

California Connections Academy Schools

UNIFORM COMPLAINT PROCEDURES

Initially approved by the Board of Directors on November 19, 2013

Revisions approved August 23, 2016

Revisions approved August 22, 2017

Revision approved August 28, 2018

Revision approved August 25, 2020

Revision approved August 24, 2021

Revision approved August 23, 2022

California Online Public Schools non-profit Board of Directors operates the following charter schools to which this Uniform Complaint Procedure applies:

California Connections Academy Central Coast

California Connections Academy Central Valley

California Connections Academy Monterey Bay

California Connections Academy North Bay

California Connections Academy Northern California

California Connections Academy Southern California

The California Connections Academy Schools (“CalCA Schools”) Board of Directors is committed to complying with applicable state and federal laws and regulations governing educational programs. Most issues are best handled informally and proactively, and the board strongly encourages the early resolution of complaints by direct communication between the family and the school leadership whenever possible. (Information about the schools’ communication protocols are found in the School Handbook and Supplement). If you have a concern, you can always talk to a staff member or school leadership. If you find that this informal resolution is not adequate to address your concerns related to the items described in Paragraphs 1 and/or 2 below, please follow our Uniform Complaint Procedure (“UCP”) set out in this document. All other concerns will follow the protocols provided in the School Handbook and Supplement.

The board prohibits any form of retaliation against any person for making a complaint. Additionally, participation in the complaint process shall not in any way affect the status, grades or work assignments of any student. In investigating complaints, the school will protect the confidentiality of the parties involved to the extent that the investigation of the complaint is not obstructed, or as otherwise permitted by law. Finally, the schools will investigate all complaints in a timely manner.

Complaints related to the issues described below should be filed using the Uniform Complaint Policy and Procedure:

1. **Any complaints alleging unlawful discrimination, harassment, intimidation or bullying/cyberbullying in the schools’ programs and/or activities based on:**
 - a. actual or perceived race or ethnicity, color, ancestry, national origin, immigration status, citizenship, nationality, ethnic group identification, genetic information, age, religion, marital or parental status, mental or physical disability, medical condition, sex or sexual orientation, gender, gender identity, or gender expression.

- b. the perception of one or more of such characteristics; or
- c. association with a person or group with one or more of these actual or perceived characteristics.

2. Complaints alleging a violation of state or federal law or regulation governing the following programs:

- Accommodations for Pregnant, Parenting or Lactating Students;
- Career Technical and Technical Education and Training Programs;
- Consolidated Categorical Aid Programs;
- Every Student Succeeds Act;
- Education of Students in Foster Care, Students who are Homeless, former Juvenile Court Students now enrolled in a public school, Migratory Children and Children of Military Families; and/or
- School Safety Plan

3. Complaints alleging that a student enrolled in a public school was required to pay a pupil fee for participation in an educational activity as those terms are defined below.

- a. “Educational activity” means an activity offered by the charter school that constitutes an integral fundamental part of elementary and secondary education, including, but not limited to, curricular and extracurricular activities.
- b. “Pupil fee” means a fee, deposit or other charge imposed on students, or a student’s parents/guardians, in violation of Education Code section 49011 and Section 5 of Article IX of the California Constitution, which require educational activities to be provided free of charge to all students without regard to their families’ ability or willingness to pay fees or request special waivers, as provided for in *Hartzell v. Connell* (1984) 35 Cal.3d 899. A pupil fee includes, but is not limited to, all of the following:
 - i. A fee charged to a student 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.
 - ii. A security deposit, or other payment, that a student is required to make to obtain a lock, locker, book, class apparatus, musical instrument, uniform or other materials or equipment.
 - iii. A purchase that a student is required to make to obtain materials, supplies, equipment, or uniforms associated with an educational activity.
- c. A pupil fees complaint and complaints regarding local control and accountability plans (“LCAP”) only, may be filed anonymously (without an identifying signature), if the complaint provides evidence or information

leading to evidence to support an allegation of noncompliance with Education Code sections 52060 - 52077, including an allegation of a violation of Education Code sections 47606.5 or 47607.3, as referenced in Education Code section 52075, regarding local control and accountability plans.

