

Uniform Complaint Policy and Procedures

Clarksville Charter School

BP 1312.3

Adopted 06/09/18

Revised 12/07/23, v5

Clarksville Charter School (“Charter School”) complies with applicable federal and state laws and regulations. Charter School is the local agency primarily responsible for compliance with federal and state laws and regulations governing educational programs. Pursuant to this policy, persons responsible for compliance and/or conducting investigations shall be knowledgeable about the laws and programs that they are assigned to investigate.

Scope

This complaint procedure is adopted to provide a uniform system of complaint processing (“UCP”) for the following types of complaints:

1. Complaints alleging unlawful discrimination, harassment, intimidation, or bullying against any protected group on the basis of the actual or perceived characteristics of age, ancestry, color, mental disability, physical disability, ethnic group identification, immigration status, citizenship, gender expression, gender identity, gender, genetic information, nationality, national origin, race or ethnicity, religion, medical condition, marital status, 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 Charter School program or activity
2. Complaints alleging a violation of state or federal law or regulation governing the following programs:
 1. Accommodations for Pregnant, Parenting, or Lactating Students
 2. Adult Education
 3. Career Technical and Technical Education and Training Programs
 4. Career Technical and Technical Training
 5. Compensatory Education
 6. Consolidated Categorical Aid;
 7. Discrimination, harassment, intimidation, or bullying in school programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on a person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)
8. Education and graduation requirements for students in Foster Care, Students who are Homeless, former Juvenile Court Students now enrolled in a public school, Migratory Children and Children of Military Families participating in a newcomer program

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9. Every Student Succeeds Act
 10. Local Control and Accountability Program
 11. Student Fees
 12. Reasonable accommodations for a lactating student
 13. School Safety Plans
 14. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding
 15. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy
 16. Discrimination includes, but is not limited to, the Board's refusal to approve the use or prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a library, on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. A complaint alleging such unlawful discrimination may, in addition to or in lieu of being filed with the school, be directly filed with the Executive Director or designee of Public Instruction (SPI). (Education Code 243)
3. Complaints alleging that a student 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 the charter school 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 students, or a student's parents/guardians, in violation of Education Code Section 49011 and Section 5 of Article IX of the California Constitution, which require educational activities to be provided free of charge to all students 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 is charged to a student 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 student is required to make to obtain a, class apparatus, musical instrument, uniform, or other materials or equipment.
 - iii. A purchase that a student is required to make to obtain materials, supplies, equipment, or uniforms associated with an educational activity.
 - c. A pupil fees complaint and complaints regarding Local Control and Accountability Plans ("LCAP") only may be filed anonymously (without an identifying signature) if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with Education Code sections 52060 - 52077, including an allegation of a violation of Education Code sections 47606.5 or 47607.3, as referenced in Education Code section 52075, regarding Local Control and Accountability Plans.

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- d. If Charter School finds merit in a pupil fees complaint or the California Department of Education (“CDE”) finds merit in an appeal, Charter School shall provide a remedy to all students, parents/guardians that, where applicable, includes reasonable efforts by Charter School to ensure full reimbursement to all affected students and parents/guardians, subject to procedures established through regulations adopted by the state board.
 - e. Nothing in this policy shall be interpreted as prohibiting solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or Charter School and other entities from providing student prizes or other recognition for voluntarily participating in fundraising activities.
4. Complaints alleging noncompliance with the requirements governing the Local Control Funding Formula (“LCFF”) or LCAP under Education Code sections 47606.5 and 47607.3, as applicable. If Charter School adopts a School Plan for Student Achievement in addition to its LCAP, complaints of noncompliance with the requirements of the School Plan for Student Achievement under Education Code sections 64000, 64001, 65000, and 65001 shall also fall under this Policy.

Complaints alleging noncompliance regarding child nutrition programs established pursuant to Education Code sections 49490-49590 are governed by Title 7, Code of Federal Regulations (“C.F.R.”) sections 210.19(a)(4), 215.1(a), 220.13(c), 225.11(b), 226.6(n), and 250.15(d), and Title 5, California Code of Regulations (“C.C.R.”) sections 15580 - 15584.

Complaints alleging noncompliance regarding special education programs established pursuant to Education Code sections 56000-56865 and 59000-59300 are governed by the procedures set forth in 5 C.C.R. sections 3200-3205 and 34 C.F.R. sections 300.151-300.153.

