



THE LEARNING CHOICE
ACADEMY

Uniform Complaint Policy and Procedures

Scope: It is the policy of The Learning Choice Academy (the “School”) to maintain a positive and productive working and educational environment. The School does not discriminate on the basis of disability, gender, gender identity, gender expression, nationality, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, race, color, ancestry, or ethnicity, religion, sex, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in California Penal Code section 422.55 in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. OCR Notice of Non-Discrimination for Title VI, IX, Section 504, Age Disc. Act and Boy Scouts Act. The School is primarily responsible to ensure that it is compliant with all applicable federal and state laws and regulations. There are some circumstances, however, when employees or students may take issue with other employees or students or someone may believe that a violation of federal or state law is occurring in certain educational programs. The School encourages complainants to first address the issue with the other person directly using conflict resolution skills when possible.

Types of Complaints to be Filed Using the UCP: If, however, the complainant does not feel comfortable with the above-mentioned approach and the complaint relates to any of the topics below, the complainant must use the complaint procedure identified below.

If the complaint relates to a different type of complaint, Jeff Fechner to obtain information about making a different type of Complaint.

Jeff Fechner
Assistant Director
Student Services
Assessment & Accountability
The Learning Choice Academy
10035 Prospect Ave. #101
Santee, CA 92071
(619) 463-6849 x128

The School will investigate relevant complaints, as identified below, and seek to resolve them in compliance with this policy:

- Discrimination, harassment, intimidation, or bullying against any protected group as identified under Education Code sections 200 and 220 and section 11135 of the Government Code, including any actual or perceived characteristic as set forth in section 422.55 of the Penal Code, or on the basis of a person’s association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by the school;
- Improper student fees;

- Failure to accommodate lactating students
- Noncompliance with the rights of pregnant and parenting students;
- Failure to provide Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ) resources;
- Failure to comply with statutes relating to foster care pupil records transfers or foster care pupil education;
- Failure to comply with statutes relating to the education of homeless students, students in foster care, former juvenile court school students, students who are children of a military family, or migratory students;
- A complaint about the School's safety plan;
- A complaint that the School has not complied with the requirements of Education Code sections 47606.5 (annual update to goals and annual actions) or 47607.3 (outcomes for pupil subgroups), as applicable
- Every Student Succeeds Act;
- A complaint that the governing body of the School has refused 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 school library on the basis that it includes a study and contributions of any individual group consistent with the requirements of Education Code sections 51204 and 60040, unless the study of the role and contributions violates Section 51501 or 60044.

Types of Complaints Not Covered by the UCP

Many complaints do not fit within the above-listed complaints to be made through the UCP. Some of these include, but are not limited to:

- Classroom assignments
- Common core
- Grades and graduation requirements
- Hiring and evaluation of staff
- Homework policies and practices
- Provision of core curricula subjects
- Student advancement and retention
- Student discipline
- Student records
- Employment complaints

- Open meetings and board meetings
- Other general education requirements

Internal Procedures:

As an initial matter, each School Site Administrator has the responsibility to maintain a work place and educational environment free from any form of sexual or other unlawful harassment, discrimination or conduct. Consequently, should the School Site Administrator] become aware of any conduct that may constitute discrimination, harassment or other prohibited behavior, immediate action will be taken to address and remediate such conduct.

Making a Complaint: Any person who has experienced or is aware of a situation that relates to a complaint to be made in accordance with this policy (as identified above), has a responsibility to report the situation immediately to

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Employees who believe they have been the victim of any employment discrimination should follow the complaint procedures identified in the employee handbook. If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, the School will assist the complainant in filing the complaint.

When making a UCP complaint, if the employee or student is not comfortable contacting Jeff Fechner or if that individual is not available, the employee or student should contact Debi Gooding who has been designated to handle inquiries regarding the UCP complaints.

Debi Gooding
Executive Director
The Learning Choice Academy
10035 Prospect Ave. #101
Santee, CA 92071
(619) 463-6849 x131

A UCP Complaint Form may be obtained from Dawn Zeiger, Administrative Assistant or The Learning Choice Academy Website.

Anonymous Complaints: Students making a complaint of improper fees or complaints that the School has failed to comply with Education Code sections 47606.5 or 47607.3, may make the

complaint anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the applicable Education Codes.

6 Month Limit on Certain Complaints: Complaints relating to discrimination (other than employment discrimination) must be filed within six months of the alleged discrimination or when the complainant first obtained knowledge of the alleged discrimination, unless an extension has been obtained from Debi Gooding or Jeff Fechner. Such extension by Debi Gooding or Jeff Fechner shall be made in writing. The period for filing may be extended by Debi Gooding or Jeff Fechner for good cause for a period not to exceed 90 days following the expiration of the six month time period. Debi Gooding or Jeff Fechner shall respond immediately upon a receipt for extension.

