

Birmingham Community Charter High School

2026-2027 Annual Notice

Uniform Complaint Procedure (“UCP”)

Birmingham Community Charter High School (“the Charter School”) is the local agency primarily responsible for compliance with federal and state laws and regulations governing educational programs. The Charter School shall investigate and seek to resolve complaints using policies and procedures known as the Uniform Complaint Procedure (“UCP”) adopted by our Governing Board 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, pregnancy, parental or family status, sex, sexual orientation, or any other characteristic identified in Education Code sections 200 or 220, Penal Code section 422.55, or Government Code section 11135, 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. “Race” includes traits historically associated with race, including, but not limited to, hair texture and protective hairstyles (Education Code section 212.1). Discrimination based on shared ancestry or religion, including antisemitism and Islamophobia, is prohibited. The UCP also applies to complaints alleging retaliation against any person for filing a complaint or participating in the complaint process.
2. Complaints alleging a violation of state or federal law or regulation governing the following programs:
 - Accommodations for Pregnant, Parenting or Lactating Students, including Reasonable Accommodations to a Lactating Student;
 - Adult Education;
 - After School Education and Safety;
 - Agricultural Career Technical Education;
 - Career Technical and Technical Education and Career Technical and Technical Training Programs;
 - Compensatory Education;
 - Consolidated Categorical Aid Programs;
 - Course Periods without Educational Content (Education Code sections 51228.1–51228.3);
 - Educational and Graduation Requirements for Students in Foster Care, Students who are Homeless, former Juvenile Court Students now enrolled in a public school, Migratory Children, Children of Military Families, and Students Participating in a Newcomer Program;
 - Every Student Succeeds Act (ESSA);

- Instructional Materials and Curriculum: Diversity, including instructional and professional development materials alleged to be discriminatory;
- Migrant Child Education;
- Regional Occupational Centers and Programs;
- School or athletic team names, mascots, or nicknames;
- Schoolsite Councils;
- School Safety Plans; and/or
- Any other state or federal educational program the State Superintendent of Public Instruction (SSPI) or designee deems appropriate.

Note: These UCP procedures no longer apply to complaints regarding child nutrition programs and special education programs.

3. Complaints alleging noncompliance with laws relating to pupil fees. A student enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity. A pupil fee includes, but is not limited to, all of the following:
 - 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.
 - 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.
 - A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

Complaints of noncompliance with laws relating to pupil fees may be filed with the CEO/Principal or the Compliance Officer identified below.

4. Complaints alleging noncompliance with the requirements governing the Local Control Funding Formula (“LCFF”) or Local Control and Accountability Plans (“LCAP”) under Education Code sections 47606.5 and 47607.3, as applicable. If the Charter School adopts a School Plan for Student Achievement (“SPSA”) in addition to its LCAP, complaints of noncompliance with the requirements of the SPSA under Education Code sections 64000, 64001, 65000, and 65001 shall also fall under the UCP.

The Charter School serves students in grades 9–12 and does not operate a California State Preschool Program, whether exempt from licensing under Health and Safety Code section 1596.792(o) or licensed under Title 22. Accordingly, UCP complaints regarding State Preschool health and safety issues do not apply to the Charter School.

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.

Complaints alleging sexual harassment that meets the definition of sexual harassment under Title IX of the Education Amendments of 1972 (34 C.F.R. section 106.30) shall be processed under the Charter School's Title IX policy and grievance procedures (34 C.F.R. section 106.45). To the extent such a complaint also alleges a violation within the scope of the UCP, the Charter School shall also issue a written Decision that meets the requirements and timelines of the UCP.

Complaints that do not fall within the scope of the UCP shall be referred to the appropriate agency or addressed under the Charter School's other applicable complaint procedures, and the complainant shall be notified of the referral in writing.

Complaints other than complaints relating to pupil fees must be filed in writing with the following Compliance Officer:

Ari Bennett
CEO/Principal
Birmingham Community Charter High School
17000 Haynes Street
Lake Balboa, CA 91406
818-758-5200
a.bennett@bcchs.com

Complaints may be submitted by mail, email, or in person. A complaint must be signed; a signature may be handwritten, typed (including in an email), or electronically generated. 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 filing the complaint. The Compliance Officer may designate another trained administrator or a qualified outside investigator to investigate a particular complaint, including any complaint in which the Compliance Officer's own decision or conduct is at issue. Should a complaint be filed against the CEO/Principal, the compliance officer for that case shall be the President of the Charter School's Board of Directors, who may retain a qualified outside investigator.