Charter School acknowledges and respects every individual’s right to privacy. Unlawful discrimination, harassment, intimidation, or bullying complaints shall be investigated in a manner that protects (to the greatest extent reasonably possible and as permitted by law) the parties, including the identity of the complainant, and maintains the integrity of the process. Charter School cannot guarantee the anonymity of the complainant. This includes keeping the identity of the complainant confidential. However, Charter School will attempt to do so as appropriate. Charter School may find it necessary to disclose information regarding the complaint/complainant to the extent required by law or necessary to carry out the investigation or proceedings, as determined by the Executive Director or designee on a case-by-case basis. Charter School shall ensure that complainants are protected from retaliation.

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process for resolving a complaint in a manner that is acceptable to all parties. An ADR process such as mediation may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Executive Director or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

The school shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging

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retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Executive Director or designee shall keep the identity of the complainant and/or the subject of the complaint, if different from the complainant, confidential when appropriate, and as long as the integrity of the complaint process is maintained.

When an allegation that is not subject to UCP is included in a UCP complaint, the school shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the school's UCP.

The Executive Director or designee shall provide training to school staff to ensure awareness and knowledge of current law and requirements related to UCP, including the steps and timelines specified in this policy and the accompanying administrative regulations.

The Executive Director or designee shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

Compliance Officer

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

Darcy Belleza
Director of Governance and Accountability
P.O. Box 760
Orangevale, CA 95662
916-526-3794

The Executive Director or designee shall ensure that the compliance officer(s) or designated individual(s) to investigate complaints are knowledgeable about the laws and programs for which they are responsible. The compliance officer may have access to legal counsel as determined by the Executive Director or designee.

Should a complaint be filed against the Director of Governance and Accountability, the compliance officer for that case shall be the Executive Director of the school or the designated individual(s) named in the complaint.

Notifications

The Executive Director or designee shall make available copies of this policy free of charge. The annual notice of this policy may be made available on Charter School's website.

Charter School shall annually provide written notification of Charter School's UCP to employees, students, parents/guardians, advisory committees, private school officials or representatives, and other interested parties as applicable. The annual notice will be in English. When necessary, under Education Code Section 48985, if fifteen (15) percent or more of the students enrolled in Charter School speak a single primary language other than English, this annual notice will also be provided to the

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parent/guardian of any such students in their primary language.

The annual notice shall include the following:

1. A list of the types of complaints that fall under the scope of the UCP and the state and federal provisions that govern complaints regarding child nutrition programs and special education programs
2. A statement clearly identifying any California State preschool programs that Charter School is operating as exempt from licensing pursuant to Health and Safety Code Section 1596.792(o) and corresponding Title 5 health and safety regulations, and any California State preschool programs that Charter School is operating pursuant to Title 22 licensing requirements
3. A statement that Charter School is primarily responsible for compliance with federal and state laws and regulations
4. A statement that a student enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity
5. A statement identifying the title of the compliance officer, and the identity(ies) of the person(s) currently occupying that position, if known
6. A statement that if a UCP complaint is filed directly with the CDE and the CDE determines that it merits direct intervention, the CDE shall complete an investigation and provide a written decision to the complainant within sixty (60) calendar days of receipt of the complaint, unless the parties have agreed to extend the timeline or the CDE documents exceptional circumstances and informs the complainant
7. A statement that the complainant has a right to appeal Charter School's decision to the CDE by filing a written appeal within thirty (30) calendar days of the date of Charter School's decision, except if Charter School has used its UCP to address a complaint that is not subject to the UCP requirements
8. A statement that a complainant who appeals Charter School's decision on a UCP complaint to the CDE shall receive a written appeal decision within sixty (60) calendar days of the CDE's receipt of the appeal, unless extended by written agreement with the complainant or the CDE documents exceptional circumstances and informs the complainant.
9. A statement that if Charter School finds merit in a UCP complaint, or the CDE finds merit in an appeal, Charter School shall take corrective actions consistent with the requirements of existing law that will provide a remedy to the affected student and/or parent/guardian/caregiver, as applicable.
10. 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 Section 262.3.
11. A statement that copies of Charter School's UCP shall be available free of charge.

