

Uniform Complaint Procedures

California Online Public Schools

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

California Online Public Schools Central Coast
California Online Public Schools Central Valley
California Online Public Schools Monterey Bay
California Online Public Schools North Bay
California Online Public Schools Northern California
California Online Public Schools Southern California

The California Online Public Schools (“CalOPS”) Board of Directors has the primary responsibility to ensure compliance 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 Student and Family Policy Catalog). If you have a concern, you can always talk to a staff member or school leadership. This complaint procedure is adopted to provide a uniform system of complaint processing (“UCP”) for the following types of complaints (listed below). CalOPS shall investigate and seek to resolve, in accordance with this Policy, 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 CalOPS that are subject to the UCP. All other concerns will follow the protocols provided in the Student and Family Policy Catalog.

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 that are subject to the UCP: (* Denotes UCP programs and activities that are currently implemented by CalOPS)

- Accommodations for Pregnant and Parenting Students*
 - Adult Education Programs
 - After School Education and Safety
 - Agricultural Career Technical Education
 - Career Technical and Technical Education and Training Programs*
 - Child Care and Development Programs
 - Compensatory Education
 - Consolidated Categorical Aid Programs*
 - Course Periods without Educational Content
 - Educational and Graduation Requirements for Students in Foster Care, Students who are Homeless, former Juvenile Court Students now enrolled in a school district, Migratory Children, Children of Military Families*, and Pupils Participating in a Newcomer Program
 - Every Student Succeeds Act*
 - Migrant Child Education Programs
 - Physical Education Instructional Minutes
 - Reasonable Accommodations to a Lactating Student*
 - Regional Occupational Centers and Programs
 - School Plans for Student Achievement
 - School Safety Plan*
 - Schoolsite Councils
 - State Preschool Programs
 - State Preschool Health and Safety Issues in LEAs Exempt from Licensing
 - Any other state or federal educational program the State Superintendent of Public Instruction or designee deems appropriate.
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.

CalOPS 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. CalOPS cannot guarantee anonymity of the complainant. This includes keeping the identity of the complainant confidential. However, CalOPS will attempt to do so as appropriate. CalOPS 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. CalOPS shall ensure that complainants are protected from retaliation.

Compliance Officer(s)

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

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

The Compliance Officer or designee will receive and investigate complaints and ensure CalOPS 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 assigned to investigate. The compliance officer may also have access to legal counsel as determined appropriate by the Superintendent 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, appropriate private school officials or representatives, and other interested parties by posting information regarding allegations about discrimination, harassment, intimidation, or bullying on CalOPS' public website.

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 or mode of communication of the recipient of the notice.

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 CalOPS 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 CalOPS are operating pursuant to Title 22 licensing requirements.
3. A statement that CalOPS 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 the compliance officer shall be knowledgeable about the laws and programs that they are assigned to investigate.
7. 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.
8. A statement that the complainant has a right to appeal CalOPS' decision to the CDE by filing a written appeal within thirty (30) calendar days of the date of CalOPS' Decision, except if CalOPS has used its UCP to address a complaint that is not subject to the UCP requirements.
9. A statement that a complainant who appeals CalOPS' 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.
10. A statement that if CalOPS finds merit in a UCP complaint, or the CDE finds merit in an appeal, CalOPS

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.

11. A statement advising the complainant of any 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, and of the appeal pursuant to Education Code section 262.3.
12. A statement that copies of CalOPS' UCP shall be available free of charge.
13. A statement that in order to identify appropriate subjects of state preschool health and safety issues pursuant to Section 1596.7925 of the California Health and Safety Code (HSC) a notice shall be posted in each California state preschool program classroom in each school in the local educational agency notifying parents, guardians, pupils, and teachers of both of the following:
 - The health and safety requirements under Title 5 of the California Code of Regulations (5 CCR) apply to California state preschool programs pursuant to HSC Section 1596.7925.
 - The location at which to obtain a form to file a complaint. Posting a notice downloadable from the California Department of Education (CDE) website shall satisfy this requirement.

Procedures

All complaints alleging that CalOPS 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) calendar 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, or by a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying. 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 Superintendent 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 Superintendent or designee shall be made in writing. The Superintendent 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 CalOPS Board of Directors approved the LCAP or the annual update was adopted by CalOPS.

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.

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

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, CalOPS staff shall assist the complainant in the filing of the complaint.

