



UNIFORM COMPLAINT PROCEDURES (UCP) ANNUAL NOTICE

KIPP SoCal Public Schools (“Charter School”) shall have the primary responsibility to ensure compliance with applicable state and federal laws and regulations. The Charter School is the local agency primarily responsible for compliance with applicable 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. The Charter School shall investigate and seek to resolve, in accordance with the Charter’s School’s Uniform Complaint Procedures (“UCP”), complaints alleging failure to comply with applicable state and federal laws and regulations including, but not limited to, the following types of complaints:

1. Complaints of unlawful discrimination, harassment, including but not limited to sexual harassment, intimidation, or bullying against any protected group, including actual or perceived discrimination, on the basis of the actual or perceived characteristics of age, ancestry, ethnicity, parental status, pregnancy status, color, mental or physical disability, gender, gender identity, gender expression, genetic information, immigration status, marital status, medical information, national origin, race, religion, sex, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics in any Charter School program or activity
 - a. All school team members at all schools must take immediate steps or actions to intervene, when safe to do so, if they witness an act of discrimination, harassment, including but not limited to, sexual harassment, intimidation or bullying.
2. Complaints of noncompliance with state and federal laws and regulations governing the following programs and activities (subject to the UCP) including but not limited to:
 - a. Accommodations for Pregnant and Parenting Pupils
 - b. Adult Education
 - c. After School Education and Safety
 - d. Agricultural Career Technical Education
 - e. Career Technical and Technical Education and Career Technical and Technical Training Programs
 - f. Child Care and Development Programs
 - g. Compensatory Education
 - h. Consolidated Categorical Aid Programs
 - i. Course Periods without Educational Content
 - j. Discrimination, harassment, including but not limited to, sexual harassment, intimidation, or bullying against any protected group as identified under California

Education Code (EC) section 200 and 220 and Section 11135 of the California Government Code, including any actual or perceived characteristic as set forth in Section 422.55 of the California Penal Code, 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.

- k. 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.
- l. Every Student Succeeds Act
- m. Local Control and Accountability Plans ("LCAP")
- n. Migrant Education
- o. Physical Education Instructional Minutes
- p. Pupil Fees
- q. Reasonable Accommodations to a Lactating Pupil
- r. Regional Occupational Centers and Programs
- s. School Plans for Student Achievement
- t. School Safety Plans
- u. Schoolsite Councils
- v. State Preschool
- w. State Preschool Health and Safety Issues in Local Educational Agencies ("LEA") as Exempt from Licensing

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

- 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 of the Education Code 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 *Hartzell 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 lock, locker, 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. 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 with laws relating to pupil fees.
 - d. A pupil fees complaint may be filed with the principal/school leader of a school or KIPP SoCal Public Schools Registered In-House Counsel or designee.
 - e. If the Charter School finds merit in a pupil fees complaint the Charter School shall provide a remedy to all affected pupils, parents, and guardians and, where applicable, will attempt in good faith by engaging in reasonable efforts to identify and fully reimburse all affected pupils, parents, and guardians who paid a pupil fee within one (1) year prior to the filing of the complaint.
 - 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.
4. Complaints of noncompliance with the requirements of Local Control and Accountability Plans (“LCAP”)
- a. A 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 with laws relating to pupil fees.
 - b. For LCAP complaints, the date of the alleged violation is the date when the reviewing authority approves the LCAP or annual update that was adopted by the Charter School.
5. Complaints of noncompliance with the requirements governing the Local Control Funding Formula or Sections 47606.5 and 47607.3 of the Education Code, as applicable.
6. 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.

The Charter School acknowledges and respects every individual’s rights to privacy. Unlawful discrimination, harassment, including but not limited to, sexual harassment, intimidation or bullying 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. The Charter School cannot guarantee anonymity of the complainant. This includes keeping the identity of the complainant confidential. However, the Charter School will attempt to do so as appropriate. The Charter School 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 Registered In-House Counsel or designee on a case-by-case basis.

