









Employee when a complaint is filed, when a mediation or hearing is scheduled, and when a decision is made.

### **Step 1: Filing a Complaint**

Any individual, public agency, or organization may file a written complaint of alleged noncompliance by the School. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed by a person who alleges that he or 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, or by a parent or guardian.

Complainants are encouraged, but not required, to use the appropriate complaint form(s), attached. If a complainant is unable to prepare a written complaint due to conditions such as disability or illiteracy, the complainant can receive assistance from School staff.

Complaints shall be filed with the Responsible Employee at the address provided herein. The Responsible Employee will maintain a log of complaints and subsequent related actions, as required by oversight agencies. The Responsible Employee will evaluate the complaint to determine whether it is subject to this UCP and will notify the complainant within five (5) workdays if the complaint is outside the jurisdiction of this UCP.

### **Timing of Complaints**

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 the complainant first obtained knowledge of the facts of the alleged unlawful discrimination, harassment, intimidation, or bullying. If the complaint is not timely filed, the complainant will be notified of his or her right to appeal to the State Superintendent of Public Instruction for an extension of time in which to file the complaint.

Pupil fee complaints shall be filed no later than one (1) year from the date the alleged violation occurred with the Responsible Employee or designee.

### **Anonymous Complaints**

Complaints related to pupil fees and/or LCAPs may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

### **Step 2: Mediation (Optional)**

Within ten (10) workdays of receiving the complaint, the Responsible Employee and complainant may mutually agree to mediation. The Responsible Employee shall make arrangements for any mutually agreed upon mediation that will allow both the complainant

and School to present relevant evidence. The Responsible Employee shall inform the complainant that the mediation process may be terminated at any time and proceed directly to an investigation. In the mediation of an unlawful discrimination, harassment, intimidation or bullying complaint, the mediator must agree to keep confidential any information obtained through mediation. If mediation resolves the complaint to the satisfaction of both parties, the School will implement any remedial measures and the complainant may choose to withdraw the complaint. If mediation does not resolve the complaint to the satisfaction of both parties or within the parameters of law, the Responsible Employee shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the School'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**

In order to investigate the complaint, the Responsible Employee shall have access to applicable School records and/or information related to the complaint allegations. As part of his/her investigation, the Responsible Employee shall do all of the following, in no specific order:

- Provide an opportunity for the complainant or complainant's representative and the School's representative to present information relevant to the complaint or investigative process.
- Obtain statements from individuals/witnesses who can provide relevant information concerning the alleged violation.
- Review documents that may provide information relevant to the allegation.
- When necessary, seek clarification on specific complaint issues.

Refusal to provide the Responsible Employee with documents or other evidence related to the allegations in the complaint, or failure or refusal to cooperate or obstruction of the investigation by the complainant or his/her representatives may result in dismissal of complaint because of a lack of evidence to support the allegation. Refusal to provide the Responsible Employee with documents or other evidence related to the allegations in the complaint, or failure or refusal to cooperate or obstruction of the investigation by the School or its staff 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: Principal Review**

The Principal has discretion to evaluate the complaint and/or the Responsible Employee's proposed decision before a final written decision is issued. Based on all the evidence obtained during the investigation, the Principal may approve, modify or reject the

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Responsible Employee's proposed decision and issue a final decision that meets the requirements set forth herein. The Principal may also decide not to hear the complaint, in which case the Responsible Employee's decision shall be final.

**Step 5: Final Written Decision**

The Responsible Employee shall prepare and send to the complainant a written report of the investigation and final decision within sixty (60) calendar days of School's receipt of the complaint, unless extended by written agreement with the complainant. The School's decision shall be written in English and, when required by law, in the complainant's primary language.

The decision shall include:

1. The finding(s) of fact based on the evidence gathered;
2. The conclusion(s) of law;
3. Disposition of the complaint;
4. Rationale for such disposition;
5. Corrective action, if any are warranted, including, with respect to a pupil fee complaint, a remedy that comports with Education Code § 49013(d) and Title 5, California Code of Regulations, § 4600(u);
6. Notice of the complainant's right to appeal the School's decision to the CDE; and
7. Procedures to be followed for initiating an appeal to the CDE.

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.

In no event shall a decision under this section include identifying information of a student or any private employee personnel information, including but not limited to the nature of the disciplinary action taken against the student or employee. If a student or employee is disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the student or employee was informed of the School's expectations.

If the School finds merit in a complaint regarding Pupil Fees, LCAP, Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district, Pupils in Military Families, Reasonable Accommodations to a Lactating Pupil, Course Periods without Educational Content (grades nine through twelve), and Physical

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Education Instructional Minutes (grades one through eight), we shall provide a remedy. If the School finds merit in a complaint regarding Course Periods without Educational Content, Reasonable Accommodations to a Lactating Pupil, and Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in a district, and Pupils in Military Families, the remedy shall go to the affected pupil. If the School finds merit in a complaint regarding Pupil Fees, Physical Education Instructional Minutes and LCAP, the remedy shall go to all affected pupils and parents/guardians. The School, in good faith will engage in reasonable efforts to identify and fully reimburse all pupils, parents and guardians who paid an unlawful pupil fee within one year prior to the filing of the complaint.

**APPEAL PROCESS**

A complainant may appeal the School’s decision by filing a written appeal within 15 calendar days of receiving the decision to the California Department of Education (“CDE”). This appeal to the CDE must fully explain the basis for the appeal, stating how the facts of the School’s Decision are incorrect and/or the law is misapplied. The appeal must be sent to CDE with: (1) a copy of the locally filed complaint; and (2) a copy of the School’s decision of this original locally filed complaint.

*Appeals of decisions regarding discrimination, harassment, intimidation, and/or bullying, and regarding provision of accommodations to lactating students should be sent to:*

California Department of Education  
Education Equity UCP Appeals Office  
1430 N Street  
Sacramento, CA 95814

*Appeals of decisions regarding educational program complaints or pupil fees should be sent to:*

California Department of Education  
Categorical Programs Complaints Management Office  
1430 N Street  
Sacramento, CA 95814

*Appeals of decisions regarding LCAP should be sent to:*

California Department of Education  
Local Agency Systems Support Office  
1430 N Street  
Sacramento, CA 95814

*Appeals of decisions regarding special education compliance should be sent to:*

California Department of Education  
Special Education Division - Procedural Safeguards Referral Service  
1430 N Street  
Sacramento, CA 95814



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

**CIVIL LAW REMEDIES**

A complainant may pursue available civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws. 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, and bullying based on state law, a complainant shall wait until sixty (60) calendar 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 School has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with Title 5, California Code of Regulations, § 4622.

Adopted: \_\_\_\_\_, 2019



