



13330 Vaughn Street, San Fernando, CA 91340

(818) 896-7461

Uniform Complaint Policy and Procedures

Introduction

The Board of Directors of Vaughn Next Century Learning Center (“VNC:C”) recognizes that VNCLC has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.

This document contains rules and instructions about the filing, investigation and resolution of a Uniform Complaint Procedures (“UCP”) complaint regarding an alleged violation by a local educational agency of federal or state laws or regulations governing educational programs, including allegations of unlawful discrimination, harassment, intimidation, bullying, and noncompliance with laws relating to pupil fees, and noncompliance with the requirements governing the Local Control Funding Formula or Sections 47606.5 and 47607.3 of the Education Code, as applicable.

VNCLC shall investigate complaints alleging failure to comply with those laws and regulations alleging discrimination, harassment, intimidation, and/or bullying; unauthorized charging of pupil fees for educational activities; noncompliance with physical education instructional minutes at specified grade levels; noncompliance with education provisions for pupils in foster care and pupils who are homeless; provisions of courses without educational content and previously completed/graded courses sufficient for satisfying requirements/prerequisites for postsecondary education and receipt of a diploma, except under specified conditions; failure to reasonably accommodate lactating students; and failure to comply with legal requirements pertaining to the Local Control Accountability Plan (LCAP). Vaughn Next Century Learning Center shall seek to resolve those complaints in accordance with the procedures set out in CA Code of Regulations §§4600-4687 and the policies and procedures of Vaughn.

Scope

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 against any protected group, including actual or perceived discrimination, on the basis of age, ancestry, color, disability, ethnic group identification, gender expression, gender

identity, gender, nationality, national origin, race or ethnicity, religion, sex, or sexual orientation, 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 VNCLC program or activity; and

- (2) Complaints of violations of state or federal law and regulations governing the following programs including but not limited to: Child Nutrition Programs and Special Education Programs.
- (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 if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with laws relating to pupil fees.

d. If VNCLC finds merit in a pupil fees complaint, VNCLC shall provide a remedy to all affected pupils, parents, and guardians that, where applicable, includes reasonable efforts by VNCLC to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.

e. 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 governing the Local Control Funding Formula or Sections 47606.5 and 47607.3 of the Education Code, as applicable. Not all complaints fall within the scope of the UCP. For any complaints regarding subjects not described above, please refer to VNCLC's other complaint policies, which can be found at www.myvaughncharter.com

The responsibilities of Vaughn Next Century Learning Center

VNCLC has the primary responsibility to insure compliance with applicable state and federal laws and regulations. VNCLC shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination, harassment, intimidation, bullying and charging pupil fees for participation in an educational activity and seek to resolve those complaints in accordance with these UCP procedures.

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

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

Vaughn Next Century Learning Center
ATTN: Anita Zepeda, Executive Director
13330 Vaughn Street
San Fernando, CA 91340
Phone (818) 896-7461 Fax: (818) 834-9036

Any person, organization, or public agency who would like to file a complaint regarding the National School Food Program may mail or fax a written complaint to:

Vaughn Next Century Learning Center
ATTN: Roxanne Romero, Director of Operations
13330 Vaughn Street
San Fernando, CA 91340
Phone (818) 896-7461 Fax: (818) 834-9036

AND

ATTN: USDA Director, Office of Civil Rights
Room 326-W, Whitten Building
1400 Independence Avenue
SW Washington D.C., 20250-9410
Phone (202) 720-5964

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.

The Executive Director may designate the Director of the school site where the complaint originated to serve as the designee regarding complaints of noncompliance with laws relating to pupil fees.

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

Any person with a disability or who is unable to prepare a written complaint can receive assistance from the site administrator/designee or by calling the Main School Office at (818) 896-7461.

Vaughn assures confidentiality to the maximum extent possible. Vaughn prohibits retaliation against anyone who files a complaint or participates in the complaint investigation process.

Pursuant to Education Code § 262.3, Complaints are advised civil law remedies may also be available under state or federal discrimination, harassment, intimidation, and/or bullying laws.

A copy of Vaughn's UCP complaint procedures shall be available free of charge. For all questions regarding the UPC, please contact the Administrator of your School.

Notifications

The Executive Director or designee shall annually provide written notification of the Charter School'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 also advise the recipient of any civil law remedies that may be available under state or federal discrimination, harassment, intimidation, and bullying laws, if applicable, and of the appeal pursuant to Education Code section 262.3. 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 any one of the charter schools speak a single primary language

other than English.

A copy of this UCP complaint policies and procedures document shall be available free of charge.

The annual notice shall include the following:

- (a) A statement that VNCLC 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 VNCLC's decision to the CDE by filing a written appeal within 15 days of receiving VNCLC'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.

Filing a complaint with Vaughn Next Century Learning Center

Procedures The following procedures shall be used to address all complaints, which allege that VNCLC 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 VNCLC.

A complaint alleging unlawful discrimination, harassment, intimidation or bullying shall be initiated no later than sixty (60) days) from the date when the alleged unlawful discrimination, harassment, intimidation or bullying occurred, or sixty (60) days from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination, harassment, intimidation or bullying. A complaint may be filed by a person who alleges that he/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.

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, VNCLC 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.

- **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 VNCLC'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.

VNCLC's 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 VNCLC's investigation and decision, as described in Step #5 below, within sixty (60) days of VNCLC's receipt of the complaint. Notifies the person or organization of appeal procedures.

- **Step 5: Final Written Decision**

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

The decision shall include:

1. The findings of fact based on evidence gathered.
2. The conclusion(s) of law.
3. Disposition of the complaint.
4. Rationale for such disposition.
5. Corrective actions, if any are warranted.
6. Notice of the complainant's right to appeal VNCLC's decision within fifteen (15) days to the CDE and procedures to be followed for initiating such an appeal.
7. 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.
8. 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 VNCLC'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

Persons or organizations disagreeing with the investigative findings and Vaughn's decision involving Title VI or Title IX have 15 days after receipt of the Report of Findings to file an appeal.

The appeal must be in writing and include a copy of the original complaint, as well as a copy of the Vaughn's 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 the VNCLC's decision.

Upon notification by the CDE that the complainant has appealed VNCLC'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 VNCLC, if not covered by the decision.

The appeal should be sent to:

California Department of Education
1430 N Street
Sacramento, CA 95814

Civil Law Remedies

A complainant may pursue available civil law remedies outside of VNCLC'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. For unlawful discrimination, 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 VNCLC has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.