Procedures

The following procedures shall be used to address all complaints that allege that Charter School has violated federal or state laws or regulations enumerated in Section "Scope" above. The compliance officer shall maintain a record of each complaint and subsequent related actions for at least three (3) calendar years.

All parties named shall be notified when a complaint is filed, when a complaint meeting or hearing is

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scheduled, and when a decision or ruling is made.

- **Step 1: Filing of Complaint**

Any individual, including a person's duly authorized representative or an interested third party, public agency, or organization, may file a written complaint of alleged noncompliance or unlawful discrimination, harassment, intimidation, or bullying pursuant to this policy.

A complaint of unlawful discrimination, harassment, intimidation, or bullying may be filed by an individual who alleges that that individual has personally suffered unlawful discrimination, harassment, intimidation, or bullying, by one who believes any specific class of individuals has been subjected to unlawful discrimination, harassment, intimidation, or bullying, or by a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying. An investigation of alleged unlawful discrimination, harassment, intimidation, or bullying shall be initiated by filing a complaint no later than six (6) months from the date the alleged discrimination, harassment, intimidation, or bullying occurred, or by the complainant first obtaining knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying, unless the time for filing is extended by the Executive Director or designee, upon written request by the complainant setting forth the reasons for the extension. Such extension by the Executive Director or designee shall be made in writing. The period for filing may be extended by the Executive Director or designee for good cause for a period not to exceed ninety (90) calendar days following the expiration of the six-month time period. The Executive Director shall respond immediately upon receipt of a request for an extension.

All other complaints under this policy shall be filed no later than one (1) year from the date the alleged violation occurred. For complaints relating to the LCAP, the date of the alleged violation is the date on which the Charter School Board of Directors approved the LCAP or the annual update was adopted by Charter School.

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.

Complaints filed pursuant to this policy must be in writing and signed. A signature may be handwritten, typed (including in an email), or electronically generated. Only complaints regarding pupil fees or LCAP compliance may be filed anonymously, as set forth in this policy. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, Charter School staff shall assist the complainant in the filing of the complaint.

- **Step 2: Mediation**

Within three (3) business 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 will make arrangements for this process.

Before initiating the mediation of an unlawful discrimination, harassment, intimidation, or bullying complaint, the compliance officer shall ensure that all parties agree to make the mediator

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a party to related confidential information.

If the mediation process does not resolve the complaint to the satisfaction of the complainant, the compliance officer shall proceed with the investigation of the complaint.

The use of mediation shall not extend 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) business days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or the complainant's representative to repeat the complaint orally.

The complainant and/or the complainant's representative shall have an opportunity to present evidence or information leading to evidence to support the allegations in the complaint.

A complainant's refusal to provide the compliance officer with documents or other evidence related to the allegations in the complaint, a complainant's failure or refusal to cooperate in the investigation, or the complainant's 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.

Charter School's refusal to provide the compliance officer with access to records and/or other information related to the allegation in the complaint, 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: Final Written Decision**

Charter School shall issue an investigation report (the "decision") based on the evidence. Charter School's decision shall be in writing and sent to the complainant within sixty (60) calendar days of Charter School's receipt, unless the timeframe is extended with the written agreement of the complainant. Charter School'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 are based on evidence gathered
2. The conclusion provides a clear determination for each allegation as to whether Charter School is in compliance with the relevant law
3. Corrective actions, if Charter School finds merit in the complaint and any are warranted or required by law
4. Notice of the complainant's right to appeal Charter School's decision within thirty (30) calendar days to the CDE, except when Charter School has used its UCP to address complaints that are not subject to the UCP requirements.
5. Procedures to be followed for initiating such an appeal

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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 Charter School's expectations. The decision shall not give any further information as to the nature of the disciplinary action except as required by applicable law.

Non-UCP Complaints

The following complaints shall not be subject to the school's UCP but shall be investigated and resolved by the specified agency or through an alternative process:

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, Protective Services Division, or the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to the Department of Social Services. (5 CCR 4611)
3. Any complaint alleging that a student, while in an education program or activity in which the school exercises substantial control over the context and respondent, was subjected to sexual harassment as defined in 34 CFR 106.30, shall be addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45
4. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the charter school including the right to file the complaint with the California Civil Rights Department.
5. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of free appropriate public education (FAPE), failure or refusal to implement a due process hearing order to which the school is subject, or a physical safety concern that interferes with the school's provision of FAPE shall be submitted to the California Department of Education (CDE)
7. Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the school's food service program shall be filed with or referred to the U.S. Department of Agriculture
8. Any complaint related to the sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved

