

Vaughn Next Century Learning Center Uniform Complaint Procedure



Vaughn Next Century Learning Center Uniform Complaint Procedure

The Governing Board ("Board") of Vaughn Next Century Learning Center has adopted the following Uniform Complaint Procedures in order to comply with state laws and regulations governing educational programs. This Uniform Complaint Procedure provides for an immediate, thorough and objective investigation of any claim of unlawful or prohibited harassment, appropriate disciplinary action against one found to have engaged in prohibited harassment and appropriate remedies for any victim of harassment.

Each Vaughn Next Century Learning Center school campus has the responsibility to ensure compliance and investigate complaints as set forth herein and as required by law.

Most issues are the best handled informally and resolution of the complaint at the site level is highly encouraged whenever possible. If you have a concern you are welcome to visit the site administrator at the pertinent school campus. Should you find that this is not feasible, you may then proceed to the formal complaint policy and procedures as described below.

Vaughn Next Century Learning Center 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.

In order to identify appropriate subjects of state preschool health and safety issues pursuant to *Section 1596.7925* of the California Health and Safety Code (HSC) a notice shall be posted in each California state preschool program classroom at Vaughn Next Century Learning Center notifying parents, guardians, pupils and teachers of the following:

- The health and safety requirements under Title 5 of the California Code of Regulations (5 CCR) apply to California state preschool programs pursuant to *HSC Section 1596.7925*
- That the complaint form may be obtained free of charge by visiting the main office, via the school website at www.myvaughncharter.com or via de California Department of Education website (CDE) at cde.ca.gov

The purpose of this formal complaint procedure is to provide uniformity in the processing of the following complaints:

- 1- Complaints alleging 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.
- 2- Complaints alleging unlawful discrimination, harassment, intimidation or bullying in any of the Vaughn Next Century Learning Center programs and activities based on actual or perceived race, ethnicity, color, ancestry, national origin, nationality, ethnic group identification, age, religion, marital or parental status, mental or physical disability, sex, sexual orientation, gender, gender identity, gender expression; the perception of one or more of such characteristics or associations with a person or group with one or more of these actual or perceived characteristics
- 3- Complaints regarding Vaughn Next Century Learning Center's failure to comply with the prohibition against requiring students to pay fees, deposits or other charges for participation in educational

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activities, the requirements for the development and adoption of a school safety plan, and state or federal laws in an adult educational program, consolidated categorical aid programs, migrant education, career technical and technical education training programs, child development programs, child nutrition programs and special education programs.

Retaliation of any form against the complainant is strictly prohibited. Participation in the complaint process shall not in any way affect the status, grades or work assignment of any student. Confidentiality of the parties involved and the integrity of the process shall be maintained and protected at all times. As appropriate, Vaughn Next Century Learning Center's 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.

Compliance Officer(s)

Fidel Ramirez
Vaughn Next Century Learning Center, CEO
13215 Daventry Street
Pacoima, CA 91331
818-896-7461

The compliance officer or his/her designee shall ensure that employees designated to conduct the investigation of the complaints are knowledgeable about the laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Compliance Officer.

Notifications

Written notification of the Uniform Complaint Procedures is to be shared on an annual basis with students, employees, parents/guardians and applicable committees, private school officials or representatives, and or interested parties that includes information regarding allegations about discrimination, harassment, intimidation, or bullying.

If 15 percent or more of the student population attending Vaughn Next Century Learning Center speaks a primary language other than English, the policy shall be translated into that language and made accessible.

Notification is sent home with students and is also accessible at each school's main office, is sent via email to parents who have opted to receive electronic notifications and made accessible via school website at www.myvaughncharter.com

The annual notice will include the following:

1. Identify the person/s, position/s, to whom complaints are submitted
2. Include information about complaints that may be related to pupil fees, pursuant to the requirements of the Education Code section 49010 *et seq*;
3. Include information about complaints related to the Local Control and Accountability Plan, annual updates or other Plan compliance requirements pursuant to Education Code section 52075
4. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable;
 - a. Including but not limited to injunctions, restraining orders, other orders that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable
5. Inform the complainant of the appeal process including their right to file their complaint directly to the California Department of Education ("CDE") or to pursue remedy through civil court or other public agencies as well as