- d. If the school finds merit in a pupil fees complaint, or the California Department of Education (“CDE”) finds merit in an appeal, the school shall provide a remedy to all affected students, parents/guardians that, where applicable, includes reasonable efforts by the school to ensure full reimbursement to all affected students and parents/guardians, subject to procedures established through regulations adopted by the state board.
 - e. Nothing in this Policy shall be interpreted to prohibit solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or the school and other entities from providing student prizes or other recognition for voluntarily participating in fundraising activities.
4. **Complaints alleging noncompliance with the requirements governing the Local Control Funding Formula (“LCFF”) or LCAP under Education Code sections 47606.5 and 47607.3, as applicable. If the school adopts a School Plan for Student Achievement in addition to its LCAP, complaints of noncompliance with the requirements of the School Plan for Student Achievement under Education Code sections 64000, 64001, 65000, and 65001 shall also fall under this Policy.**

Complaints alleging noncompliance regarding child nutrition programs established pursuant to Education Code sections 49490-49590 no longer fall under the UCP. Instead, they 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 no longer fall under the UCP. Instead, they 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.

CalCA Schools acknowledge and respect every individual’s right to privacy. Unlawful discrimination, harassment, intimidation or bullying complaints shall be investigated in a manner that protects (to the greatest extent reasonably possible and as permitted by law) confidentiality of the parties, including but not limited to the identity of the complainant, and maintains the integrity of the process. CalCA Schools cannot guarantee anonymity of the complainant. This includes keeping the identity of the complainant confidential. However, CalCA Schools will attempt to do so as appropriate. CalCA Schools may find it necessary to disclose information regarding the complaint/complainant to the extent required by law or necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee on a case-by-case basis. CalCA Schools shall ensure that complainants are protected from retaliation.

PROCEDURAL REQUIREMENTS for the Uniform Complaint Procedures

Compliance Officer(s)

Complaints must be in writing and should be directed to CalCA Schools designated “Compliance Officer(s)”, listed below:

Dr. Richard Savage
Superintendent
c/o California Connections Academy Schools
33272 Valle Rd.
San Juan Capistrano, CA 92675
949-461-1667

The Compliance Officer or designee will receive and investigate complaints and ensure CalCA Schools compliance with laws applicable to the complaint(s). The Compliance Officer(s) or designee designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. The compliance officer may also have access to legal counsel as determined appropriate by the Executive Director or designee.

If the complaint alleges wrongdoing by the Compliance Officer, the Compliance Officer will immediately notify the Board President to appoint a substitute Compliance Officer to investigate the complaint. The person filing the complaint may, alternatively, submit their complaint directly to the President of the Board of Directors.

Notifications

The Compliance Officer or designee shall make available copies of this Policy free of charge. The Compliance Officer or designee will provide annual written notification of the schools’ Uniform Complaint Procedures to students, employees, parents/guardians, any applicable advisory committees, and other interested parties by posting it on CalCA Schools’ public web site.

The annual notice shall be in English. When necessary, under Education Code Section 48985, if 15% (fifteen percent) or more of the students enrolled at the school speak a single primary language other than English, this policy and the notice will be translated into that language and provided to the parent/guardian of any such students in their primary language.

The annual notice shall include the following:

1. A list of the types of complaints that fall under the scope of the UCP and the state and federal provisions that govern complaints regarding child nutrition programs and special education programs.
2. A statement clearly identifying any California State preschool programs that CalCA Schools are operating as exempt from licensing pursuant to Health and Safety Code section 1596.792(o) and corresponding Title 5 health and safety regulations, and any

California State preschool programs that CalCA Schools are operating pursuant to Title 22 licensing requirements.

