



FENTON CHARTER PUBLIC SCHOOLS

UNIFORM COMPLAINT PROCEDURES

Introduction

This Uniform Complaint Procedures (“UCP”) applies to all Fenton Charter Public Schools-operated charter schools (hereinafter collectively referred to as “FCPS”). The Board of Directors recognizes that FCPS is responsible for complying with applicable state and federal laws and regulations governing educational programs.

FCPS developed this UCP pursuant to Title 5, California Code of Regulations, § 4600 et seq. and consistent with policies and procedures adopted by FCPS’s Board of Directors. This UCP shall apply only to those complaints that fall within the scope of the UCP and are applicable to charter schools.

Complaints Under The UCP

A UCP complaint is a written and signed statement by a complainant, including a person’s duly authorized representative or an interested third party, public agency, or organization, alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation, bullying, or charging pupil fees for participation in an educational activity or non-compliance with the requirements of FCPS Local Control and Accountability Plan (“LCAP”). A UCP complaint must be filed according to the procedures set forth herein.

Complaints Regarding Programs and Activities

Complaints of violations of state or federal law or regulations governing the following programs and activities, to the extent offered by FCPS, are subject to the UCP and will be investigated by FCPS:

- Accommodations for Pregnant and Parenting Pupils
- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- Career Technical Education (Federal)
- Child Care and Development
- Compensatory Education
- Consolidated Categorical Aid Programs
- 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

- Course Periods without Educational Content
- Educational and Graduation Requirements for Pupils In Foster Care, Pupils Who Are Homeless, Former Juvenile Court Pupils Now Enrolled In A School District, and Pupils Of Military Families
- Every Student Succeeds Act
- School Safety Plans
- Schoolsite Councils
- State Preschool
- State Preschool Health and Safety Issues In Schools Exempt From Licensing
- Any other state or federal educational program the State Superintendent of Instruction or designee deems appropriate.

Complaints Regarding Pupil Fees

Complaints FCPS has violated Education Code §§ 49010 through 49013 concerning pupil fees are subject to this UCP, may be filed with the Compliance Officer or Director, and will be investigated by FCPS.

A pupil shall not be required to pay a pupil fee for participation in an educational activity, unless the charge for such a fee is specifically authorized by law and does not violate Education Code § 49011. A “pupil fee” is a fee, deposit, or other charge imposed on pupils, or a pupil's parents or guardians, in violation of state codes and constitutional provisions 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. “Educational activities” are those offered by a school, school district, charter school, or county office of education that constitute a fundamental part of education, including, but not limited to, curricular and extracurricular activities. A pupil fee includes, but is not limited to, all of the following:

1. 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.
2. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
3. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

Complaints of Discrimination, Harassment, Intimidation and/or Bullying

FCPS will investigate all allegations of unlawful discrimination, harassment, intimidation, or bullying against any protected group as identified in Education Code §§ 200, 220 and Government Code § 11135, including any actual or perceived characteristics as set forth in Penal Code § 422.55 or on the basis or 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 FCPS, which is funded directly by, or that receives or benefits from any state financial assistance.

A complaint of alleged unlawful discrimination, harassment, intimidation or bullying may be filed by an individual who alleges that the individual has personally suffered unlawful discrimination, harassment, intimidation or bullying, or by one who believes any specific class of individuals has been subjected to discrimination, harassment, intimidation or bullying prohibited by this part, or by a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying.

Any FCPS personnel who witness an act of discrimination, harassment, intimidation or bullying, shall take immediate steps to intervene when safe to do so as required by Education Code § 234.1.

Complaints Regarding LCAP and Reasonable Accommodations to a Lactating Pupil

Complaints concerning a FCPS LCAP are subject to this UCP and will be investigated by FCPS. The LCAP is an important component of the Local Control Funding Formula (LCFF). FCPS is required to prepare an LCAP, which describes how we intend to meet annual goals for our pupils, with specific activities to address state and local priorities identified pursuant to Education Code § 52060(d).

Complaints may also include allegations of failure to provide reasonable accommodations to a lactating pupil on campus to express breast milk, breast-feed an infant child, or address other needs related to breast-feeding pursuant to Education Code § 222.

UCP Annual Notification

FCPS shall ensure annual dissemination of this UCP to all students, employees, parents or guardians of its students, and other interested parties that includes information regarding allegations about discrimination, harassment, intimidation, or bullying in accordance with Title 5, California Code of Regulations, § 4622. The annual UCP notice shall be in English. If 15% or more of students enrolled at FCPS speak a single primary language other than English, the annual notice shall be provided in that language as well pursuant to Education Code § 48985. This UCP shall be available in FCPS's main office and copies shall be made available free of charge.

