

## Valley Oak Charter Uniform Complaint Procedure (UCP)

This document contains rules and instructions about the filing, investigation and resolution of a Uniform Complaint Procedures (UCP) complaint regarding an alleged violation by Valley Oak Charter of federal or state laws or regulations governing educational programs.

This document presents information about how we process UCP complaints concerning particular programs or activities that are subject to the UCP.

A UCP complaint is a written and signed statement alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation or bullying. A signature may be handwritten, typed (including in an email) or electronically generated. Complaints may be filed anonymously. A UCP complaint filed on behalf of an individual student may only be filed by that student or that student's duly authorized representative.

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 or bullying in programs and activities funded directly by the state or receiving any financial assistance from the state.

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

- According to state and federal codes and regulations, the programs and activities subject to the UCP are:
- Accommodations for Pregnant and Parenting Pupils
- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- Career technical and technical education and career technical and technical training programs
- Child care and development programs
- Compensatory Education
- Consolidated categorical aid programs
- Course Periods without Educational Content
- Discrimination, harassment, intimidation, or bullying against any protected group as identified under *Education Code(EC)* sections 200 and 220 and *Government Code* Section 11135, including any actual or perceived characteristic as set forth in *Penal Code* Section 422.55, 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 program or activity conducted

by an educational institution, as defined in *EC* Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance.

- Educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families and pupils formerly in Juvenile Court now enrolled in a school district
- Every Student Succeeds Act
- Local control and accountability plans (LCAP)
- Migrant Education
- Physical Education Instructional Minutes
- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- School Plans for Student Achievement
- School Safety Plans
- Schoolsite Councils
- State Preschool
- State Preschool Health and Safety Issues in LEAs Exempt from Licensing

And any other state or federal educational program the State Superintendent of Public Instruction (SSPI) of the California Department of Education (CDE) or designee deems appropriate.

The programs and activities subject to the UCP in which the Valley Oak Charter operates are:

- Every Student Succeeds Act
- Local control and accountability plans (LCAP)
- Migrant Education
- Physical Education Instructional Minutes
- Pupil Fees
- School Safety Plans
- Discrimination, harassment, intimidation, or bullying against any protected group as identified under *Education Code(EC)* sections 200 and 220 and *Government Code* Section 11135, including any actual or perceived characteristic as set forth in *Penal Code* Section 422.55, 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 program or activity conducted by an educational institution, as defined in *EC* Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance.
- Educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families and pupils formerly in Juvenile Court now enrolled in a school district

The following complaints shall be referred to the specified agencies for appropriate resolution and are not subject to the our UCP complaint procedures set forth in this document:

- (a) Allegations of child abuse shall be referred to the applicable County Department of Social Services (DSS), Protective Services Division or appropriate law enforcement agency.
- (b) Health and safety complaints regarding licensed facilities operating a Child Development Program shall be referred to DSS.
- (c) Employment discrimination complaints shall be sent to the State Department of Fair Employment and Housing (DFEH). The complainant shall be notified in writing in a timely manner of any DFEH transferal.

### **The Responsibilities of Valley Oak Charter**

We shall have the primary responsibility to ensure compliance with applicable state and federal laws and regulations. We shall investigate and seek to resolve, in accordance with the our approved UCP process, 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 we implement that are subject to the UCP.

### **The UCP Annual Notice**

We disseminate on an annual basis the UCP Annual Notice which is a written notice of our UCP complaint procedures.

This notice may be made available on our website and shall include the following:

- The policy addresses all of our students, employees, parents or guardians of its students, school and district advisory committee members, appropriate private school officials or representatives, and other interested parties.
- Includes information regarding allegations about discrimination, harassment, bullying or intimidation.
- The list of all federal and state programs within the scope of the UCP.
- The title of the position responsible for processing complaints, and the identity of the person currently occupying that position, if known.
- A statement that the occupant responsible for processing complaints is knowledgeable about the laws and programs that they are assigned to investigate.

### **Filing UCP Complaints**

All UCP complaints shall be filed no later than one year from the date the alleged violation occurred.

Complaints within the scope of the UCP are to be filed with the person responsible for processing complaints:

School Director  
907 El Centro St  
Ojai, CA 93023  
805-640-4421  
info@valleyoakcharter.org

A pupil fee includes 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 with the school director. A pupil fees complaint may be filed anonymously, that is, without an identifying signature, if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

For complaints relating to Local Control and Accountability Plans (LCAP), the date of the alleged violation is the date when the reviewing authority approves the LCAP or annual update that we adopted. An LCAP complaint may be filed anonymously, that is, without an identifying signature, if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

We advise complainants of the right to pursue civil law remedies that may be available under state or federal discrimination, harassment, intimidation or bullying laws, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may also be available to complainants.