3. A statement that CalCA Schools are primarily responsible for compliance with federal and state laws and regulations.
4. A statement that a student enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.
5. A statement identifying the title of the compliance officer, and the identity(ies) of the person(s) currently occupying that position, if known.
6. A statement that 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.
7. A statement that the complainant has a right to appeal CalCA Schools' decision to the CDE by filing a written appeal within thirty (30) calendar days of the date of CalCA Schools' Decision, except if CalCA Schools has used its UCP to address a complaint that is not subject to the UCP requirements.
8. A statement that a complainant who appeals CalCA Schools' 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.
9. A statement that if CalCA Schools finds merit in a UCP complaint, or the CDE finds merit in an appeal, CalCA Schools shall take corrective actions consistent with the requirements of existing law that will provide a remedy to the affected student and/or parent/guardian as applicable.
10. A statement advising the complainant of any civil law remedies that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable, and of the appeal pursuant to Education Code section 262.3.
11. A statement that copies of CalCA Schools' UCP shall be available free of charge.

Procedures

All complaints alleging that CalCA Schools has violated federal or state laws or regulations enumerated as within the scope of this Policy will be investigated and resolved according to the procedures below.

The Compliance Officer or designee will maintain a record of each complaint and

subsequent related actions, including all information required for compliance for at least three (3) years.

All parties involved in the allegations will be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

UNIFORM COMPLAINT PROCEDURES

1. Step 1: Filing of Complaint

Any individual, including a person's duly authorized representative or an interested third party, public agency, or organization may file a written complaint of alleged noncompliance or unlawful discrimination, harassment, intimidation, or bullying pursuant to this Policy.

A complaint alleging unlawful discrimination, harassment, intimidation or bullying/cyberbullying may be filed by a person who alleges that the individual has personally suffered unlawful discrimination, harassment, intimidation or bullying/cyberbullying; or by a person who believes that any specific class of individuals has been subjected to unlawful discrimination, harassment, intimidation, or bullying/cyberbullying. An investigation of alleged unlawful discrimination, harassment, intimidation or bullying shall be initiated by filing a complaint no later than six (6) months from the date when the alleged discrimination, harassment, intimidation or bullying/cyberbullying occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying/cyberbullying. Upon written request by the complainant, the Executive Director or designee may choose to extend the filing period for up to ninety (90) calendar days following the expiration of the six-month time period. Such request for extension shall set forth the reasons for the extension. Such extension by the Executive Director or designee shall be made in writing. The Executive Director shall respond immediately upon a receipt of a request for extension.

All other complaints under this Policy 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 CalCA Schools Board of Directors approved the LCAP or the annual update was adopted by CalCA Schools.

The complaint will be presented to the Compliance Officer, who will maintain a log of complaints received, and who will provide each complaint with a code number and date stamp.

Complaints filed pursuant to this Policy must be in writing and signed. A signature may be handwritten, typed (including in an email) or electronically generated. Only complaints regarding pupil fees or LCAP compliance may be filed anonymously as set forth in this Policy. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, CalCA Schools staff shall assist the complainant in the filing of the complaint.

2. Step 2: Mediation

Within three (3) days of receiving the complaint, the Compliance Officer may informally discuss with the complainant the possibility of using mediation. If the complainant agree to mediation, the Compliance Officer will make all arrangements for this process.

Before initiating the mediation of a complaint alleging discrimination, harassment, intimidation, or bullying/cyberbullying, the Compliance Officer will ensure that all parties agree to make the mediator a party to related confidential information.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer will proceed with the investigation of the complaint.

The use of mediation shall not extend CalCA Schools' timelines for investigating and resolving the complaint, unless the complainant agrees in writing to such an extension of time.

3. Step 3: Investigation of Complaint

Within fourteen (14) days of receiving the complaint, the Compliance Officer will provide the complainant and/or his/her representative an opportunity to present the complaint and any evidence, or information leading to evidence, orally, to support the allegations in the complaint. The Compliance Officer also will collect all documents and interview all witnesses with information pertinent to the complaint.

A complainant's refusal to provide the schools' investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engaging in any other obstruction of the investigation, may result in the dismissal of the complaint because of lack of evidence to support the allegation. Note, however, that complaints permissibly made anonymously will be investigated by the schools to the extent possible without participation by the complainant.

