SYCAMORE CREEK
COMMUNITY CHARTER SCHOOL

Uniform Complaint Procedures and Policies

Scope

Sycamore Creek Community Charter School's ("SCCCS") policy is to comply with applicable federal and state laws and regulations. SCCCS 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 discrimination against any protected group, including actual or perceived 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 SCCCS program or activity; and

2. 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, general education, specialty program and/or child nutrition program.

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 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 *Hertzell 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 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. 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.

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SCCCS acknowledges and respects every individual's rights to privacy. Discrimination 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. SCCCS cannot guarantee anonymity of the complainant. This includes keeping the identity of the complainant confidential. However, SCCCS will attempt to do so as appropriate. SCCCS 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.

SCCCS 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 discrimination. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

Compliance Officers

The SCCCS Board of Trustees designates the following Compliance Officer to receive and investigate complaints and to ensure SCCCS' compliance with law:

Dr. Sarah Bach,
Executive Director
Sycamore Creek Community
Charter School
4323 Cerritos Avenue
Cypress, C A 90630

In the event it is alleged that the Executive Director took discriminatory action, the SCCCS Board of Trustees will either hire an outside, independent investigator to conduct the investigation or identify one or more members to serve as an investigator.

The Executive Director or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Executive Director or designee.

Notification

The Executive Director or designee shall annually provide written notification of SCCCS' uniform complaint procedures to students, employees, parents/guardians, the Governing Board, appropriate private officials or representatives, and other interested parties.

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

The notice shall:

1) Identify the person(s), position(s), or unit(s) responsible for receiving complaints.

2) Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable.

3) Advise the complainant of the appeal process pursuant to Education Code Section 262.3, including the complainant's right to take the complaint directly to the California Department of Education ("CDE") or to pursue remedies before civil courts or other public agencies.

4) Include statements that:

   a) SCCCS is primarily responsible for compliance with state and federal laws and regulations;

   b) The complaint review shall be completed within sixty (60) calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline;

   c) An unlawful discrimination complaint must be filed not later than six (6) months from the date the alleged discrimination occurs, or six (6) months from the date the complainant first obtains knowledge of the facts of the alleged discrimination;

   d) The complainant has a right to appeal SCCCS' decision to the CDE by filing a written appeal within fifteen (15) days of receiving SCCCS; decision; and

   e) The appeal to the CDE must include a copy of the complaint filed with SCCCS and a copy of SCCCS' decision.

Procedures

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

A complaint alleging unlawful discrimination shall be initiated no later than six (6) months from the date when the alleged discrimination occurred, or six (6) months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination. A complaint may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination.

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, Charter School staff shall assist them 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 a discrimination 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 SCCCS' 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 their representative to repeat the complaint orally.

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

A complainant's refusal to provide SCCCS' investigator with documents or other evidence related to the allegations in the complaint, or their failure or refusal to cooperate in the investigation or their engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation.

SCCCS' refusal to provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement 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 SCCCS' investigation and decision, as described in Step #5 below, within sixty (60) days of SCCCS' receipt of the complaint.

Step 5: Final Written Decision

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

The decision shall include:

(a) The findings of fact based on evidence gathered.

(b) The conclusion(s) of law.

(c) Disposition of the complaint.

(d) Rationale for such disposition.

(e) Corrective actions, if any are warranted.

(f) Notice of the complainant's right to appeal SCCCS' decision within fifteen (15) days to the C D E and procedures to be followed for initiating such an appeal.

(g) For discrimination 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.

(h) For discrimination 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 SCCCS' expectations. The report shall not give any further information as to the nature of the disciplinary action.

Appeals to the California Department of Education

If dissatisfied with SCCCS' decision, the complainant may appeal in writing to the CDE within fifteen (15) days of receiving SCCCS' decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the 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 a copy of SCCCS' decision.

Upon notification by the CDE that the complainant has appealed SCCCS' 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 SCCCS, 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 SCCCS' complaint procedures.
7. Other relevant information requested by the CDE.

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

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:

General Education Specialty Programs Nutrition Services
Special Education

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

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- ☐ Age
- ☐ Ancestry
- ☐ Color
- ☐ Disability (Mental or Physical)
- ☐ Ethnic Group Identification
- ☐ Gender / Gender Expression / Gender Identity
- ☐ National Origin
- ☐ Race
- ☐ Religion
- ☐ Sex (Actual or Perceived)
- ☐ Sexual Orientation (Actual or Perceived)
- ☐ Based on association with a person or group with one or more of these actual or perceived characteristics

1. Please give facts about the complaint. Provide details such as the names of those involved, dates, whether witnesses were present, etc., that may be helpful to the complaint investigator.

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2. Have you discussed your complaint or brought your complaint to any Charter School personnel? If you have, to whom did you take the complaint, and what was the result?

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3. Please provide copies of any written documents that may be relevant or supportive of your complaint.
   I have attached supporting documents. Y es No

SYCAMORE CREEK
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Signature:

_____

Date: _____

Mail complaint and any relevant documents to:

Dr. Sarah Bach, Executive Director

Sycamore Creek Community Charter School
17131 Emerald Lane
Huntington Beach, C A 92647