <input type="checkbox"/> Sex (Actual or Perceived) |
| <input type="checkbox"/> Ancestry | <input type="checkbox"/> Immigration Status/Citizenship | <input type="checkbox"/> Sexual Orientation (Actual or Perceived) |
| <input type="checkbox"/> Color | <input type="checkbox"/> Marital Status | <input type="checkbox"/> Based on association with a person or group with one or more of these actual or |
| <input type="checkbox"/> Disability (Mental or Physical) | <input type="checkbox"/> Medical Condition | |