### **Investigating UCP Complaints**

The UCP complaint investigation is our administrative process for the purpose of gathering data regarding the complaint. We provide an opportunity for complainants and/or representatives to present evidence or information.

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 Valley Oak Charter 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.

We ensure that complainants are protected from retaliation.

We investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group. 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.

### **UCP Complaint Resolution**

We will thoroughly investigate the UCP complaint and issue a written Investigation Report to the complainant within 60 calendar days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time.

This Investigation Report will contain the following elements:

- the findings of fact based on the evidence gathered;
- a conclusion that provides a clear determination for each allegation as to whether we are in compliance with the relevant law;
- corrective actions if we find merit in a complaint:
  - including 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,
  - or all other complaints within the scope of the Uniform Complaint Procedures the remedy shall go to the affected pupil.
  - 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;
- a notice of the complainant's right to appeal our Investigation Report to the Department of Education (CDE); and
- the procedures to be followed for initiating an appeal to the CDE.

### **UCP Complaint Appeal Process**

An appeal is a written and signed request by the complainant to the CDE seeking review of an LEA Investigation Report that was issued in response to a properly-filed complaint. A signature may be handwritten, typed (including in an email) or electronically-generated.

The complainant may appeal our Investigation Report of a UCP complaint to the CDE by filing a written appeal within 30 calendar days of the date. In order to request an appeal, the complainant must specify and explain the basis for the appeal, including at least one of the following:

- Valley Oak Charter failed to follow its complaint procedures, and/or
  - the Investigation Report lacks material findings of fact necessary to reach a conclusion of law, and/or
  - the material findings of fact in the Investigation Report are not supported by substantial evidence, and/or

- the legal conclusion in the Investigation Report is inconsistent with the law, and/or
- in a case in which we were found in noncompliance, the corrective actions fail to provide a proper remedy.

The appeal shall be sent with: (1) a copy of the locally filed complaint; and (2) a copy of the LEA Investigation Report.

### **Contacts for Programs and Services Covered Under the UCP**

**Accommodations for Pregnant and Parenting Pupils, Student Lactation Accommodations, and LGBTQ Resources**, Education Equity UCP Appeals Office; 916-319-8239

**Adult Education**, Adult Education Office; 916-322-2175

**After School Education and Safety**, Expanded Learning Division; 916-319-0923

**Agricultural Career Technical Education**, Career & College Transition Division; 916-445-2652

**Career Technical Education (Federal) and Regional Occupational Centers and Programs**, Career Technical Education Leadership Office; 916-322-5050

**Child Care and Development (including State Preschool)**, Early Learning and Care Division; 916-322-6233

**Course Periods without Educational Content**, Categorical Programs Complaints Management Office; 916-319-0929

**Discrimination, Harassment, Intimidation, Bullying**, Education Equity UCP Appeals Office; 916-319-8239

**Independent Study and Interstate Compact on Educational Opportunity for Military Children, Juvenile Court and Community School Students**, Educational Options Office; 916-323-2183

**Every Student Succeeds Act / including Compensatory Education, Migrant Education, School Safety Plans**, Categorical Programs Complaints Management Office; 916-319-0929

**Education of Pupils in Foster Care and Pupils who are Homeless**, Regional Support and Awards Office; 916-319-0836

**Local Control Accountability Plans (LCAPs): Content or Procedures**, Local Agency Systems Support Office; 916-319-0809

**Local Control Accountability Plans (LCAPs): Fiscal**, School Fiscal Services Division; 916-322-3024

**Physical Education: Instructional Minutes**, Standards Implementation Support Office; 916-323-5847

**Pupil Fees**, Categorical Programs Complaints Management Office; 916-319-0929

**School Facilities** (for Williams Complaints), School Facilities and Transportation Services Division; 916-322-2470

**School Plans for Student Achievement**, Local Agency Systems Support Office; 916-319-0809

**Schoolsite Councils**, Local Agency Systems Support Office; 916-319-0809

**State Preschool Health and Safety Issues in LEAs Exempt from Licensing**, Early Education and Care Division; 916-322-6233