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## Universal Complaint Policy

Cabrillo Point Academy recognizes that the Charter School has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

The purpose of the Cabrillo Point Academy Governing Board approving this Universal Complaint Policy is to accomplish the following:

1. Identify the Complaints Subject to the Universal Complaint Policy
2. Establish the Alternative Dispute Resolution Process
3. Establish the Prohibition of Retaliation
4. Identify the Maintenance of Universal Complaints
5. Identify the Complaints not Subject to Universal Complaint Policy

**1. Complaints Subject to the Universal Complaint Policy:** The Charter School's uniform complaint procedures (UCP) shall be used to investigate and resolve the following complaints:

- Any complaint alleging the Charter School violation of applicable state or federal law or regulations governing adult education programs, After School Education and Safety programs, agricultural vocational education, American Indian education centers and early childhood education program assessments, bilingual education, peer assistance and review programs for teachers, career technical and technical education and training programs, child care and development programs, child nutrition programs, compensatory education, consolidated categorical aid programs, Economic Impact Aid, English learner programs, federal education programs in Title I-VII, migrant education, Regional Occupational Centers and Programs, school safety plans, special education programs, State Preschool Programs, Tobacco-Use Prevention Education programs, and any other Charter School-implemented program which is listed in Education Code 64000(a)
- Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any student, employee, or other person participating in the Charter School programs and activities, including, but not limited to, those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the 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, 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 his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

- Any complaint alleging the Charter School noncompliance with the requirement to provide reasonable accommodation to a lactating student at a school event or location to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student (Education Code 222)
  - Any complaint alleging the Charter School noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)
  - Any complaint alleging the Charter School noncompliance with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)
  - Any complaint, by or on behalf of any student who is a foster youth, alleging noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the Charter School's educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the grant of an exemption from Board-imposed graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)
  - Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, a former juvenile court school student, or a child of a military family as defined in Education Code 49701 who transfers into the Charter School after his/her second year of high school, alleging the Charter School noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or the Charter School or the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1, 51225.2)
  - Any complaint alleging the Charter School noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student in grades 9-12 to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code 51228.3)
  - 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
2. **Alternative Dispute Resolution:** The Charter School recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is acceptable to all parties. ADR 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.
3. **Retaliation:** The Charter 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 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 he/she is different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

4. **Maintenance of Universal Complaints:** The Executive Director or designee shall maintain records of all UCP complaints and the investigations of those complaints in accordance with applicable law and the Charter School policy.

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

5. **Complaints not Subject to Universal Complaint Policy:** When an allegation that is not subject to the UCP is included in a UCP complaint, the Charter 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 Charter School's UCP. Non-Universal Complaint Policy Complaints:

- Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
- Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
- Any complaint alleging fraud shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education.
- Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the Charter School in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment.
- Any complaint related to 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 in accordance with the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)