Informal Resolution: If the parties mutually agree, the complainant and the School may resolve the matter through mediation or otherwise informally. If mediation fails to resolve the matter, or the parties do not agree to mediate the matter, the formal complaint procedure identified below shall be followed.

Investigation of Complaints: If the complaint alleges wrongdoing involving a complaint required to be filed under the UCP, the School will complete an investigation and submit to the complainant a written decision regarding the complaint within 60 days of receipt of the complaint. During the investigation, the complainant, their representative or both, will have the opportunity to present the complaint and evidence or information leading to evidence to support the allegations of the complaint. The 60 day timeframe may be extended by the written consent of the complainant.

Refusal by the complainant to provide the investigator, at any level of the investigation, with documents or other evidence related to the allegations 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 the dismissal of the complaint because of lack of evidence to support the allegations.

Complaints will be handled as discreetly as possible, consistent with the need to investigate effectively and promptly resolve the matter.

Jeff Fechner, Assistant Director or a designee will be knowledgeable of the laws/programs that they are assigned to investigate. If the complaint alleges employment discrimination, the Board of Directors will send it to the Civil Rights Department (the “CRD”) for investigation as required by law.

Written Decision: Jeff Fechner or a designee shall prepare a written decision, which decision shall contain the following: 1) findings of fact based on the evidence gathered; 2) conclusions of law; 3) disposition of the complaint; 4) the rationale for such disposition; 5) the corrective actions, if any are warranted; 6) notice of the complainant’s right to appeal the School’s decision to the California Department of Education; and 7) the procedures to be followed for initiating an appeal to the Department of Education. Within 60 days of receipt of the complaint, Jeff Fechner or designee will send a copy of the written decision to the complainant.

Appeal of School's Decision

Appeal to CDE: Except for complaints regarding instructional materials and teacher vacancies or misassignments, a complainant may appeal a decision to the California Department of Education ("CDE") by filing a written appeal within 15 days of receiving the decision. The complainant shall specify the basis for the appeal and whether the facts are incorrect and/or the law is misapplied. The appeal should be accompanied by a copy of the locally filed complaint and a copy of the School's decision. If the CDE determines the appeal raises issues not contained in the local complaint, the CDE will refer those new issues back to the School for resolution. If the CDE determines that the decision failed to address an issue raised by the complaint, the CDE will refer the matter to the School to make the necessary findings and conclusions on any issue not addressed. The School will have 20 days to make those findings.

Any employee found to have participated in improper harassment or discrimination will be subject to disciplinary action, up to and including possible dismissal. Any student found to have participated in improper harassment or discrimination will be subject to disciplinary action, up to and including possible suspension or expulsion.

External Procedures: Filing a Complaint with the CRD.

Employees or job applicants who believe that they have experienced unlawful employment discrimination or harassment, should follow the complaint process identified in the employee handbook, but may file a complaint directly with the CRD. The CRD serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If the CRD finds sufficient evidence to establish discrimination occurred and settlement efforts fail, the CRD may file a formal accusation.

Employees may also pursue the matter through a private lawsuit in civil court after a complaint has been filed with the CRD and a Right to Sue Notice has been issued. For more information, contact the CRD toll free at (800) 884-1684, or email the CRD at contact.center@calcivilrights.ca.gov or visit its website at www.calcivilrights.ca.gov. To contact the nearest field office of the Equal Employment Opportunity Commission ("EEOC"), call 1-800-669-4000. You should be aware that state and federal law provide time limits within which complaints must be filed. Contact the relevant agency to determine the applicable time limit.

Retaliation Policy

It is in violation of the School's policy for the School or any employee to demote, suspend, reduce, fail to hire or consider for hire, fail to give equal consideration in making employment decisions, fail to treat impartially in the context of any recommendations for subsequent employment that the School may make, adversely affect working conditions or otherwise deny any employment benefit to an individual because that individual has opposed practices prohibited by law or has filed a complaint, testified, assisted or participated in any manner in an investigation, conducted by the DFEH or their staff. Any employee retaliating against another employee, applicant or student will be disciplined, up to and including termination.

Examples of protected activities under the School's retaliation policy include seeking advice from the CRD or Commission; filing a complaint with the CRD, irrespective of whether the

complaint is actually sustained; opposing employment practices the employee reasonably believes to exist and believes to be a violation of the law; participating in an activity that is perceived by the School as opposition to discrimination, whether or not so intended by the employee expressing the opposition; participating in the proceeding of a local human rights or civil rights agency on a legal basis.

Nothing in this policy shall be construed to prevent the School from enforcing reasonable disciplinary policies and practices, nor from demonstrating that the actions of an applicant or employee were either disruptive or otherwise detrimental to legitimate business interests so as to justify the denial of an employment benefit.

Dissemination

The School will send to students, employees, parents or guardians of its students, school advisory committees, and other interested parties a notice of rights under this policy on an annual basis. Upon request, a copy of this policy will be made available free of charge and is also available on the School's website.

Adopted: January 31, 2024

Amended: January 2024