Confidentiality and Retaliation

FCPS acknowledges and respects every individual's rights to privacy. In investigating complaints, the confidentiality of the parties involved and the integrity of the process shall be protected. FCPS ensures that the complaint procedures contain confidentiality safeguards for immigration status information. As appropriate, the Compliance Officer or his/her designee may keep the identity of a complainant confidential to the extent that the investigation of the complaint is not obstructed, or as otherwise permitted by law.

FCPS prohibits retaliation in any form for filing of a complaint or an appeal, reporting instances of noncompliance, discrimination, harassment, intimidation, and/or bullying, or for participation in the complaint-filing or investigation process. Complainants are protected from retaliation. These confidentiality and non-retaliation requirements extend to all parties involved.

Designation of Compliance Officer

FCPS hereby designates the individual(s) identified below as the employee(s) responsible for receiving, investigating and responding to complaints and acting as the compliance officer(s) responsible for handling complaints under this UCP, referred to herein as the “Compliance Officer.”

**Irene Sumida, Executive Director
Fenton Charter Public Schools
8928B Sunland Boulevard
Sun Valley, CA 91352
(818) 962-3630**

The Compliance Officer may designate another representative of FCPS to serve in this role, who for the purposes of this UCP, shall be included within the definition of “Compliance Officer.” The Compliance Officer shall promptly notify the complainant and respondent, if applicable, if another employee has been designated to handle the complaint.

In no instance shall the Compliance Officer be assigned to a complaint in which he or she has a bias or conflict of interest that would prohibit him or her from fairly investigating or responding to the complaint. Any complaint against Compliance Officer or that raises a concern about Compliance Officer’s ability to investigate the complaint fairly and without bias shall be filed with their school’s Director (or other appropriate designee) who shall determine how the complaint will be investigated.

FCPS will ensure that employees assigned to investigate complaints are knowledgeable about the laws and programs at issue in the complaints for which they are responsible. The Compliance Officer may consult with legal counsel.

Formal Complaint Procedures

FCPS shall investigate and seek to resolve, in accordance with this UCP, 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 implemented by FCPS that are subject to this UCP.

All parties involved in allegations shall be notified by the Compliance Officer when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

Step 1: Filing a Complaint

Written Complaint: Any individual (including an individual’s duly authorized representative or an interested third party), public agency, or organization may file a written complaint of alleged noncompliance by FCPS to the Compliance Officer. However, 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 complaint may also be filed using a UCP Complaint Form. A complaint must be written and signed, but the signature on a complaint may be handwritten, typed

(including in an email) or electronically-generated. If a complainant is unable to prepare a written complaint due to conditions such as disability or illiteracy, FCPS shall assist the complainant in submitting the complaint.

Timing of Complaints: All complaints, including pupil fee complaints, must be filed within one year from the date of the alleged violation, except complaints 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. For complaints relating to the LCAP, the date of the alleged violation is the date when the reviewing authority approves the LCAP or annual update that we adopted.

Anonymous Complaints: Complaints may be filed anonymously. A pupil fees complaint and/or an LCAP complaint 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 Compliance Officer and complainant may mutually agree to mediation. The Compliance Officer shall make arrangements for any mutually agreed upon mediation that will allow both the complainant and FCPS to present relevant evidence. The Compliance Officer 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, FCPS 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 Compliance Officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend FCPS'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 Compliance Officer shall have access to applicable FCPS records and/or information related to the complaint allegations. As part of his or her investigation, the Compliance Officer shall do all of the following, in no specific order:

- Provide an opportunity for the complainant and/or complainant's representative and FCPS'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.

The complainant’s refusal to provide the Compliance Officer 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 or her representatives may result in dismissal of complaint because of a lack of evidence to support the allegation. FCPS’s refusal to provide the Compliance Officer with documents or other evidence related to the allegations in the complaint, or failure or refusal to cooperate or obstruction of the investigation by FCPS 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: Final Written Decision (Investigation Report)

The Compliance Officer shall prepare and send to the complainant a written report of the investigation and final decision (“Investigation Report”) within sixty (60) days of FCPS’s receipt of the complaint, unless extended by written agreement with the complainant. FCPS’s Investigation Report shall be written in English and, when required by law, in the complainant’s primary language.

The Investigation Report shall include:

1. The finding(s) of fact based on the evidence gathered;
2. The conclusion(s) of law that provides a clear determination for each allegation as to whether FCPS complied with the relevant law;
3. 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(t);
 - a. If FCPS finds merit in a complaint regarding Pupil Fees, Course Periods without Educational Content, Physical Education Instructional Minutes, or LCAP, the remedy shall to go all affected pupils and parents/guardians. For all other complaints within scope of UCP, the remedy shall go to the affected pupil. FCPS, 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 (1) year prior to the filing of the complaint.
4. Notice of the complainant’s right to appeal FCPS’s decision to the California Department of Education (“CDE”); and
5. Procedures to be followed for initiating an appeal to the CDE.