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6. Including statements that:
 - a. The school's primary responsibility is to ensure compliance is being adhered to regarding applicable state and federal laws and regulations governing educational programs
 - b. The review of the complaint shall be completed within 60 calendar days from the date the complaint was received unless the complainant agrees to an extension of the timeline in writing
 - c. A complaint alleging unlawful discrimination, harassment, intimidation or bullying must be filed no later than six months from the date it occurred or six months from the date the complainant first obtained knowledge of the facts of the alleged violation;
 - d. The complainant has the right to appeal the decision to the CDE by filing a written appeal within 15 calendar days of receiving the decision
 - e. The appeal to the CDE must include a copy of the complaint filed with the school and a copy of the decision; and
 - f. Copies of Vaughn Next Century Learning Center's Uniform Complaint Policy procedures which are free of charge

Procedures

Investigation and resolution of all complaints will conclude within 60 calendar days of the school's receipt of the complaint.

The Compliance Officer shall maintain a record of each complaint and related actions, including all information required to ensure compliance with the California Code of Regulations, Title 5, sections 4631 and 4633

All parties involved in the 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.

1: Filing of Complaint

Any individual, public agency or organization may file a written complaint of alleged noncompliance by Vaughn Next Century Learning Center. A complaint alleging unlawful discrimination, harassment, intimidation or bullying 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.

Claim requirements:

- All Uniform Complaint Procedures claims shall be filed no later than one year from the date that the alleged violation occurred.
- Initiated no later than six months from date when the alleged prohibited act occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged prohibited act.
- Complaints relating to pupil fees shall be filed no later than one year from the date the alleged violation occurred.
 - May be filed anonymously if the complaint provides evidence or information leading to evidence that supports the allegation of noncompliance with the requirements of Education Code section 49010 *et seq.* (pupil fees)
- Complaints regarding LCAP Compliance
 - Complaints related to the compliance of the Local Control and Accountability Plan may be filed anonymously if the complaint provides evidence or information leading to evidence to support the allegation of noncompliance with the requirements of the Education Code section 52075

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- The date of the alleged violation is the date when the reviewing authority approves the LCAP or annual update that was adopted by Vaughn Next Century Learning Center
- Complaints regarding State Preschool Health and Safety Issues pursuant to HSC section 1596.7925 should include the following statements:
 - File with the preschool program administrator or his/her designee
 - A state preschool health and safety issues complaint pursuant to HSC Section 1596.7925 about problems beyond the authority of the preschool program administrator shall be forwarded in a timely manner, but not to exceed 10 working days to the appropriate Vaughn Next Century Learning Center official for resolution.
 - A state preschool health and safety issues complaint pursuant to HSC Section 1596.7925 may be filed anonymously. A complainant who identifies him/herself is entitled to a response if he/she dictates that a response is requested. A complaint form shall include a space to mark to indicate whether a response is requested. If Section 48985 of the EC is otherwise applicable, the response if requested and Vaughn Next Century Learning Center Investigation Report shall be written in English and the primary language in which the complaint was filed.
 - A complaint form for a state preschool health and safety issue pursuant to HSC Section 1596.7925 shall specify the location for filing a complaint. A complainant may add as much text to explain the complaint as he/she wishes.
- If complainant is unable to submit a complaint in writing due to illiteracy or other disabilities, he/she shall be assisted by school staff in the filing of the complaint

Note per complainant written request, the Compliance Officer may extend the filing period for up to 90 calendar days.*

2: Mediation

The Compliance Officer may informally discuss with all the interested parties the possibility of using mediation within 7-10 days. If agreed, the Compliance Officer shall make the necessary arrangements for the mediation process.

All parties must agree to make the mediator a related party to confidential information prior to initiation the mediation of alleged violation.

If mediation is declined by one or all parties or does not resolve the problem within the parameters of the law, the Compliance Officer shall proceed with his/her investigation of the complaint

Mediation does not extend the school's 60-day timeline for investigation and resolving the complaint unless the complainant agrees in writing to such an extension of time

3: Complaint Investigation

Upon conclusion of mediation (if applicable) or within 7-10 days after having received the complaint, the Compliance Officer shall provide the complainant and his/her representative an opportunity to orally present the complaint and any evidence, or information leading to evidence to support the allegation in the complaint. It is also the responsibility of the Compliance officer to collect all evidence and interview witnesses who may have additional information relating to the allegation.