2. Step 2: Mediation

Within three (3) business 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 CalOPS' 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, CalOPS 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

CalOPS 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. CalOPS' 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 CalOPS are in compliance with the relevant law;
3. Corrective actions, if CalOPS finds merit in the complaint and any are warranted or required by law;
4. Notice of the complainant's right to appeal CalOPS' decision within thirty (30) calendar days to the California Department of Education (CDE), except when CalOPS 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 CalOPS' expectations. The Decision shall not give any further information as to the nature of the disciplinary action except as required by applicable law.

Pertaining to complaints of Pupil Fees; LCAP; Physical Education Instructional Minutes, or Course Periods without Educational Content, the remedy shall go to all affected pupils, parents, and guardians.

For all other complaints within the scope of the Uniform Complaint Procedures, the remedy shall go to the affected pupil.

With respect to a pupil fees complaint, corrective actions shall include a remedy where in good faith, by engaging in reasonable efforts, an attempt 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;

Appeals to the CDE

If dissatisfied with the Decision, the complainant may appeal in writing to the CDE within thirty (30) calendar days of receiving the Decision. The appeal shall be accompanied by a copy of the complaint filed with CalOPS 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. CalOPS failed to follow its complaint procedures.
2. Relative to the allegations of the complaint, CalOPS' Decision lacks material findings of fact necessary to reach a conclusion of law.
3. The material findings of fact in CalOPS' Decision are not supported by substantial evidence.
4. The legal conclusion in CalOPS' Decision is inconsistent with the law.
5. In a case in which CalOPS' 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 within ten (10) calendar days of the date of notification:

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 CalOPS' 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 CalOPS for resolution as a new complaint. If the CDE notifies CalOPS that its Decision failed to address an allegation raised by the complaint and subject to the UCP process, CalOPS 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 CalOPS 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, CalOPS have not taken action within sixty (60) calendar days of the date the complaint was filed with the CalOPS.

5. Civil Law Remedies

A complainant may pursue available civil law remedies outside CalOPS' 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 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 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.

6. Complaint Regarding State Preschool Programs

UCP complaints regarding state preschool health and safety issues pursuant to HSC Section 1596.7925 may be



filed with the preschool program administrator or his or her designee. A state preschool health and safety issues complaint pursuant to *HSC* Section 1596.7925 about problems beyond the authority of the preschool program administrator shall be forwarded in a timely manner, but not to exceed 10 working days to the appropriate local educational agency official for resolution. A state preschool health and safety issues complaint pursuant to *HSC* Section 1596.7925 may be filed anonymously. A complainant who identifies himself or herself is entitled to a response if he or she indicates that a response is requested. A complaint form shall include a space to mark to indicate whether a response is requested. If Section 48985 of the *EC* is otherwise applicable, the response, if requested, and Investigation Report shall be written in English and the primary language in which the complaint was filed. The preschool program administrator or the designee of the district superintendent shall (1) make all reasonable efforts to investigate any problem within his or her authority. Investigations shall begin within 10 days of the receipt of the complaint and (2) remedy a valid complaint within a reasonable time period, but not to exceed 30 working days from the date the complaint was received and report to the complainant the resolution of the complaint within 45 working days of the initial filing. If the preschool program administrator makes this report, he or she shall also report the same information in the same timeframe to the Superintendent.

A complainant not satisfied with the resolution of the preschool program administrator or the Superintendent has the right to describe the complaint to the governing board at a regularly scheduled hearing of the governing board. A complainant who is not satisfied with the resolution proffered by the preschool program administrator or the Superintendent has the right to file an appeal to the State Superintendent of Public Instruction (SSPI) within 30 days of the date of the LEA Investigation Report. A complainant shall comply with the appeal requirements of 5 CCR Section 4632.

Charter School shall report summarized data on the nature and resolution of all state preschool health and safety issues complaints pursuant to *HSC* Section 1596.7925 on a quarterly basis to the county superintendent of schools and the governing board. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. All complaints and responses are public record.

Attachment 1: Uniform Complaint Procedure Form for CalOPS

4888-6817-1149, v. 1

Adopted by CalOPS Board of Directors on November 19, 2013
Revised and Approved by CalOPS Board of Directors on August 23, 2016
Revised and Approved by CalOPS Board of Directors on August 22, 2017
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