

Uniform Complaint Procedure:

In order to comply with applicable state laws and regulations governing educational programs, the Governing Board (“Board”) of Partnerships to Uplift Communities Valley (“PUC”), which operates charter schools, must adopt a Uniform Complaint Procedure, and each PUC school shall have the primary responsibility to ensure compliance and investigate complaints as set forth herein and as required by state and federal laws and regulations.

Most issues are best handled informally, and the Board encourages the early resolution of complaints at the site level whenever possible. If you have a concern, you can always come and talk to an administrator at your PUC school. If you find that for some reason this informal resolution is not adequate, you can follow our formal complaint policy and procedure set out herein.

The following are the programs and activities subject to the Uniform Complaint Procedure:

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| <input type="checkbox"/> Accommodations for Pregnant and Parenting Pupils | <input type="checkbox"/> Economic Impact Aid |
| <input type="checkbox"/> Adult Education | <input type="checkbox"/> Education/graduation requirements of Pupils in Foster Care, Homeless and former Juvenile Court Pupils now enrolled in a school district |
| <input type="checkbox"/> After School Education and Safety | <input type="checkbox"/> English Learner Programs |
| <input type="checkbox"/> Agricultural Vocational Education/Career Technician Education | <input type="checkbox"/> Every Student Succeeds Act/No Child Left Behind (Titles I-VII) |
| <input type="checkbox"/> American Indian Education Centers and Early Childhood Education Program Assessments | <input type="checkbox"/> Local Control and Accountability Plans (LCAP) |
| <input type="checkbox"/> Bilingual Education | <input type="checkbox"/> Migrant Education |
| <input type="checkbox"/> California Peer Assistance and Review Programs for Teachers | <input type="checkbox"/> Physical Education Instructional Minutes(for grades 1 through 6) |
| <input type="checkbox"/> Career Technical and Technical Education, Career Technical, Technical Training Programs | <input type="checkbox"/> Pupil Fees |
| <input type="checkbox"/> Career Technical Education | <input type="checkbox"/> Reasonable Accommodations to a Lactating Pupil |
| <input type="checkbox"/> Child Care and Development Programs | <input type="checkbox"/> Regional Occupational Centers and Programs |
| <input type="checkbox"/> Child Nutrition | <input type="checkbox"/> School Plans for Student Achievement |
| <input type="checkbox"/> Compensatory Education | <input type="checkbox"/> School Safety Plans |
| <input type="checkbox"/> Consolidated Categorical Aid Programs | <input type="checkbox"/> School-site Councils |
| <input type="checkbox"/> Course Periods without Educational Content (for grades nine through twelve) | <input type="checkbox"/> Special Education |
| <input type="checkbox"/> Discrimination, harassment, intimidation, bullying against protected group | <input type="checkbox"/> State Preschool |
| | <input type="checkbox"/> State Preschool Health and Safety Issues in LEAs Exempt from Licensing |
| | <input type="checkbox"/> Tobacco-Use Prevention Education |

Each PUC school will investigate 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 PUC that are subject to the uniform complaint procedure, and each PUC school will seek to resolve those complaints in accordance with PUC’s uniform complaint procedures set out herein. PUC schools will use the formal complaint procedure to provide a uniform system of complaint processing for the following types of complaints:

(1) Any complaints alleging unlawful discrimination, harassment, intimidation or bullying in PUC schools’ programs and activities based on actual or perceived race or ethnicity, color, ancestry, national origin, nationality, immigration status, ethnic group

identification, age, religion, marital or parental status, mental or physical disability, sex or sexual orientation, gender, gender identity, or gender expression; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

- a) Please be advised that complainants have the right to pursue civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws.

(2) Any complaints regarding PUC schools' failure to comply with the prohibition against requiring students to pay fees, deposits or other charges for participation in educational activities, the requirements for the development and adoption of a school safety plan, and state or federal laws in adult educational programs, consolidated categorical aid programs, migrant education, career technical and technical education training programs, child and development programs, child nutrition programs and special education programs.

