



Cabrillo Point Academy

Uniform Complaint Procedures (UCP) Policy

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UNIFORM COMPLAINT PROCEDURES (UCP) 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, called Uniform Complaint Procedures or “UCP.”

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

1. Identify the Complaints Subject to the UCP
2. Establish the Prohibition of Retaliation
3. Identify the Maintenance of UCP Complaints
4. Identify how Complaints Not Subject to the UCP Policy are Handled
5. Identify the Compliance Officers
6. Outline the Notification Process of the UCP Policy
7. Outline the Charter School’s Responsibilities
8. Outline the Procedures for Filing of Complaints
9. Outline the Procedures for Investigating a Complaint
10. Outline the Procedures for the Report of Findings
11. Outline the Process for Appeals to the California Department of Education

1. COMPLAINTS SUBJECT TO THE UCP POLICY

The Charter School’s uniform complaint procedures (UCP) shall be used to investigate and resolve the following complaints:

- Sexual harassment or sexual violence;
- Other unlawful discrimination, harassment, intimidation, or bullying against any protected group as identified in the Charter School’s Nondiscrimination policy, Education Code 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; and
- Violations of federal or California law governing various educational programs and services:
 - Adult Education
 - After School Education and Safety
 - Agricultural Vocational Education
 - Career Technical and Technical Education and Career Technical and Technical Training Programs
 - Child Care and Development
 - Compensatory Education (Title I)

- Consolidated Categorical Aid
- Course Periods without Educational Content
- Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district
- Every Student Succeeds Act / No Child Left Behind (Titles I–VII)
- Local Control and Accountability Plans (LCAP)
- Migrant Education
- Physical Education Instructional Minutes
- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- School Safety Plans
- State Preschool

2. RETALIATION IS PROHIBITED

The Charter School shall protect all complainants from retaliation. To the extent possible, complaints shall be kept confidential and investigated in a way that respects the privacy of all concerned and maintains the integrity of the process. However, the Charter School cannot guarantee anonymity or complete confidentiality in the investigation process as complete confidentiality may severely limit the Charter School's ability to thoroughly investigate and resolve the complaint.

3. MAINTENANCE OF UCP 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.

4. COMPLAINTS NOT SUBJECT TO UCP POLICY

There are many complaints that are not subject to the UCP. In those cases, 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. Unless the subject of a complaint is specifically covered by this UCP policy, this policy and its procedures shall not apply to the complaint or the investigation of the complaint. Complaints not covered by this UCP policy include, but are not limited to, complaints regarding:

- Hiring and evaluation of staff;
- Special education and special education programs;
- Child Nutrition;

- Student classroom assignments;
- Student advancement and retention;
- Student discipline;
- Homework policies and practices;
- Provision of core curricula subjects;
- Student discipline;
- Student records; and
- Board meetings and agendas.

5. COMPLIANCE OFFICERS

The Charter School designates the individual(s) identified below as the employee(s) responsible for coordinating the Charter School's response to complaints and for complying with state and federal civil rights laws. The individual(s) are also listed in the Whistleblower Policy as the responsible employee(s) to handle complaints regarding unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). The individual(s) shall receive and coordinate the investigation of complaints and shall ensure compliance with law.

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The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent, if applicable, if another compliance officer is assigned to the complaint. If the complaint involves allegations against the compliance officer or the compliance officer's direct supervisor(s), the compliance officer will consult with the Chairperson of the Board of Directors to designate the appropriate compliance officer assignment.

In no instance shall a compliance officer be assigned to a complaint in which he/she has a bias or conflict of interest that would prohibit him/her from fairly investigating or resolving the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Executive Director or designee who shall determine how the complaint will be investigated.

The Executive Director or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Executive Director

or designee.

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the result of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Executive Director, the Executive Director's designee, or, if appropriate, the regional or department director to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the Charter School issues its final written decision, whichever occurs first.

6. NOTIFICATIONS

The Charter School's UCP policy and administrative regulation shall be posted in all school offices, including staff lounges. (Education Code 234.1)

The Executive Director or designee shall annually provide written notification of the Charter School's UCP to students, employees, parents/guardians of students, advisory committee members, appropriate school officials or representatives, and other interested parties. The notification shall include information regarding the prohibition of discrimination, harassment, intimidation, and bullying; unlawful student fees; local control and accountability plan (LCAP) requirements; and requirements related to the educational rights of foster youth, homeless students, former juvenile court school students, and children of military families. (Education Code 262.3, 48853, 48853.5, 49010-49013, 49069.5, 51225.1, 51225.2, 52075; 5 CCR 4622)

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 shall be posted on the Charter School website and may be provided through the Charter School-supported social media, if available.

The Executive Director or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the Charter School's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in the Charter School speak a single primary language other than English, the Charter School's policy, regulation, forms, and notices concerning the UCP shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the Charter School shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

7. THE CHARTER SCHOOL'S RESPONSIBILITIES

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the Charter School's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (5 CCR 4631) For complaints alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Charter School shall inform the respondent when the complainant agrees to an extension of the timeline for investigating and resolving the complaint.

The compliance officer 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.

All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR 4630, 4964)

All complainants shall be protected from retaliation.