Only complaints regarding pupil fees or LCAP compliance may be filed anonymously (without an identifying signature) and only if the anonymous complainant provides evidence or information leading to evidence to support an allegation of noncompliance with laws relating to pupil fees or LCAP.

Complaints alleging unlawful discrimination, harassment, intimidation, or bullying, must be filed within six (6) months from the date the alleged discrimination, harassment, intimidation, or bullying, occurred or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying. The CEO/Principal or designee may extend the filing period for good cause, upon written request by the complainant setting forth the reasons for the extension, for up to ninety (90) calendar days following the expiration of the six-month period. All other complaints under the UCP shall be filed not 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's Board of Directors approved the LCAP or the annual update was adopted by the Charter School.

Any Charter School employee who witnesses an act of discrimination, harassment, intimidation, or bullying shall take immediate steps to intervene when safe to do so. The Charter School shall ensure that complainants, witnesses, and other participants in the complaint process are protected from retaliation. When appropriate, the Compliance Officer may put interim measures in place during an investigation to protect the complainant, students, and others, such as schedule changes or no-contact directives. Interim measures shall not penalize the complainant.

Under Assembly Bill 715 (Stats. 2025), the UCP also covers complaints alleging that instructional materials, professional development materials, or school-sponsored activities are discriminatory. The Charter School shall investigate when it knows or has reason to know that discriminatory instructional materials or professional development materials have been used in a Charter School course, class, or school-sponsored activity. If the Charter School finds that unlawful discrimination occurred, including through the use of such materials or activities, the Charter School shall take corrective action whether or not the complainant has shown direct harm to a particular student. Instructional or professional development materials found to have caused unlawful discrimination shall be removed from use.

The Compliance Officer responsible for investigating the complaint shall conduct and complete the investigation in accordance with California regulations and the Charter School's UCP Policy. The Compliance Officer shall provide the complainant with a final written investigation report ("Decision") within sixty (60) calendar days from the Charter School's receipt of the complaint. This sixty (60) calendar day time period may be extended by written agreement of the complainant. If the Charter School does not issue its Decision within sixty (60) calendar days, or within any extended timeline the complainant agreed to in writing, the complainant may appeal to the CDE pursuant to Education Code section 262.3.

The complainant has a right to appeal the Charter School's Decision to the California Department of Education ("CDE") by filing a written appeal within thirty (30) calendar days of receiving the Charter School's Decision, except if the Charter School has used its UCP to address a complaint that is not subject to the UCP requirements. The appeal must include a copy of the complaint filed with the Charter School, a copy of the Charter School's Decision, and the complainant must specify and explain the basis for the appeal of the Decision, including at least one of the following:

1. The Charter School failed to follow its complaint procedures.
2. Relative to the allegations of the complaint, the Charter School's Decision lacks material findings of fact necessary to reach a conclusion of law.
3. The material findings of fact in the Charter School's Decision are not supported by substantial evidence.
4. The legal conclusion in the Charter School's Decision is inconsistent with the law.

5. In a case in which the Charter School's Decision found noncompliance, the corrective actions fail to provide a proper remedy.

A complainant who appeals the 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.

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.

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.

If the Charter School finds merit in a UCP complaint, or the CDE finds merit in an appeal, the Charter School shall take corrective actions consistent with the requirements of existing law that will provide a remedy to all affected students and parents/guardians, as applicable. For pupil fees and LCAP complaints, the remedy shall, where applicable, include reasonable efforts to ensure full reimbursement to all affected students and parents/guardians (Education Code sections 49013 and 52075).

A complainant may pursue available civil law remedies outside of the 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, harassment, intimidation or bullying 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 the Charter School has appropriately, and in a timely manner, apprised the complainant of the complainant's right to file a complaint in accordance with 5 C.C.R. § 4622.

A copy of the UCP shall be available upon request free of charge in the main office and is posted on the Charter School's website. The UCP, including the prohibition of discrimination, harassment, intimidation, and bullying and the process for filing a complaint, is also posted in all Charter School offices, including staff lounges and student government meeting rooms. If fifteen (15) percent or more of the Charter School's students speak a single primary language other than English, this notice, the UCP, and the complaint form will also be provided in that language. For further information on any part of the complaint procedures, including filing a complaint or requesting a copy of the UCP, please contact the CEO/Principal.