If school personnel witness an act of discrimination, harassment, intimidation, or bullying, they shall take immediate steps to intervene when safe to do so.

The Board prohibits any form of retaliation against any complainant in the complaint process. Participation in the complaint process shall not in any way affect the status, grades or work assignments of any student.

In investigating complaints, the confidentiality of the parties involved and the integrity of the process shall be protected. As appropriate, a school's Compliance Officer or his or her designee may keep the identity of a complainant confidential to the extent that the investigation of the complaint is not obstructed, or as otherwise permitted by law.

Compliance Officer(s)

For each school, the following Compliance Officer(s) shall receive and investigate complaints and shall ensure compliance with law:

Concepción Rivas
PUC Chief Executive Officer
PUC Schools
1405 N. San Fernando Blvd., Suite 303
Burbank, CA 91504
818-559-7699

The Compliance Officer or his or her designee (collectively referred to herein as "Compliance Officer") shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Compliance Officer.

Notifications

The Compliance Officer shall annually provide written notification of PUC's uniform complaint procedures to students, employees, parents/guardians, any applicable advisory committees, and other interested parties. If 15 percent or more of the students enrolled at any PUC school speak a single primary language other than English, this policy and the notice shall be translated into that language for the applicable school.

The notice shall:

1. Identify the person(s), title of the position(s), or unit(s) responsible for receiving and processing complaints. The occupant responsible for processing complaints shall be knowledgeable about the laws and programs that they are assigned to investigate;
2. Include the list of all federal and state programs within the scope of the UCP
3. Include information regarding allegations about discrimination, harassment, intimidation, or bullying;
4. Include information about complaints that may be related to pupil fees, pursuant to the requirements of Education Code section 49010 *et seq.*;
5. Include information about complaints related to the Local Control and Accountability Plan, Annual Updates, or other Plan compliance requirements, pursuant to Education Code section 52075;
6. Include a statement that in order to identify appropriate subjects of state preschool health and safety issues pursuant to Section 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:
 - a. The health and safety requirements under Title 5 of the California *Code of Regulations (5 CCR)* apply to California state preschool programs pursuant to *HSC* Section 1596.7925.
 - b. The location at which to obtain a form to file a complaint. Posting a notice downloadable from the California Department of Education (CDE) website shall satisfy this requirement.
7. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable;

8. Advise the complainant of the appeal process, including the complainant's right to take a complaint directly to the California Department of Education (“CDE”) or to pursue remedies before civil courts or other public agencies; and
9. Include statements that:
 - a. The school is primarily responsible to ensure compliance with applicable state and federal laws and regulations governing education programs;
 - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline;
 - c. A complaint alleging unlawful discrimination, harassment, intimidation or bullying must be filed not later than six months from the date it occurred or six months from the date the complainant first obtains knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying;
 - d. The complainant has a right to appeal the decision to the CDE by filing a written appeal within 15 calendar days of receiving the decision;
 - e. The appeal to the CDE must include a copy of the complaint filed with the school and a copy of the decision; and
 - f. Copies of PUC’s uniform complaint procedures are available free of charge.

Procedures

All complaints shall be investigated and resolved within 60 calendar days of the school’s receipt of the complaint.

Each school’s Compliance Officer shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with California Code of Regulations, Title 5, sections 4631 and 4633.

All parties involved in the 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.

1. Step 1: Filing of Complaint

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

All UCP complaints shall be filed not later than one year from the date the alleged violation occurred.

A complaint alleging unlawful discrimination, harassment, intimidation or bullying 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. The complaint shall be initiated no later than six months from the date when the alleged discrimination, harassment, intimidation or bullying occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying. Complaints relating to pupil fees shall be filed no later than one year from the date the alleged violation occurred. Upon written request by the complainant, the Compliance Officer may choose to extend the filing period for up to 90 calendar days.

The complaint shall be presented to the Compliance Officer who shall maintain a log of complaints received, providing each with a date stamp. Complaints related to pupil fees for participation in educational activities may also be presented to the school's Principal or Superintendent or his or her designee, if that person is not the Compliance Officer.