If a student or employee is disciplined as a result of the complaint, the Investigation Report shall simply state that effective action was taken and that the student or employee was informed of FCPS’s expectations. The Investigation Report shall give no further information as to the nature

of the disciplinary action. The Compliance Officer shall maintain a record of each complaint and subsequent related actions.

Appeal Process

To appeal FCPS's decision in the Investigation Report, the complainant must file a written appeal to CDE within thirty (30) calendar days of receiving FCPS'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:

- FCPS 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 FCPS was found in noncompliance, the corrective actions fail to provide a proper remedy.

The appeal must be sent to CDE with: (1) a copy of the original locally filed complaint; and (2) a copy of FCPS's Investigation Report. The appeal may be sent to:

California Department of Education
1430 N Street
Sacramento, CA 95814

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

UNIFORM COMPLAINT PROCEDURE FORM

Please complete this form, providing as much information as possible and attaching any applicable supporting documentation, to assist in the investigation of the complaint.

Information

LAST NAME OF THE COMPLAINANT		FIRST NAME OF THE COMPLAINANT	
STUDENT NAME (IF APPLICABLE)		STUDENT GRADE	STUDENT DOB
ADDRESS (NUMBER, STREET, APARTMENT NUMBER, CITY, STATE AND ZIP CODE)			
EMAIL ADDRESS		TELEPHONE NUMBER	
COMPLAINANT WILL NEED THE ASSISTANCE OF AN INTERPRETER <input type="radio"/> No <input type="radio"/> Yes (<i>specify the language to be spoken by the interpreter</i>)			
COMPLAINANT IS A: <input type="radio"/> Student <input type="radio"/> Parent/Guardian <input type="radio"/> Employee <input type="radio"/> Other (<i>specify</i>) _____			
THIS COMPLAINT IS BEING FILED ON BEHALF OF: <input type="radio"/> Myself <input type="radio"/> A student (not the complainant named above) <input type="radio"/> Other (<i>specify</i>) _____			
DATE OF ALLEGED VIOLATION		SCHOOL OF ALLEGED VIOLATION	

Basis of Complaint

For allegations related to any of the following programs and activities subject to the UCP:

- | | |
|--|---|
| <input type="checkbox"/> Discrimination, Harassment, Intimidation, and/or Bullying
<input type="checkbox"/> Education for Foster Youth, Homeless Youth, Former Juvenile Court School Students, or Military Dependents
<input type="checkbox"/> Every Student Succeeds Act
<input type="checkbox"/> Local Control Accountability Plan

<input type="checkbox"/> Other Basis from FCPS UCP: _____ | <input type="checkbox"/> Career Technical Education
<input type="checkbox"/> Consolidated Categorical Aid
<input type="checkbox"/> Pupil Fees
<input type="checkbox"/> School Safety Plan
<input type="checkbox"/> Reasonable Accommodations to a Lactating Student |
|--|---|

For complaints alleging discrimination, harassment, intimidation, and/or bullying, indicate the actual or perceived protected characteristics upon which the alleged conduct is based:

- | | | |
|--|--|--|
| <input type="checkbox"/> Race or ethnicity
<input type="checkbox"/> Color
<input type="checkbox"/> Ancestry
<input type="checkbox"/> Nationality
<input type="checkbox"/> National origin
<input type="checkbox"/> Immigration status
<input type="checkbox"/> Ethnic group identification | <input type="checkbox"/> Religion
<input type="checkbox"/> Age
<input type="checkbox"/> Marital status
<input type="checkbox"/> Pregnancy
<input type="checkbox"/> Parental status
<input type="checkbox"/> Physical or mental disability
<input type="checkbox"/> Other _____ | <input type="checkbox"/> Sex
<input type="checkbox"/> Sexual orientation
<input type="checkbox"/> Gender
<input type="checkbox"/> Gender identity
<input type="checkbox"/> Gender expression
<input type="checkbox"/> Genetic information |
|--|--|--|

Details of the Complaint

Please answer the following questions to the best of your ability. If you mention names, please also identify who they are (i.e. student, staff, parent, etc.). Attach additional pages, if necessary.

Provide the **facts** about your complaint:

List the **people** involved or impacted:

List any **witnesses** or individuals who may have knowledge of the alleged acts:

Provide and/or describe the specific **location(s)** where the incident(s) occurred:

List all the **date(s) and time(s)** when the incident(s) occurred or when the alleged acts first came to your attention:

Describe any **steps** you have taken to resolve this issue before filing the complaint. If applicable, list names and titles of school staff you have contacted:

Do you have any **written documents/evidence** that you can provide that may be relevant/ supportive of your complaint?

- No
- Yes, copies of the documents/evidence are attached to this complaint

Signature of Complainant _____ Date _____

Please file this form and any additional documents in person or by mail with the following individual:

Fenton Charter Public Schools
ATTN: Irene Sumida - Executive Director - 8928B Sunland Boulevard, Sun Valley, CA 91352