The Charter School prohibits and protects against 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, including but not limited to, sexual

harassment, intimidation or bullying. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

Compliance Officers

The Board of Directors designates the following compliance officer(s) to receive and investigate complaints and to ensure the Charter School's compliance with law:

Cesely M. Westmoreland, Esq.
Registered In-House Counsel
KIPP SoCal Public Schools
3601 E. 1st Street
Los Angeles, CA 90063
(213) 489-4461
cwestmoreland@kippsocal.org

The Registered In-House Counsel 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 Registered In-House Counsel or designee.

Should a complaint be filed against the Registered In-House Counsel, the compliance officer for that case shall be the President of the Charter School Board of Directors.

Notifications

The Registered In-House Counsel or designee shall annually provide written notification of the Charter School's uniform complaint procedures to its students, employees, parents and/or guardians, advisory committees, private school officials and other interested parties.

The annual notice shall be in English, and when necessary, in the primary language, pursuant to section 48985 of the Education Code or mode of communication of the recipient of the notice.

The Registered In-House Counsel or designee shall make available copies of the Charter School's uniform complaint procedures free of charge.

The annual notice shall include the following:

- (a) A statement that the Charter School is primarily responsible for compliance with federal and state laws and regulations, including those related to unlawful discrimination, harassment, including but not limited to sexual harassment, intimidation or bullying against any protected group, and all programs and activities that are subject to the UCP:
 - 1. Accommodations for Pregnant and Parenting Pupils
 - 2. Adult Education
 - 3. After School Education and Safety
 - 4. Agricultural Career Technical Education

5. Career Technical and Technical Education and Career Technical and Technical Training Programs
6. Child Care and Development Programs
7. Compensatory Education
8. Consolidated Categorical Aid Programs
9. Course Periods without Educational Content
10. Discrimination, harassment, including but not limited to, sexual harassment, intimidation, or bullying against any protected group as identified under California Education Code (EC) section 200 and 220 and Section 11135 of the California Government Code, including any actual or perceived characteristic as set forth in Section 422.55 of the California Penal Code, 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.
11. 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.
12. Every Student Succeeds Act
13. Local Control and Accountability Plans ("LCAP")
14. Migrant Education
15. Physical Education Instructional Minutes
16. Pupil Fees
17. Reasonable Accommodations to a Lactating Pupil
18. Regional Occupational Centers and Programs
19. School Plans for Student Achievement
20. School Safety Plans
21. Schoolsite Councils
22. State Preschool
23. State Preschool Health and Safety Issues in Local Educational Agencies ("LEA") as Exempt from Licensing

And any other state or federal educational program the State Superintendent of Public Instruction (SSPI) or designee deems appropriate;

- (b) A statement that a pupil fees or LCAP complaint may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint;
- (c) 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;
- (d) A statement that a UCP complaint shall be filed no later than one (1) year from the date the alleged violation occurred, except for complaints of unlawful discrimination, harassment including but not limited to sexual harassment, intimidation, or bullying, which must be filed within six (6) months of the date of the alleged violation;
- (e) A statement that the Charter School shall post a standardized notice with 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 (EC sections

48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2). The notice shall include complaint process information, as applicable;

- (f) A statement identifying the title of the position whose occupant is responsible for processing complaints, and the identity(ies) of the person(s) currently occupying that position, if known.
- (g) A statement that the complainant has a right to appeal the Charter School's Investigation Report to the California Department of Education ("CDE") of complaints regarding programs within the scope of UCP;
- (h) A statement advising the complainant of the right to pursue any civil law remedies that may be available, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal discrimination, harassment, including but not limited to sexual harassment, intimidation or bullying laws, if applicable, and of appeal pursuant to Education Code § 262.3;
- (i) A statement that copies of the Charter School complaint procedures shall be available free of charge;
- (j) A statement that the Charter School complaint procedures is available on the Charter School's website.

Procedures

The following procedures shall be used to address all complaints which allege that the Charter School 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 the Investigation Report has been completed.

Step 1: Filing of Complaint

Any individual, public agency, or organization may file a written complaint of alleged noncompliance by the Charter School.

