



Board Agenda Item #	II D- Consent
Date:	February 14, 2019
To:	Magnolia Board of Directors
From:	Alfredo Rubalcava, CEO & Superintendent
Staff Lead:	David Yilmaz, Chief Accountability Officer
RE:	Revised Uniform Complaint Procedures (UCP) Policies and Procedures

Proposed Board Recommendation

I move that the board approve the revised Uniform Complaint Procedures (UCP) Policies and Procedures.

Background

What Is a UCP Complaint?

A complaint regarding the violation of specific federal and state programs that use categorical funds such as Adult Education, After School Education and Safety, Agricultural Vocational Education, American Indian Education Centers, American Indian Early Childhood Education, Career Technical Education, Child Care and Development, Consolidated Categorical Aid, Foster Youth Services, Local Control Funding Formula and Local Control Accountability Plans, Migrant Education, Nutrition Services, Regional Occupational Centers, School Facilities, Special Education, Tobacco-Use Prevention Education, and Unlawful Pupil Fees are considered UCP complaints. UCP complaints are filed with the district superintendent or their designee.

What Is Being Revised?

MSA-1 went through a Federal Program Monitoring (FPM) audit in December and January of the 2018-19 school year. Our audit was clean with no findings except for a recommendation to revise our UCP to include the following:

- listing of all complaint categories,
- a statement that says, “A pupil fees complaint and/or an LCAP complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.”

- a statement on our form that says that “It is not required to use this form to file a UCP complaint. If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, we shall assist the complainant in the filing of the complaint.”

Besides revising our UCP, we have also created a UCP Annual Notice that notifies our students, employees, parents or guardians of our students, school advisory committees, and other interested parties of the UCP process. This notice will be part of our annual Student/Parent handbook. The revised policy, procedures, form, and annual notice will also be posted on the school websites and copies will be made available in the front office of our school sites in English and in the primary language, pursuant to section 48985 of the Education Code, or mode of communication of the recipient of the notice.

Budget Implications

N/A

How Does This Action Relate/Affect/Benefit All MSAs?

This action will ensure that our UCP is compliant. Also, MSA-1 FPM audit shall be concluded with no findings.

Name of Staff Originator:

David Yilmaz, Chief Accountability Officer

Exhibits (Attachments):

- Uniform Complaint Procedures (UCP) Policies and Procedures, Form, and Annual Notice.

UNIFORM COMPLAINT PROCEDURES (UCP) POLICIES AND PROCEDURES

a. Uniform Complaint Procedures (UCP)

This document contains rules and instructions about the filing, investigation and resolution of a Uniform Complaint Procedures (UCP) complaint regarding an alleged violation by Magnolia Public Schools (MPS) of federal or state laws or regulations governing educational programs, including non-compliance with laws relating to pupil fees and our Local Control and Accountability Plan (LCAP).

This document presents information about how we process UCP complaints concerning particular programs or activities that are subject to the UCP.

A UCP complaint is a written and signed statement by a complainant alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation, bullying or charging pupil fees for participation in an educational activity or non-compliance with the requirements of our LCAP.

A complainant is any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination, harassment, intimidation, bullying and non-compliance with laws relating to pupil fees or non-compliance with the requirements of our LCAP.

If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, we shall assist the complainant in the filing of the complaint.

b. The Responsibilities of MPS

We shall have the primary responsibility to ensure compliance with applicable state and federal laws and regulations.

We shall investigate and seek to resolve, in accordance with our UCP process, any complaints alleging failure to comply with applicable state and federal laws and regulations including, but not limited to, allegations of discrimination, harassment, intimidation, or bullying or noncompliance with laws relating to all programs and activities implemented by MPS that are subject to the UCP.

MPS developed the UCP process with policies and procedures adopted by our governing board.