Complaints related to pupil fees for participation in 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 section 49010 *et seq.* (pupil fees). Complaints related to Local Control and Accountability Plan compliance may also 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 section 52075.

Complaints regarding state preschool health and safety issues shall be filed with the preschool program administrator or his or her designee. A state preschool health and safety issues complaint pursuant to *HSC* Section 1596.7925 about problems beyond the authority of the preschool program administrator shall be forwarded in a timely manner, but not to exceed 10 working days to the appropriate local educational agency official for resolution. A state preschool health and safety issues complaint pursuant to *HSC* Section 1596.7925 may be filed anonymously. A complainant who identifies himself or herself is entitled to a response if he or she indicates that a response is requested. A complaint form shall include a space to mark to indicate whether a response is requested. If Section 48985 of the *EC* is otherwise applicable, the response, if requested, and Investigation Report shall be written in English and the primary language in which the complaint was filed. A complaint form for a state preschool health and safety issue pursuant to *HSC* Section 1596.7925 shall specify the location for filing a complaint. A complainant may add as much text to explain the complaint as he or she wishes.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, school staff shall assist him/her to file the complaint.

2. Step 2: Mediation

Within 7-10 days of receiving the complaint, the Compliance Officer may 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 mediation is declined by one or all parties, or 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 (Step #3 below).

Mediation does 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.

3. Step 3: Investigation of Complaint

Within 7-10 days of receiving the complaint, or concluding mediation (if applicable), the Compliance Officer shall provide the complainant and/or his/her representative an opportunity to orally 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 the school's Compliance Officer 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; provided, however, that complaints permissibly made anonymously shall be investigated by the school to the extent possible without participation by the complainant.

In accordance with law, the school shall provide the Compliance Officer 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.

4. Step 4: Response

Unless the complainant agrees in writing to an extension of the timeline, the Compliance Officer shall prepare and send to the complainant a written response of the school's investigation and decision, as described in Step #5 below, within 60 calendar days of the school's receipt of the complaint. If the complainant is dissatisfied with the Compliance Officer's decision, he/she may, within five 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 60 calendar day total time limit within which the complaint must be answered. The Board may also 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 receipt of the complaint or within the time period that has been specified in a written agreement with the complainant.

For complaints regarding state preschool health and safety issues, the preschool program administrator or the designee of the district superintendent shall (1) make all reasonable efforts to investigate any problem within his or her authority. Investigations shall begin within 10 days of the receipt of the complaint and (2) remedy a valid complaint within a reasonable time period, but not to exceed 30 working days from the date the complaint was received and report to the complainant the resolution of the complaint within 45 working days of the initial filing. If the preschool program administrator makes this report, he or she shall also report the same information in the same timeframe to the designee of the district superintendent.

5. Step 5: Final Written Decision

PUC's decision shall be in writing and sent to the complainant.

PUC'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:

1. The findings of fact based on the evidence gathered;
2. A conclusion that provides a clear determination for each allegation as to whether PUC is in compliance with the relevant law;
3. Disposition of the complaint;
4. Rationale for such disposition;
5. Corrective actions, if PUC finds merit in a complaint;
 - a. pertaining to complaints of Pupil Fees; LCAP; Physical Education Instructional Minutes, or Course Periods without Educational Content, the remedy shall go to all affected pupils, parents, and guardians;
 - b. for all other complaints within the scope of the Uniform Complaint Procedures, the remedy shall go to the affected pupil;
 - c. with respect to a pupil fees complaint, corrective actions shall include a remedy where in good faith, by engaging in reasonable efforts, an attempt 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;

6. Notice of the complainant's right to appeal PUC's decision in writing within 15 calendar days to the CDE, and procedures to be followed for initiating such an appeal;
7. A statement that the appeal must fully explain the basis for the appeal, stating how the facts of PUC's decision are incorrect and/or the law is misapplied;
8. A statement that a complainant may appeal PUC's Decision regarding all specified federal and state educational programs subject to the UCP; and
9. A statement that in addition the appeal shall be sent with: (1) a copy of the locally filed complaint; and (2) a copy of the decision.