A claim may be dismissed for lack of evidence if the complainant refuses to provide the Compliance Officer with documentation/evidence pertinent to the allegations of violations or if the claimant is in any way refusing to cooperate or obstructing the investigation. Claims that were made anonymously however, will be investigated to the extent possible by the school without engaging the complainant.

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Likewise, refusal by Vaughn Next Century Learning Center 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.

Vaughn Next Century Learning Center complaints will be investigated and a written Vaughn Next Century Learning Center Investigation Report will be issued 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.

The Vaughn Next Century Learning Center Investigation Report will contain the following elements:

1. Findings of fact based on evidence gathered
2. A conclusion that provides a clear determination for each allegation as to whether Vaughn Next Century Learning Center is in compliance with the relevant law;
3. Corrective actions if Vaughn Next Century Learning Center finds merit in a complaint:
 - a. Pertaining to complaint of Pupil Fees; LCAP; Physical Education Instructional Minutes or Course Periods without Educational Content, the remedy shall go to all the 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 pupil fees complaints, 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 filing the complaint

Investigation regarding state preschool programs

1. The preschool program administrator or designee of Vaughn Next Century Learning Center will
 - a. Make all reasonable efforts to investigate any problem within his/her authority
 - b. Investigations shall begin within 10 days of the receipt of the complaint
 - c. Determine resolution within a reasonable timeframe, but not to exceed 30 working days from the date the complaint was received
 - d. Report resolution of the complaint to the complainant within 45 working days of the initial filingIf the preschool program administrator makes this report, he/she shall also report the same information in the same timeframe to the designee of Vaughn Next Century Learning Center

4: Response

Written response to the complainant informing them of the school's investigation and decision by the Compliance Officer within 60 days of having received the complaint. If the complainant is dissatisfied with the decision, he/she may file a written complaint to the board within 5 days.

The board may convene at the next regularly scheduled board meeting or call for a special board meeting if required to meet the total 60 calendar day limit with the purpose of providing a response to the allegation. At the board's discretion, they may opt to hold the decision made by the Compliance Officer as final and not hear the complaint during a board meeting.

Should the board decide they will hear the complaint, the Compliance Officer must then inform the complainant within 60 days of receipt of the complaint or within the allotted timeframe specified in writing with the complainant.

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5: Final Written Decision

Written notification of the decision by Vaughn Next Century Learning Academy's Compliance Officer will be provided to the complainant

Written Notification of Claims Decision should include:

- Findings based on facts determined by the evidence obtained
- The conclusion/s of law;
- Disposition of Complainant;
- Rationale for complainant disposition
- If warranted, corrective actions taken
- Notice of complainant's right to appeal decision within 15 days to the CDE and procedures to follow for initiation of appeal

Claimant must also understand that a total of 60 calendar days must have elapsed after having filed an appeal with the CDE before they can pursue civil law remedies for a decision on a complaint filed for discrimination, harassment, intimidation or bullying based on state law.

Once a decision has been reached, if the investigation concludes that disciplinary action is warranted for a student/employee, the decision shall inform that an effective action has been taken and that the responsible party/ies have been informed of corrective action/s and expectations, no further detail pertaining to detail of the corrective action/s taken is necessary.

If the complaint pertains to noncompliance with the law specific to Local Control and Accountability Plan, student fees, deposits or other charges is found valid, Vaughn Next Century Learning Center will provide remedy to the affected student/s and parents/guardians that if applicable includes reasonable efforts to fully reimburse.

Appeals to the California Department of Education

If the claimant is dissatisfied with the decision reached by Vaughn Next Century Learning Center, they may file an appeal in writing to the CDE. The appeal should be filed within 15 calendar days of receiving the decision by Vaughn Next Century Learning Center. The appeal should specify the reason for the appeal and whether the facts are incorrect and or/if the law has been misapplied. The appeal must also be accompanied by a copy of the complaint initially filed and the written decision reached by Vaughn Next Century Learning Center.