According to state and federal codes and regulations, the programs and activities subject to the UCP are:

- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- American Indian Education Centers and Early Childhood Education Program Assessments
- Bilingual Education
- California Peer Assistance and Review Programs for Teachers
- Career Technical and Technical Education; Career Technical; Technical Training (State)
- Career Technical Education (Federal)
- Child Care and Development
- Child Nutrition
- Compensatory Education
- Consolidated Categorical Aid
- Course Periods without Educational Content
- Economic Impact Aid
- Education Of Pupils In Foster Care, Pupils Who Are Homeless, Former Juvenile Court Pupils Now Enrolled In A School District, and Pupils Of Military Families
- 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
- Special Education
- State Preschool
- Tobacco-Use Prevention Education

The following complaints shall be referred to other agencies for appropriate resolution and are not subject to our UCP process set forth in this document unless these procedures are made applicable by separate interagency agreements:

- Allegations of child abuse shall be referred to County Department of Social Services (DSS), Protective Services Division or appropriate law enforcement agency.
- Health and safety complaints regarding a Child Development Program shall be referred to Department of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.
- Employment discrimination, harassment, intimidation or bullying complaints shall be sent to the State Department of Fair Employment and Housing (DFEH).

- Allegations of fraud shall be referred to the Legal, Audits and Compliance Branch in the California Department of Education (CDE).

c. Pupil Fees

A pupil fee is a fee, deposit, or other charge imposed on pupils, or a pupil's parents or guardians, in violation of state codes and constitutional provisions which require educational activities to be provided free of charge to all pupils without regard to their families' ability or willingness to pay fees or request special waivers. Educational activities are those offered by a school, school district, charter school, or county office of education that constitute a fundamental part of education, including, but not limited to, curricular and extracurricular activities.

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.

d. The Local Control Accountability Plan

The LCAP is an important component of the Local Control Funding Formula (LCFF), the revised school finance system that overhauled how California funds its K-12 schools. Under the LCFF we are required to prepare an LCAP, which describes how we intend to meet annual goals for our pupils, with specific activities to address state and local priorities identified pursuant to California Education Code (EC) Section 52060(d).

e. The UCP Annual Notice

We ensure annual dissemination of a written notice of our complaint procedures to all students, employees, parents or guardians of its students, school advisory committee members, and other interested parties that includes information regarding allegations about discrimination, harassment, intimidation, or bullying.

Our UCP Annual Notice shall also include information regarding the requirements of EC Section 49010 through 49013 relating to pupil

fees and information regarding the requirements of EC Section 52075 relating to the LCAP.

Our UCP Annual Notice shall be in English and in the primary language, pursuant to section 48985 of the Education Code, or mode of communication of the recipient of the notice.

f. UCP Complaint Investigation

The position responsible to receive and investigate UCP complaints and ensure our compliance in our agency is:

Chief Executive Officer
Magnolia Public Schools
250 E. 1st St., Ste. 1500
Los Angeles, CA 90012
Phone: (213) 628-3634

The position responsible to receive and investigate UCP complaints and ensure our compliance in our agency is knowledgeable about the laws and programs assigned to investigate.

MPS will investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group as identified in EC Section 200 and 220 and Government Code (GC) Section 11135, including any actual or perceived characteristics as set forth in Penal Code (PC) 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 in any program or activity we conduct, which is funded directly by, or that receives or benefits from any state financial assistance.

Unlawful discrimination, harassment, intimidation or bullying complaints shall be filed no later than six months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying.

All complainants are protected from retaliation.

We advise complainants of the right to pursue civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws.

g. UCP Complaint Resolution

If MPS finds merit in a complaint regarding Pupil Fees, Local Control and Accountability Plans (LCAP), Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in our school district and pupils in military families, Reasonable Accommodations to a Lactating Pupil, Course Periods without Educational Content (grades nine through twelve), and Physical Education

Instructional Minutes (grades one through eight), we shall provide a remedy.

The remedy shall go to the affected pupil in the case of complaints regarding

- Course Periods without Educational Content,
- Reasonable Accommodations to a Lactating Pupil, and/or
- Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in our school district and pupils of military families.

The remedy shall to go all affected pupils and parents/guardians in the case of complaints regarding

- Pupil Fees,
- Physical Education Instructional Minutes and/or
- Local Control and Accountability Plans.

A pupil fees complaint may be filed with the principal of a school or our CEO or his or her designee.

A pupil fees complaint and/or an LCAP complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

A pupil fees complaint shall be filed no later than one year from the date the alleged violation occurred.