Appeals to the CDE

If dissatisfied with the decision, the complainant may appeal in writing to the CDE within thirty (30) calendar days of receiving the decision. The appeal shall be accompanied by a copy of the complaint filed with Charter School and a copy of the decision. When appealing to the CDE, the complainant must specify and explain the basis for the appeal, including at least one of the following:

1. Charter School failed to follow its complaint procedures.

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2. Relative to the allegations of the complaint, Charter School's decision lacks material findings of fact necessary to reach a conclusion of law.
3. The material findings of fact in Charter School's decision are not supported by substantial evidence.
4. The legal conclusion in Charter School's decision is inconsistent with the law.
5. In a case in which Charter School's decision found noncompliance, the corrective actions failed to provide a proper remedy.

Upon notification by the CDE that the complainant has appealed the decision, the Executive Director or designee shall forward the following documents to the CDE within ten (10) calendar days of the date of notification:

1. A copy of the original complaint.
2. A copy of the decision
3. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by the parties or gathered by the investigator.
4. A report of any action taken to resolve the complaint.
5. A copy of Charter School's complaint procedures.
6. Other relevant information requested by the CDE.

If the CDE determines the appeal raises issues not contained in the local complaint, the CDE will refer those new issues back to Charter School for resolution as a new complaint. If the CDE notifies Charter School that its decision failed to address an allegation raised by the complaint and is subject to the UCP process, Charter School will investigate and address such allegation(s) in accordance with the UCP requirements and provide the CDE and the appellant with an amended decision addressing such allegation(s) within twenty (20) calendar days of the CDE's notification. The amended decision will inform the appellant of the right to separately appeal the amended decision with respect to the complaint allegation(s) not addressed in the original decision.

Within thirty (30) calendar days of the date of the CDE's appeal Decision pursuant to 5 C.C.R. section 4633(f)(2) or (3), either party may request reconsideration by the State Superintendent of Public Instruction ("SSPI") or the SSPI's designee. The request for reconsideration shall specify and explain the reason(s) for contesting the findings of fact, conclusions of law, or corrective actions in the CDE's appeal decision. The SSPI will not consider any information not previously submitted to the CDE by a party during the appeal unless such information was unknown to the party at the time of the appeal and, with due diligence, could not have become known to the party. Pending the SSPI's response to a request for reconsideration, the CDE appeal decision remains in effect and enforceable, unless stayed by a court.

The CDE may directly intervene in the complaint without waiting for action by Charter School when one of the conditions listed in 5 C.C.R. Section 4650 exists, including but not limited to cases in which, through no fault of the complainant, Charter School has not taken action within sixty (60) calendar days of the date the complaint was filed with Charter School.

Civil Law Remedies

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A complainant may pursue available civil law remedies outside of Charter School'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 complaints arising under state law, however, a complainant must 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 Charter School has appropriately, and in a timely manner, apprised the complainant of their right to file a complaint.



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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"/> Adult Education | Students who are Homeless, former Programs | <input type="checkbox"/> School Plans for School Achievement |
| <input type="checkbox"/> Career Technical and Technical Education/Career Technical and Technical Training | Juvenile Court Students now enrolled in a Public School, Migratory Children and Children of Military Families | <input type="checkbox"/> School Safety Plan |
| <input type="checkbox"/> Child Care and Development | <input type="checkbox"/> Every Student Succeeds Act | <input type="checkbox"/> Pupil Fees |
| <input type="checkbox"/> Consolidated Categorical Aid Programs | <input type="checkbox"/> Local Control Funding Formula/Local Control and Accountability Plan | <input type="checkbox"/> Pregnant, Parenting or Lactating Students |
| <input type="checkbox"/> Education of Students In Foster Care, | <input type="checkbox"/> Migrant Education Programs | |
| | <input type="checkbox"/> Regional Occupational Centers and | |

For allegation(s) of unlawful discrimination, harassment, intimidation or bullying, please check the basis of the unlawful discrimination, harassment, intimidation or bullying described in your complaint, if applicable:

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

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 the Compliance Officer or designated individual(s):

Darcy Belleza, Director of Governance and Accountability
P.O. Box 760
Orangevale, CA 95662
530.927.5137