A complaint alleging unlawful discrimination, harassment, including but not limited to, sexual harassment, intimidation or bullying shall be initiated no later than six (6) months from the date when the alleged unlawful discrimination, harassment, including but not limited to, sexual harassment, intimidation or bullying occurred, or six (6) months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination, harassment, including but not limited to, sexual harassment, intimidation or bullying. A complaint may be filed by a person who alleges that he/she personally suffered unlawful discrimination, harassment, including but not limited to, sexual 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, including but not limited to, sexual harassment, intimidation or 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 Charter School staff shall assist him/her in the filing of the complaint.

The signature on a complaint may be handwritten, typed (including in an email) or electronically-generated.

A complaint filed on behalf of an individual may only be filed by that student or that student's duly authorized representative.

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, including but not limited to, sexual 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 Charter 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

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.

A complainant's refusal to provide the Charter School's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her 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.

The Charter School's refusal to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to 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 copy of the Investigation Report, as described in Step #5 below, within sixty (60) days of the Charter School's receipt of the complaint, unless the complainant agrees in writing to an extension of time.

Step 5: Final Written Investigation Report

The Charter School's Investigation Report shall be in writing and sent to the complainant. The Charter School's Investigation Report shall be written in English and in the language of the complainant whenever feasible or as required by law.

The Investigation Report shall include:

1. The findings of fact based on evidence gathered;
2. A conclusion that provides a clear determination for each allegation as to whether the Charter School is in compliance with the relevant law, final disposition of the complaint, and rationale for such disposition.
3. Corrective actions if the Charter School finds merit in a complaint:
 - a. Pertaining to 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;
 - b. For all other complaints within the scope of the Uniform Complaint Procedures, the remedy shall go to the affected pupil;
 - c. 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 (1) year prior to filing of the complaint;
4. Notice of the complainant's right to appeal the Charter School's Investigation Report for a UCP complaint to the CDE.
5. The procedures to be followed for initiating an appeal to the CDE.
6. For unlawful discrimination, harassment, including but not limited to, sexual 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.
7. For unlawful discrimination, harassment, including but not limited to, sexual 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 Investigation Report shall simply state that effective action was taken and that the employee was informed of the Charter

School'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

If dissatisfied with the Charter School's Investigation Report for a UCP complaint, the complainant may appeal in writing to the CDE within thirty (30) days of the Charter School's Investigation Report. When appealing to the CDE, the complainant must specify the basis for the appeal of the Investigation Report 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 the Charter School's Investigation Report.

In order to request an appeal, the complainant must specify and explain the basis for the appeal, including at least one of the following:

1. The Charter School failed to follow its complaint procedures, and/or
2. The Charter School Investigation Report lacks material findings of fact necessary to reach a conclusion of law, and/or
3. The material findings of fact in the Charter School Investigation Report are not supported by substantial evidence, and/or
4. The legal conclusion in the Charter School Investigation Report is inconsistent with the law, and/or
5. In a case in which the Charter School found noncompliance, the corrective actions fail to provide a proper remedy.

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

The appeal should be sent to:

California Department of Education
1430 N Street
Sacramento, CA 95814
<http://www.cde.ca.gov/re/cp/uc>

Within ten (10) days of being notified that the complainant has appealed the Charter School's Investigation Report, the Registered In-House Counsel or designee shall forward the following documents to the CDE:

1. A copy of the original complaint
2. A copy of the Investigation Report
3. 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.
4. A report of any action taken to resolve the complaint.
5. A copy of the Charter School's complaint procedures.
6. Other relevant information requested by the CDE.

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

If the CDE finds merit in an appeal, it must issue corrective actions as appropriate and including a remedy to the affected pupil, or in the case of complaints involving pupil fees, courses of study, instructional minutes for physical education and local control and accountability plans, a remedy to all affected pupils, parents and guardians.

The CDE must issue an appeal decision within sixty (60) days, unless extended by written agreement with the Appellant, or the CDE documents exceptional circumstances and informs the Appellant, or the CDE receives notice that the matter has been resolved at the local level, or the CDE receives notice that the matter has been judicially decided.

Reconsideration of an Appeal

Within thirty (30) days of the date of the CDE's appeal decision, either party may request reconsideration.

On reconsideration, the CDE will not consider new information unless it was unknown during the appeal and could not have become known with due diligence.