In accordance with law, CalCA Schools will provide the investigator with access to records and other information related to the allegation in the complaint and will not in any way obstruct the investigation. Failure or refusal to cooperate in 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.

4. Step 4: Final Written Decision

CalCA Schools shall issue an investigation report (the "Decision") based on the evidence. The schools' decision will be in writing and sent to the complainant within sixty (60) calendar days of receipt of a complaint unless the timeframe is extended with the written agreement of the complainant. CalCA Schools' decision will be written in English and in the primary language of the complainant whenever required by law.

The Decision will include:

1. The findings of fact based on the evidence gathered;
2. The conclusion providing a clear determination for each allegation as to whether CalCA Schools are in compliance with the relevant law;
3. Corrective actions, if CalCA Schools finds merit in the complaint and any are warranted or required by law;
4. Notice of the complainant's right to appeal CalCA Schools' decision within thirty (30) calendar days to the California Department of Education (CDE), except when CalCA Schools has used its UCP to address complaints that are not subject to the UCP requirements; and
5. Procedures to be followed for initiating such an appeal.

If the investigation of a complaint results in discipline to a student or an employee, the Decision shall simply state that effective action was taken and the employee was informed of CalCA Schools' expectations. The Decision shall not give any further information as to the nature of the disciplinary action except as required by applicable law.

Appeals to the CDE

If dissatisfied with the Decision, the complainant may appeal in writing to the CDE. The appeal shall be accompanied by a copy of the complaint filed with CalCA Schools and a copy of the Decision.

When appealing to the CDE, the complainant must specify and explain the basis for the appeal, including at least one of the following:

1. CalCA Schools failed to follow its complaint procedures.
2. Relative to the allegations of the complaint, CalCA Schools' Decision lacks material findings of fact necessary to reach a conclusion of law.
3. The material findings of fact in CalCA Schools' Decision are not supported by substantial evidence.
4. The legal conclusion in CalCA Schools' Decision is inconsistent with the law.
5. In a case in which CalCA Schools' Decision found noncompliance; the corrective actions fail to provide a proper remedy.

Upon notification by the CDE that the complainant has appealed the Decision, the Compliance Officer or designee shall forward the following documents to the CDE:

1. A copy of the original complaint;
2. A copy of the Decision;
3. 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;

4. A report of any action taken to resolve the complaint;
5. A copy of CalCA Schools' complaint procedures; and
6. Other relevant information requested by CDE.

If the CDE determines the appeal raises issues not contained in the local complaint, the CDE will refer those new issues back to CalCA Schools for resolution as a new complaint. If the CDE notifies CalCA Schools that its Decision failed to address an allegation raised by the complaint and subject to the UCP process, CalCA Schools will investigate and address such allegation(s) in accordance with the UCP requirements and provide the CDE and the appellant with an amended Decision addressing such allegation(s) within twenty (20) calendar days of the CDE's notification. The amended Decision will inform the appellant of the right to separately appeal the amended Decision with respect to the complaint allegation(s) not addressed in the original Decision.

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. The SSPI will not consider any information not previously submitted to the CDE by a party during the appeal unless such information was unknown to the party at the time of the appeal and, with due diligence, could not have become known to the party. Pending the SSPI's response to a request for reconsideration, the CDE appeal Decision remains in effect and enforceable, unless stayed by a court.

The CDE may directly intervene in the complaint without waiting for action by CalCA Schools when one of the conditions listed in 5 CCR 4650 exists, including but not limited to cases in which through no fault of the complainant, CalCA Schools have not taken action within sixty (60) calendar days of the date the complaint was filed with the CalCA Schools.

5. Civil Law Remedies

A complainant may pursue available civil law remedies outside CalCA Schools' 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 complaints alleging unlawful discrimination, harassment, intimidation, or bullying/cyberbullying based on state law, a complainant shall wait until sixty (60) calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies, provided the school has appropriately and in a timely manner apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622. The moratorium does not apply to injunctive relief and to discrimination based on federal law.