

UNIFORM COMPLAINT PROCEDURE BOARD POLICY

The Board of Directors of Orange County Academy of Sciences and Arts (“OCASA”) recognizes that OCASA is responsible for complying with applicable state and federal laws and regulations. OCASA is the local agency primarily responsible for compliance with federal and state laws and regulations governing educational programs. 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 complaints may be based on actual or perceived characteristics of age, ancestry, color, immigration status, ethnic group identification, gender expression, gender identity, gender, genetic information, physical disability, mental disability, medical condition, marital status, nationality, national origin, race or ethnicity, religion, sex, sexual orientation, or on a person’s association with a person or group with one or more of these actual or perceived characteristics, in any OCASA program or activity that receives or benefits from state financial assistance.
- 2) Complaints alleging failure to comply with state and/or federal laws in:
 - Adult Education
 - After School Education and Safety Programs
 - Consolidated Categorical Aid Programs
 - Migrant Education
 - Career Technical and Technical Education and Training Programs
 - Child Care and Developmental Programs
 - Child Nutrition Programs
 - Every Child Succeeds Act/No Child Left Behind (until fully phased out)
 - Foster and Homeless Youth Services
 - Special Education Programs
 - Safety Planning Requirements
 - Local Control Funding Formula/Local Control and Accountability Plan
 - Juvenile Court School Pupils
- 3) Complaints of noncompliance with the requirements governing the Local Control Funding Formula, Local Control and Accountability Plans or Sections 47606.5 and 47607.3 of the Education Code, as applicable.
- 4) Complaints of noncompliance with the requirements of Education Code Section 222 regarding the rights of lactating pupils on a school campus. If the Charter School finds merit in a complaint, or if the Superintendent finds merit in an appeal, the Charter School shall provide a remedy to the affected pupil.
- 5) 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. If the Charter School finds merit in a complaint, or if the Superintendent finds merit in an appeal, the Charter School shall provide a remedy to the affected pupil.

- 6) Complaints of noncompliance with laws relating to pupil fees. A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.
 - a. 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.
 - b. 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.
 - c. 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, clothes, or other materials or equipment.
 - iii. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.
 - d. A complaint of noncompliance with laws relating to pupil fees may be filed with the principal and 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.
 - e. With regard to complaints of noncompliance with laws relating to pupil fees, if OCASA finds merit in a complaint a remedy will be provided to all affected pupils, parents and guardians, that, where applicable, will include reasonable efforts by OCASA to ensure full reimbursement to all affected pupils, parents and guardians, subject to procedures established through regulations adopted by the state board.
 - f. 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.

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:

1. Allegations of child abuse shall be referred to County Dept. of Social Services (DSS), Protective Services Division or appropriate law enforcement agency.
2. Health and safety complaints regarding a Child Development Program shall be referred to Dept. of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.
3. Employment discrimination complaints shall be sent to the State Dept. of Fair Employment and Housing (DFEH.)
4. Allegations of fraud shall be referred to the Legal, Audits and Compliance Branch in the California Department of Education (CDE.)

OCASA shall ensure that complainants are protected from retaliation and that an investigation of a discrimination, harassment, intimidation, and bullying complaint shall be conducted in a manner that protects confidentiality of the parties and maintains the integrity of the process. OCASA cannot guarantee anonymity of the complainant. This includes keeping the identity of the complainant confidential. However, the OCASA will attempt to do so as appropriate. OCASA 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 Executive Director or designee on a case-by-case basis.

OCASA 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:

The person responsible for receiving and investigating complaints and ensuring OCASA's compliance with state and federal laws and regulations is:

Kapil Mathur
29292 Crown Valley Parkway
Laguna Niguel, CA 92677
kcmathur@ocasacharter.org
(949) 269-3290

We ensure that the person above, who is responsible for compliance and/or investigations, is knowledgeable about the laws/programs that he/she is assigned to investigate.

Complaints of noncompliance with laws relating to pupil fees may also be filed with the principal.

Doreen Fioretto
29292 Crown Valley Parkway
Laguna Niguel, CA 92677
dbfioretto@ocasacharter.org
(949) 269-3290

Should a complaint be filed against the Executive Director, the compliance officer for that case shall be the President of OCASA's Board of Directors.

Procedures:

The following procedures shall be used to address all complaints which allege that OCASA 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 OCASA.

Complaints alleging discrimination, harassment, intimidation, or bullying, must be filed within six (6) months from the date the alleged discrimination, harassment, intimidation, or bullying, occurred or six (6) months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying, unless the time for filing is extended by the district superintendent or his or her designee in writing. A complainant must submit a written request for extension of the filing deadline. The request must set forth the reasons for the extension. Extensions may be granted for good cause, for a period not to exceed 90 calendar days following the expiration of the six-month time period.

The complaint shall be filed by one who alleges that he or she has personally suffered unlawful discrimination, harassment, intimidation, and bullying or by one who believes an individual or any specific class of individuals has been subjected to discrimination, harassment, intimidation, and bullying.

Pupil fee complaints 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, the OCASA 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 OCASA'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 his/her representative to repeat the complaint orally.

The complainant and/or his/her representative shall have an opportunity to present the complaint and evidence or information leading to evidence to support the allegations in the complaint.

The investigation shall include an opportunity for the complainant, or the complainant's representative, or both, to present the complaint(s) and evidence or information leading to evidence to support the allegations of non-compliance with state and federal laws and/or regulations.

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 OCASA 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

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report of OCASA's investigation and decision, within sixty (60) days of OCASA's receipt of the complaint.

The written report should contain:

- (i) the findings of fact based on the evidence gathered,
- (ii) conclusion of law,
- (iii) disposition of the complaint,
- (iv) the rationale for such disposition,
- (v) corrective actions, if any are warranted,
- (vi) notice of the complainant's right to appeal our LEA Decision to the CDE within fifteen (15) days and procedures to be followed for initiating an appeal to the CDE.
- (vii) 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.
- (viii) 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 OCASA'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

The complainant has a right to appeal OCASA's Decision to the California Department of Education ("CDE") by filing a written appeal within fifteen (15) days of receiving the Decision. The appeal must include a copy of the complaint filed with the School and a copy of OCASA's Decision.

Upon notification by the CDE that the complainant has appealed OCASA's decision, the Executive Director 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 OCASA, 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 OCASA's complaint procedures.
7. Other relevant information requested by the CDE.

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

Civil Law Remedies:

Civil law remedies may be available under state or federal discrimination, harassment, intimidation, or bullying laws, if applicable. In appropriate cases, an appeal may be filed pursuant to Education Code Section 262.3. A complainant may pursue available civil law remedies outside of OCASA'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.

Notifications:

The Executive Director or designee shall annually provide written notification of OCASA's uniform complaint procedures to employees, students, parents and/or guardians, advisory committees, private school officials and other interested parties (e.g., Adult Education).

The annual notice shall be in English, and when necessary, in the primary language, pursuant to section 48985 of the Education Code if fifteen (15) percent or more of the pupils enrolled in OCASA speak a single primary language other than English.

The Executive Director or designee shall make available copies of OCASA's uniform complaint procedures free of charge.

The annual notice shall include the following:

- (a) A statement that OCASA is primarily responsible for compliance with federal and state 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 responsible staff member, position, or unit designated to receive complaints.
- (d) A statement that the complainant has a right to appeal the OCASA's decision to the CDE by filing a written appeal within 15 days of receiving OCASA'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.

A copy of this UCP document shall be available free of charge.