The CDE must act on the reconsideration request within sixty (60) days. During the reconsideration period, the CDE appeal decision remains in effect and enforceable, unless stayed by a court.

Direct State Intervention

The CDE may at its discretion directly intervene without waiting for the Charter School's investigation in certain enumerated situations.

When CDE declines direct intervention in an anonymous complaint, the CDE will not forward the complaint to the Charter School without the complainant's permission.

When the CDE directly intervenes, the CDE must issue a Department Investigation Report within sixty (60) days, unless the parties have agreed to extend the timeline or the CDE documents exceptional circumstances and informs the complainant, or the matter has been resolved at the local level or judicially decided.

Reconsideration of a Direct Intervention

Within thirty (30) days of the date of the CDE's Investigation Report, either party may request reconsideration.

On reconsideration, the CDE will not consider new information unless it was unknown during the investigation and could not have become known with due diligence.

The CDE must act on the reconsideration request within sixty (60) days. During the reconsideration period, the CDE Investigation Report remains in effect and enforceable, unless stayed by a court.

Civil Law Remedies

Pursuant to California Education Code §262.3, a complainant may pursue available civil law remedies outside of the Charter School's complaint procedures under California or federal discrimination, harassment, including but not limited to, sexual harassment, intimidation and/or bullying laws. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions, restraining orders, or other remedies or orders. Complainants may seek assistance from mediation centers or public/private interest attorneys. For unlawful discrimination, harassment, including but not limited to, sexual harassment, intimidation or bullying complaints arising under state law, however, a complainant must wait until sixty (60) 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 Charter School has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.



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:

- | | | |
|--|--|---|
| <input type="checkbox"/> Accommodations for Pregnant and Parenting Pupils | <input type="checkbox"/> Every Student Succeeds Act | <input type="checkbox"/> Reasonable Accommodations to a Lactating Pupil |
| <input type="checkbox"/> After School Education and Safety | <input type="checkbox"/> Local Control and Accountability Plans (LCAP) | <input type="checkbox"/> School Plans for Student Achievement |
| <input type="checkbox"/> Compensatory Education | <input type="checkbox"/> Local Control Funding Formula | <input type="checkbox"/> School Safety Plans |
| <input type="checkbox"/> Consolidated Categorical Aid Programs | <input type="checkbox"/> Physical Education Instructional Minutes | <input type="checkbox"/> Schoolsite Councils |
| <input type="checkbox"/> 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 | <input type="checkbox"/> Pupil Fees | |

For allegation(s) of unlawful discrimination, harassment, including but not limited to, sexual harassment, intimidation, or bullying please check the basis of the unlawful discrimination, harassment, including but not limited to sexual harassment, intimidation, or bullying described in your complaint, if applicable:

- | | | |
|---|--|--|
| <input type="checkbox"/> Age | <input type="checkbox"/> Genetic Information | <input type="checkbox"/> Race or Ethnicity |
| <input type="checkbox"/> Ancestry | <input type="checkbox"/> Immigration Status | <input type="checkbox"/> Religion |
| <input type="checkbox"/> Color | <input type="checkbox"/> Marital Status | <input type="checkbox"/> Sex (Actual or Perceived) |
| <input type="checkbox"/> Disability (Mental or Physical) | <input type="checkbox"/> Medical Information | <input type="checkbox"/> Sexual Orientation (Actual or Perceived) |
| <input type="checkbox"/> Ethnic Group Identification | <input type="checkbox"/> National Origin | <input type="checkbox"/> Based on association with a person or group with one or more of these actual or perceived characteristics |
| <input type="checkbox"/> Gender / Gender Expression / Gender Identity | <input type="checkbox"/> Parental Status | |
| | <input type="checkbox"/> Pregnancy Status | |

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.

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?

3. Please provide copies of any written documents that may be relevant or supportive of your complaint.

I have attached supporting documents. Yes No

Signature: _____ Date: _____

Mail complaint and any relevant documents to:

Cesely M. Westmoreland, Esq.
Registered In-House Counsel
KIPP SoCal Public Schools
3601 E. 1st Street
Los Angeles, CA 90063
(213) 489-4461
cwestmoreland@kipsocal.org