8. FILING OF COMPLAINTS

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, the Charter School staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

Complaints shall also be filed in accordance with the following rules, as applicable:

- A written complaint of violations of federal or California law governing the educational programs and services covered by this UCP Policy, identified above, shall be filed not later than one year from the date the alleged violation occurred, or the date the complainant first obtained knowledge of the facts of the alleged violation, except as follows.
- A written complaint of unlawful discrimination, harassment, intimidation or bullying shall be filed not later than six 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. However, if a complainant makes a written request to extend this deadline that sets forth the reasons for an extension, the Executive Director may, but is not required to, agree in writing to extend the deadline for filing a complaint by 90 days following the expiration of the six-month time period if the Executive Director finds good cause for the extension. The Executive Director shall respond promptly upon receipt of a written request for extension.
- A written complaint relating to the Charter School's Local Control and Accountability Plan (LCAP) may be filed within one year of the date the Charter School's governing board approved the LCAP or the annual LCAP update which is the subject of the complaint.

9. INVESTIGATION OF COMPLAINT

Within 60 days of receipt of a UCP complaint, the compliance officer or their designee shall conduct and complete a prompt, thorough, and impartial investigation in accordance with this UCP policy. This time period may be extended by mutual agreement with the complainant.

The investigation shall include an opportunity for the complainant, or the complainant's representative, or both, to present the complaint(s) and evidence or information leading to evidence to support the allegations, including the identity of witnesses. The accused shall also be interviewed and provided an opportunity to present evidence and information related to the allegations, including potential witnesses. Interviewees shall be informed that the Charter School prohibits retaliation against any participant in the complaint process, including witnesses.

To the extent possible, complaints shall be kept confidential and investigated in a way that respects the privacy of all concerned. However, the Charter School cannot guarantee anonymity or complete confidentiality in the investigation process as complete confidentiality may severely limit the Charter School's ability to thoroughly investigate and resolve the complaint. Refusal by the complainant to provide the investigator 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 a lack of evidence to support the allegations.

When a complaint alleges unlawful discrimination, harassment, intimidation or bullying, the compliance officer shall determine whether interim measures are necessary during and pending the results of the investigation, such as placing students in separate classes, transferring a student to a class taught by a different teacher, or separating employees in the workplace.

The compliance officer shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

10. DECISION ON COMPLAINT

The Charter School shall issue a Decision based on the evidence collected during the investigation of the complaint. The Decision shall be in writing and shall be sent to the complainant within 60 days from receipt of the complaint unless this time period is extended by mutual agreement with the complainant.

The Decision shall contain, as warranted by the specifics of the complaint:

- Findings of fact based on the evidence gathered;
- Conclusions of law;
- Disposition of the complaint;
- The rationale for such disposition;
- Corrective actions, if they are warranted, and to the extent the Charter School can reveal such details without violating student or employee rights to privacy and confidentiality;
- Notice of the complainant's right to appeal the Decision to the California Department of Education ("CDE"); and
- Procedures to be followed for initiating an appeal to the CDE.

In reaching a determination on a complaint, the compliance officer or their designee may consider the following to the extent it is applicable to a particular complaint:

- Statements made by the complainant, the accused, and any witnesses;
- The details and consistency of each person's account;
- Evidence of how the complainant reacted to an alleged incident;
- Evidence of any past instances of similar alleged behavior or actions;
- Evidence of any past complaints that were found to be untrue; and
- Independent written or recorded evidence that corroborates or refutes witness statements.

To judge the severity of unlawful harassment, intimidation, or bullying, the compliance officer or their designee may consider:

- How misconduct affected any student's education or any employee's work environment;
- The manner, frequency, severity, and duration of the misconduct;
- The identity, age, and sex of the harasser and the student or employee who complained, and the relationship between them;
- The number of persons engaged in the harassing conduct and at whom the harassment was directed;
- The location of the incidents, and context in which they occurred; and
- Other similar incidents at the school involving different students or different employees.

In consultation with the Charter School's legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the decision or are affected by the complaint, as long as the privacy of the parties is protected.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved attends a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language. In all other instances, the Charter School shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

11. APPEALS TO THE CALIFORNIA DEPARTMENT OF EDUCATION

Except for complaints that are not described in 5 C.C.R. section 4610(b), any complainant who is dissatisfied with the Charter School's final written Investigation Report of a complaint regarding any specified federal or state educational program subject to the UCP may file an appeal in writing with CDE within 30 calendar days of receiving the Charter School's decision. (5 CCR 4632)

The complainant or respondent shall specify the basis for the appeal of the Investigation Report, including at least one of the following: 1) the School failed to follow its complaint procedures; and/or 2) relative to the allegations of the complaint, the Investigation Report lacks material findings of fact necessary to reach a conclusion of law; and/or 3) the material findings of fact in the Investigation Report are not supported by substantial evidence; and/or 4) the legal conclusions in the Investigation Report is inconsistent with the law and/or 5) in a case where the School found noncompliance, the corrective actions fail to provide a proper remedy. The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the Charter School's decision in that complaint. (5 CCR 4632)

Upon notification by CDE that the complainant or respondent has appealed the Charter School's decision, the Executive Director or designee shall forward the following documents to CDE: (5 CCR 4633)

- A copy of the original complaint
- A copy of the written Investigation Report
- A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
- A report of any action taken to resolve the complaint
- A copy of the Charter School's uniform complaint procedures
- Other relevant information requested by CDE