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

- Vaughn Next Century Learning Center failed to follow its complaint procedures and/or
- The Vaughn Next Century Learning Center Investigation Report lacks material findings of fact necessary to reach a conclusion of law, and/or
- The material findings of fact in Vaughn Next Century Learning Center's Investigation Report are not supported by substantial evidence, and/or
- The legal conclusion in Vaughn Next Century Learning Center's Investigation Report is inconsistent with the law, and/or
- In a case in which Vaughn Next Century Learning Center is found noncompliant, 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 Vaughn Next Century Learning Center's Investigation Report

Filing appeals regarding State Preschool Health and Safety Issues

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- If a complainant is not satisfied with the resolution of the preschool program administrator or designee, he/she has the right to present the complaint to the governing board of Vaughn Next Century Learning Center at a regularly scheduled hearing of the governing board, as applicable.
- A complainant who is not satisfied with the resolution proffered by the preschool program administrator or designee, he/she has a right to appeal the State Superintendent of Public Instruction (SSPI) within 30 days of the date of the Vaughn Next Century Learning Center Investigation Report.
- Complainants shall comply with the appeal requirements of 5 CCR Section 4632
- The State Superintendent of Public Instruction (SSPI) or designee shall comply with the requirements of 5 CCR Section 4633 and shall provide a written Vaughn Next Century Learning Center Investigation Report to the State Board of Education describing the basis for the complaint. Vaughn Next Century Learning Center's response to the state preschool health and safety issues pursuant to HSC Section 1596.7925 complaint and its remedy or proposed remedy and, as appropriate, a proposed remedy for the issue described in the complaint, if different from Vaughn Next Century Learning Center's remedy.
- Vaughn Next Century Learning Center shall report summarized data on the nature and resolution of all state preschool health and safety issues complaints pursuant to HSC Section 1596.7925 on a quarterly basis to the county superintendent of schools and the governing board or body as applicable of Vaughn Next Century Learning center. The summaries shall be publicly reported on a quarterly basis at a regularly meeting of Vaughn Next Century Learning Center's governing board. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints.
- All complaints and responses filed with Vaughn Next Century Learning Center are public records

Upon having received notification by the CDE that the complainant has filed an appeal, the Compliance Officer must forward the following documentation to the CDE:

- A copy of the original complaint
- A copy of the decision reached by the school (should include summary of extent of investigation)
- Copy of the investigation file including but not limited to, all notes, interviews and documents submitted by parties and gathered by investigator;
- Report of any actions taken to resolve the complaint
- A Copy of the Uniform Complaint Procedures adopted by Vaughn Next Century Learning Center
- Other relevant information as requested by the CDE

If any one of the conditions listed in the California Code of Regulations, Title 5, section 4650 exists, the CDE may intervene directly in the complaint without waiting for action by Vaughn Next Century Learning Center, including if there has been no action taken within 60 days from the date the complaint was filed with the school. If a direct complaint has been filed with the CDE, the basis for direct filing must be specified and include evidence that is clear and convincing that supports such basis.

Civil Law Remedies

A complainant may pursue available civil law remedies outside Vaughn Next Century Learning Center'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 complaints alleging unlawful discrimination, harassment, intimidation or bullying based on state law, a complainant shall wait until 60 calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies, provided PUC has appropriately and in a timely manner apprised the complainant of his/her right to file a complaint in accordance with California Code of Regulations, Title 5, sections 4622. The moratorium does not apply to injunctive relief and to discrimination based on federal law.

Legal References

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20 United States Code [20 U.S.C.] Section 6301 et seq.

34 Code of Federal Regulations [34 CFR] Sections 106.8, 34 CFR 299.10-11

California Education Codes [EC] Sections 200, 201, 210.1, 210.3, 220, 221.1, 222, 234.1, 260, 3031, 8200-8498, 8235.5, 8235-8239.1, 8261, 8482-8484.65, 8500-8538, 17002(d), 17592.72, 32280-32289, 32289, 33126(b)(5)(A), 33126(b)(5)(B), 33315, 35161, 35186, 46015, 48645.7, 48853, 48853.5, 48987, 49010-49013, 49069.5, 49531, 49556, 51210, 51222, 51223, 51225.1-3, 51228.1-51228.3, 52059, 52075, 52300-52462, 52334.7, 52355, 52451, 52460-52462, 52500-52617, 54440-54445, 54445, 56100(a), 56100(j), 60010, 64001, 65000.