We ensure an attempt shall be made in good faith to engage in reasonable efforts to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint.

We will provide an opportunity for complainants and/or representatives to present evidence or information.

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.

Refusal by MPS to provide the investigator with access to records and/or other information related to the allegation 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 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.

The complaint will be investigated and a written report with a Decision will be issued to the complainant by us within 60 days from the date of the receipt of the complaint, unless the

complainant agrees in writing to an extension of time.

This report will contain the following elements:

- i. The findings of fact based on the evidence gathered.
- ii. Conclusion of law.
- iii. Disposition of the complaint.
- iv. The rationale for such a disposition.
- v. Corrective actions, if any are warranted.
- vi. Notice of the complainant's right to appeal our Decision to the CDE.
- vii. Procedures to be followed for initiating an appeal to CDE.

An appeal is a request made in writing to a level higher than the original reviewing level by an aggrieved party requesting reconsideration or a reinvestigation of the lower adjudicating body's decision.

A complainant may appeal our Decision of a UCP complaint regarding all specified federal and state educational programs subject to the UCP.

UCP Complaint Appeal Process

To appeal a UCP complaint Decision the complainant must file a written appeal within 15 days of receiving the Decision to CDE. This appeal to the CDE must fully explain the basis for the appeal, stating how the facts of our Decision are incorrect and/or the law is misapplied.

In addition, the appeal shall be sent to CDE with:

1. A copy of the original locally filed complaint; and
2. A copy of our Decision of this original locally filed complaint.

The appeal should be sent to:

California Department of Education
1430 N Street
Sacramento, CA 95814

UNIFORM COMPLAINT PROCEDURES 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: _____
 (if applicable) Location/School/Office of Alleged Violation: _____

Note: It is not required to use this form to file a UCP complaint. If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, we shall assist the complainant in the filing of the complaint.

For noncompliance allegation(s), check the program or activity referred to in your complaint, if applicable:

- | | | |
|--|--|---|
| <input type="checkbox"/> Adult Education | <input type="checkbox"/> After School Education & Safety | <input type="checkbox"/> Agricultural Career Technical Education |
| <input type="checkbox"/> American Indian Education Centers and Early Childhood Education Program Assessments | <input type="checkbox"/> Bilingual Education | <input type="checkbox"/> California Peer Assistance & Review Programs for Teachers |
| <input type="checkbox"/> Career Technical & Technical Education and Career Technical; Technical Training (State) | <input type="checkbox"/> Career Technical Education (Federal) | <input type="checkbox"/> Child Nutrition |
| <input type="checkbox"/> Compensatory Education | <input type="checkbox"/> Child Care & Development | <input type="checkbox"/> Course Periods without Educational Content |
| <input type="checkbox"/> Every Student Succeeds Act/No Child Left Behind (Titles I-VII) | <input type="checkbox"/> Consolidated Categorical Aid | <input type="checkbox"/> Education of Pupils in Foster Care, Pupils who Are Homeless, former Juvenile Court Pupils now Enrolled in the District & Children of Military Families |
| <input type="checkbox"/> Migrant Education | <input type="checkbox"/> Economic Impact Aid | <input type="checkbox"/> School Safety Plans |
| <input type="checkbox"/> Pupil Fees | <input type="checkbox"/> Local Control & Accountability Plans (LCAP) | <input type="checkbox"/> Tobacco-Use Prevention Education |
| <input type="checkbox"/> Reasonable Accommodations to a Lactating Pupil | <input type="checkbox"/> Physical Education Instructional Minutes | |
| <input type="checkbox"/> Special Education | <input type="checkbox"/> Regional Occupational Centers and Programs | |
| | <input type="checkbox"/> State Preschool | |

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

For bullying complaints not based on protected groups and other complaints not listed on this form, contact your school's Title IX, Harassment, Intimidation, Discrimination and Bullying Coordinator ("Coordinator.")

UNIFORM COMPLAINT PROCEDURES (UCP)

ANNUAL NOTICE

Magnolia Public Schools (MPS) annually notifies its students, employees, parents or guardians of its students, school advisory committees, and other interested parties of the Uniform Complaint Procedures (UCP) process.

