

Uniform Complaint Policies and Procedures

2019-2020

Temecula Valley Charter School

Temecula Valley Charter School

35755 Abelia St, Winchester, CA 92596

951-294-6775

Tvcscougars.com

Adopted by Temecula Valley Charter School's

Governing Board (the Board) on: August 12, 2019

This document contains rules and instructions about the filing, investigation and resolution of a Uniform Complaint Procedures ("UCP") complaint regarding an alleged violation by SCHOOL of federal or state laws or regulations governing educational programs, including non-compliance with laws relating to pupil fees and SCHOOL's Local Control and Accountability Plan ("LCAP").

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

What is a Uniform Complaint?

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 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 SCHOOL's LCAP.

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

The Responsibilities of Temecula Valley Charter School

SCHOOL has the primary responsibility to ensure compliance with applicable state and federal laws and regulations.

SCHOOL will investigate and seek to resolve, in accordance with this SCHOOL UCP process, any complaints alleging failure to comply with applicable state and federal laws

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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 SCHOOL that are subject to the UCP.

- Accommodations for Pregnant and Parenting Pupils
- After School Education and Safety
- Career Technical and Technical Education, Career Technical, Technical Training
- Compensatory Education
- Course Periods without Educational Content
- Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in a school district and Children of Military Families
- Every Student Succeeds Act
- Local Control and Accountability Plans (LCAP)
- Migrant Education
- Physical Education Instructional Minutes
- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- School Plans For Student Achievement
- School Safety Plans
- Schoolsite Councils

In addition, SCHOOL's UCP adopted to provide a uniform system of complaint processing for the following types of complaints:

- (1) Complaints regarding "pupil fees," including any fee, deposit or other charge that a pupil or a pupil's parent or guardian are required to pay or any "fee waiver";
- (2) Complaints of discrimination against any protected group including actual or perceived, including discrimination on the basis of age, sex, sexual orientation, gender, gender identity, gender expression, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, 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 Charter School program or activity (5 CCR §4610); and
- (3) Complaints of violations of state or federal law and regulations governing the following programs including but not limited to: special education, Title II, Section 504 of the Rehabilitation Act, consolidated categorical aid, No Child Left Behind, migrant education, career technical and technical education training programs, child care and development programs, child nutrition program. (5 CCR §4610)

The following complaints shall be referred to other agencies for appropriate resolution and are not subject to SCHOOL's UCP process set forth in this document unless these procedures are made applicable by separate interagency agreements:

- Allegations of child abuse shall be referred to County Department of Social Services (DSS), Protective Services Division or appropriate law enforcement agency.

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- 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 may be referred to the 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).

Pupil Fees

A pupil enrolled in a charter school shall not be required to pay a pupil fee for participation in an educational activity.

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.

A pupil fees complaint may be filed using the Contact Information shown below or with the principal of the school or his or her designee. A pupil fees and/or an LCAP complaint may be filed anonymously; however, the complainant must provide evidence or information leading to evidence to support the complaint.

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

The Local Control Accountability Plan

The LCAP is an important component of the Local Control Funding Formula, the revised school finance system that revised how California funds its K-12 schools. Under the LCFF SCHOOL is required to prepare an LCAP, which describes how SCHOOL intends to meet annual goals for SCHOOL pupils, with specific activities to address state and local priorities identified pursuant to California *Education Code (EC)* Section 52060(d).

Annual Notice

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

SCHOOL's UCP Annual Notice also includes 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.

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SCHOOL's UCP Annual Notice is distributed 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.

Filing UCP Complaints

Filing Pupil Fees UCP Complaints

A pupil fees complaint may be filed using the Contact Information provided herein or with the principal of a school 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.

Filing All Other UCP Complaints

SCHOOL will provide an opportunity for complainants and/or representatives to present evidence or information during the course of the investigation of any UCP complaint.

Refusal by the complainant to provide the 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 SCHOOL employees or board members 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.

The complaint will be investigated and a written report with a Decision will be issued to the complainant within 60 days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time.

This report will contain the following elements:

- (1) The findings of fact based on the evidence gathered.
- (2) Conclusions of law.
- (3) Disposition of the complaint.
- (4) The rationale for such a disposition.
- (5) Corrective actions, if any are warranted.
- (6) Notice of the complainant's right to appeal SCHOOL's Decision to the CDE.
- (7) Procedures to be followed for initiating an appeal to CDE.

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UCP Complaint Investigation

The staff member responsible to receive and investigate UCP complaints and ensure SCHOOL compliance is:

Allen Neuenschwander / Principal

35755 Abelia St, Winchester, CA 92596

951-294-6775

aneuenschwander@tvcsougars.com

The staff member responsible to receive and investigate UCP complaints and ensure SCHOOL compliance is knowledgeable about the laws and programs he or she assigned to investigate.

SCHOOL 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 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.

SCHOOL will advise all complainants of the right to pursue civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws.

UCP Complaint Resolution

If SCHOOL finds merit in a complaint regarding Pupil Fees, the Local Control and Accountability Plan, and/or Physical Education Instructional Minutes (grades one through eight), the remedy shall be applied to all affected pupils and parents/guardians.

If we find merit in a complaint regarding Reasonable Accommodations to a Lactating Pupil, Course Periods without Educational Content (grades nine through twelve), and/or Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in a school district, and pupils in military families, SCHOOL shall provide a remedy to the affected pupil.

SCHOOL shall attempt 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.

Summaries of all UCP complaints shall be publicly reported on a quarterly basis at a regularly scheduled SCHOOL board meeting. The report shall include the number of

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complaints by general subject area with the number of resolved and unresolved complaints but shall not otherwise identify the complainant or any other party(ies). All complaints and responses are public records.

UCP Complaint Appeal Process

An appeal is a request made in writing to a level higher 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 SCHOOL's Decision of a UCP complaint to the State Superintendent of Public Instruction or his or her designee at the CDE regarding all specified federal and state educational programs subject to the UCP.

To appeal SCHOOL's Decision of all UCP complaints the complainant must file a written appeal within 15 days of receiving the Decision to the SSPI.

This appeal to the CDE must fully explain the basis for the appeal, stating how the facts of SCHOOL's Decision are incorrect and/or the law is misapplied.

In addition the appeal shall be sent to CDE with:

1. A copy of the original locally filed complaint; and
2. A copy of SCHOOL's Decision of the original locally filed complaint.

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Citations

California *Education Code (EC)* sections 200, 220, 48985, 49010-49013, 52060-52075

California *Government Code (GC)* sections 11135

California *Penal Code (PC)* section 422.55