California Government Code [GC] Sections 11135, 11136, 12960

California Penal Code [PC] Section 422.55, 11166

5 California Code of Regulations (CCR) Sections 4600-4640, 4690-4694

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Last Name: _____ First Name: _____

Student Name (if applicable): _____ Grade: ____ Date of Birth: _____

Address: _____ Apt. #: _____

City: _____ State: _____ Zip Code: _____

Home Phone: _____ Cell Phone: _____ Work Phone: _____

Email Address: _____

Date of Alleged Violation: _____ School/Office of Alleged Violation: _____

For allegations 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"/> English Learner Programs |
| <input type="checkbox"/> Adult Education | <input type="checkbox"/> Every Student Succeeds Act/No Child Left Behind (Titles I-VII) |
| <input type="checkbox"/> After School Education and Safety | <input type="checkbox"/> Local Control and Accountability Plans (LCAP) |
| <input type="checkbox"/> Agricultural Vocational Education | <input type="checkbox"/> Migrant Education |
| <input type="checkbox"/> American Indian Education Centers and Early Childhood Education Program Assessments | <input type="checkbox"/> Physical Education Instructional Minutes (for grades one through six) |
| <input type="checkbox"/> Bilingual Education | <input type="checkbox"/> Pupil Fees |
| <input type="checkbox"/> California Peer Assistance and Review Programs For teachers | <input type="checkbox"/> Pupils of military families |
| <input type="checkbox"/> Career Technical and Technical Education, Career Technical, Technical Training | <input type="checkbox"/> Reasonable Accommodations to a Lactating Pupil |
| <input type="checkbox"/> Career Technical Education | <input type="checkbox"/> Regional Occupational Centers and Programs |
| <input type="checkbox"/> Child Nutrition | <input type="checkbox"/> School Plans for Student Achievement |
| <input type="checkbox"/> Child Care and Development | <input type="checkbox"/> School Safety Plans |
| <input type="checkbox"/> Compensatory Education | <input type="checkbox"/> School Site Councils |
| <input type="checkbox"/> Consolidated Categorical Aid | <input type="checkbox"/> Special Education |
| <input type="checkbox"/> Course Periods without Educational Content | <input type="checkbox"/> State Preschool |
| <input type="checkbox"/> Economic Impact Aid | <input type="checkbox"/> State Preschool Health and Safety Issues |
| <input type="checkbox"/> Education of Pupils in Foster Care/Homeless, and former Juvenile Court Pupils now enrolled in a school district | <input type="checkbox"/> Tobacco-Use Prevention Education (for grades nine through twelve) |

For complaints of discrimination, harassment, intimidation and/or bullying (employee-to-student, student-to-student, and third party to student), please check which of the actual or perceived protected characteristics upon which the alleged conduct was based:

- | | | |
|--|--|--|
| <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"/> Ancestry |
| <input type="checkbox"/> Ethnic Group Identification | <input type="checkbox"/> Race or Ethnicity | <input type="checkbox"/> Religion |
| <input type="checkbox"/> Nationality | <input type="checkbox"/> National Origin | <input type="checkbox"/> Age |
| <input type="checkbox"/> Color | <input type="checkbox"/> Mental or Physical Disability | <input type="checkbox"/> Lactating Student |
| <input type="checkbox"/> Immigration Status | <input type="checkbox"/> Marital or parental status | |

Association with a person or group with one or more of the actual or perceived categories listed above

For complaints of bullying that are not based on the above listed protected characteristics, and other complaints not listed on this form, please contact your school Title IX/Bullying Complaint Manager, School Principal or Administrator of Operations.

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If you have contacted your school site director and still require assistance, referrals or resources, please contact your Compliance Officer (Title IX/Bullying Complaint Administrator). Please give the facts about your 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 attempted to discuss your complaint with any Vaughn Next Century Learning Center's personnel? If so, with whom 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, fax or email your complaint/documents to:

Vaughn Next Century Learning Center

Fidel Ramirez, CEO
Regional Title IX and Bullying Complaint Administrator
13215 Davenport Street
Pacoima, CA 91331
Phone: (818) 896-7461
Fax:
Email Address: framirez@myvaughncharter.com