MPS is primarily responsible for compliance with federal and state laws and regulations, including those related to unlawful discrimination, harassment, intimidation or bullying against any protected group, and all programs and activities that are subject to the UCP.

Programs and Activities subject to the UCP:

- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- American Indian Education Centers and Early Childhood Education Program Assessments
- Bilingual Education
- California Peer Assistance and Review Programs for Teachers
- Career Technical and Technical Education; Career Technical; Technical Training (State)
- Career Technical Education (Federal)
- Child Care and Development
- Child Nutrition
- Compensatory Education
- Consolidated Categorical Aid
- Course Periods without Educational Content
- Economic Impact Aid
- Education Of Pupils In Foster Care, Pupils Who Are Homeless, Former Juvenile Court Pupils Now Enrolled In A School District, and Pupils Of Military Families
- 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
- Special Education
- State Preschool
- Tobacco-Use Prevention Education

Pupil Fees

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.

A pupil fees complaint may be filed with the principal of a school or our CEO or his or her designee. A pupil fees and/or an LCAP complaint may be filed anonymously, however, the complainant must provide evidence or information leading to evidence to support the complaint.

A pupil enrolled in MPS shall not be required to pay a pupil fee for participation in an educational activity.

A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred.

Additional Information

We shall post a standardized notice of the educational rights of pupils in foster care, pupils who are homeless, former juvenile court pupils now enrolled in a school district, and pupils in military families as specified in Education Code Sections 48645.7, 48853, 48853.5, 49069.5, 51225.1, and 51225.2. This notice shall include complaint process information, as applicable.

Contact Information

The position responsible to receive and investigate UCP complaints and ensure our compliance in our agency is:

Chief Executive Officer
Magnolia Public Schools
250 E. 1st St., Ste. 1500
Los Angeles, CA 90012
Phone: (213) 628-3634

Complaints will be investigated and a written report with a Decision will be sent to the complainant within sixty (60) days from the receipt of the complaint. This time period may be extended by written agreement of the complainant. The person responsible for investigating the complaint shall conduct and complete the investigation in accordance with our UCP policies and procedures.

The complainant has a right to appeal our Decision of complaints regarding specific programs and activities subject to the UCP, pupil fees and the LCAP to CDE by filing a written appeal within 15 days of receiving our Decision. The appeal must be accompanied by a copy of the originally-filed complaint and a copy of our Decision.

We advise any complainant of civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable.

Copies of our Uniform Complaint Procedures process shall be available free of charge.

Magnolia Science Academy-1, 2, 3, and 5 are authorized by the Los Angeles County Board of Education.

Los Angeles County Office of Education (LACOE)
Charter School Office (CSO) Contact:

- Los Angeles County Office of Education
Charter School Office
9300 Imperial Highway
Downey, CA 90242
Office Phone Line: (562) 922-8806
Comments & Concerns Line: (562) 922-8807
Office Fax: (562) 922-8805
Website: www.lacoe.edu

Magnolia Science Academy-4, 6, 7, and Bell are authorized by the Los Angeles Unified School District (LAUSD) Board of Education.

LAUSD Charter Schools Division (CSD) Contact:

- Los Angeles Unified School District
Charter Schools Division
333 S. Beaudry Ave. 20th Floor
Los Angeles, CA 90017
Main Office: (213) 241-0399
Fax: (213) 241-2054
Website: www.lausd.net

Magnolia Science Academy-San Diego is authorized by the San Diego Unified School District (SDUSD) Board of Education.

SDUSD Office of Charter Schools (OCS) Contact:

- San Diego Unified School District
Office of Charter Schools
4100 Normal Street, Annex 15
San Diego, CA 92103
Main Office: (619) 725-7107
Website: www.sandiegounified.org

Magnolia Science Academy-Santa Ana is authorized by the State Board of Education (SBE).

California Department of Education (CDE) Charter Schools Division (CSD) Contact:

- California Department of Education
Charter Schools Division
1430 N Street, Suite 5401
Sacramento, CA 95814-5901
Phone: (916) 322-6029
Fax: (916) 322-1465
Email: charters@cde.ca.gov
Website: www.cde.ca.gov