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 Local Control and Accountability Plans or student fees, deposits and other charges is found to have merit, PUC shall provide a remedy to all affected students and parents/guardians, which, where applicable, shall include attempting in good faith to engage in reasonable efforts to identify all affected students and parent/guardians and ensure full reimbursement to them.

If a complaint regard Pupil Fees, Local Control and Accountability Plans, Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district, Reasonable Accommodations to a Lactating Pupil, Course Periods without Educational Content (grades nine through twelve), and Physical Education Instructional Minutes (grades one through eight), PUC shall provide a remedy.

In the case of complaints regarding: Course Periods without Educational content, reasonable Accommodations to a Lactating Pupil, and Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district, the remedy shall go to the affected pupil.

In the case of complaints regarding: Pupil Fees, Physical Education Instructional Minutes and Local Control and Accountability Plans, the remedy shall go to all affected pupils and parents/guardians.

6. Appeals to the California Department of Education

If dissatisfied PUC's decision, the complainant may appeal in writing to the CDE. The complainant shall file his/her appeal within 30 calendar days of receiving PUC's decision

and the appeal shall specify and explain the basis for the appeal of PUC's decision including at least one of the following:

- i. PUC failed to follow its complaint procedures, and/or
- ii. the Investigation Report lacks material findings of fact necessary to reach a conclusion of law, and/or
- iii. the material findings of fact in the Investigation Report are not supported by substantial evidence, and/or
- iv. the legal conclusion in the Investigation Report is inconsistent with the law, and/or
- v. in a case in which the found noncompliance, the corrective actions fail to provide a proper remedy.

The appeal shall be accompanied by a copy of the locally filed complaint and PUC's decision.

Upon notification by the CDE that the complainant has appealed PUC's decision, the Compliance Officer 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 PUC, 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 the parties and gathered by the investigator;
5. A report of any action taken to resolve the complaint;
6. A copy of PUC's complaint procedures; and
7. Other relevant information requested by CDE.

The CDE may directly intervene in the complaint without waiting for action by PUC when one of the conditions listed in California Code of Regulations, Title 5, sections 4650 exists, including when PUC has not taken action within 60 calendar 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.

To file an appeal regarding State Preschool Health and Safety Issues in LEAs Exempt from Licensing, the following policies and procedures apply:

1. A complainant not satisfied with the resolution of the preschool program administrator or the designee of the district superintendent has the right to describe the complaint to the PUC governing board at a regularly scheduled hearing of the governing board or body, as applicable.

2. A complainant who is not satisfied with the resolution proffered by the preschool program administrator or the designee of the district superintendent has the right to file an appeal to the State Superintendent of Public Instruction (SSPI) within 30 days of the date of the LEA Investigation Report.
3. A complainant shall comply with the appeal requirements of 5 *CCR* Section 4632.
4. The SSPI or his or her designee shall comply with the requirements of 5 *CCR* Section 4633 and shall provide a written Investigation Report to the State Board of Education describing the basis for the complaint, PUC's response to the state preschool health and safety issues pursuant to *HSC* Section 1596.7925 complaint and its remedy or proposed remedy and, as appropriate, a proposed remedy for the issue described in the complaint, if different from PUC's remedy.
5. PUC shall report summarized data on the nature and resolution of all state preschool health and safety issues complaints pursuant to *HSC* Section 1596.7925 on a quarterly basis to the county superintendent of schools and the PUC governing board or body, as applicable. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of PUC's governing board. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints.
6. All complaints and responses are public records.

7. Civil Law Remedies

A complainant may pursue available civil law remedies outside PUC'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 60 calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies, provided PUC has appropriately and in a timely manner apprised the complainant of his/her right to file a complaint in accordance with California Code of Regulations, Title 5, sections 4622. The moratorium does not apply to injunctive relief and to discrimination based on federal law.