

Administrative Regulation

Uniform Complaint Procedures

GCCS

AR 1312.3

Community Relations

Except as may otherwise be specifically provided in other Grizzly Challenge Charter School (GCCS) policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in the accompanying GCCS Board policy.

Compliance Officers

The GCCS designates the individual(s), position(s), or unit(s) identified below as responsible for receiving, coordinating, and investigating complaints and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serve as the compliance officer(s) for handling complaints regarding unlawful discrimination, harassment, sexual harassment, intimidation, or bullying.

Chief Human Resources Officer
San Luis Obispo County Office of Education
3350 Education Drive, San Luis Obispo, CA 93405
(805) 543-7732

Complaints received by one compliance officer may be assigned to another compliance officer to investigate and resolve the complaint. The complainant and respondent shall be promptly notified if another compliance officer is assigned to the complaint.

Compliance officers shall not have a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against a compliance officer that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the GCCS Principal or designee for determination of how the complaint will be investigated.

Employees assigned to investigate and resolve complaints shall have training in and be 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, 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 GCCS Principal or designee.

A determination shall be made whether interim measures are necessary during an investigation and while the result is pending. Necessary interim measures shall be implemented and remain in

place until it is determined that they are no longer necessary or until GCCS issues its final written decision, whichever occurs first.

Notifications

GCCS's UCP policy and procedures shall be posted at the GCCS, including staff lounges and student government meeting rooms. (Education Code 234.1)

In addition, the GCCS Principal or designee shall annually provide written notification of GCCS's UCP to students, employees, parents/guardians of GCCS students, GCCS advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

The notice shall include:

1. A statement that GCCS is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group, and a list of all programs and activities that are subject to UCP as identified in the accompanying GCCS Board policy
2. The title of the position responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such persons will be knowledgeable about the laws and programs that they are assigned to investigate
3. A statement that a UCP complaint, except a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, must be filed no later than one year from the date the alleged violation occurred
4. A statement that a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed no later than six months from the date of the alleged conduct or the date the complainant first obtained knowledge of the facts of the alleged conduct
5. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of GCCS's educational program, including curricular and extracurricular activities
6. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint
7. A statement that GCCS will post a standardized notice of the educational and graduation requirements of foster youth, homeless students, children from military families, and former juvenile courts school students now enrolled in GCCS, as specified in Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process

8. A statement that complaints will be investigated in accordance with GCCS's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant
9. A statement that, for programs within the scope of the UCP as specified in the accompanying GCCS Board policy, the complainant has a right to appeal GCCS's investigation report to the California Department of Education (CDE) by filing a written appeal, including a copy of the original complaint and GCCS's decision, within 30 calendar days of receiving GCCS's decision
10. 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 laws prohibiting discrimination, harassment, intimidation, or bullying, if applicable
11. A statement that copies of GCCS's UCP are available free of charge

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 GCCS web site and may be provided through GCCS-supported social media, if available.

All students and parents/guardians, including students and parents/guardians with limited English proficiency, shall have access to the relevant information provided in GCCS's policy, regulation, forms, and notices concerning the UCP.

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

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. If a site administrator not designated as a compliance officer receives a complaint, the site administrator shall notify the compliance officer.

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, GCCS staff shall assist in the filing of the complaint. (5 CCR 4600)

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

1. A complaint alleging GCCS violation of applicable state or federal law or regulations governing the programs specified in the accompanying GCCS Board policy may be filed by any individual, public agency, or organization. (5 CCR 4600)
2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the GCCS Principal or designee.
3. A UCP complaint, except for a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying, shall be filed no later than one year from the date the alleged violation occurred. For complaints related to the LCAP, the date of the alleged violation is the date when the Superintendent of Public Instruction (SPI) approves the LCAP that was adopted by the County Board of Education. (5 CCR 4630)
4. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges having personally suffered unlawful discrimination, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying. (5 CCR 4630)
5. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the GCCS Principal or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
6. When a complaint alleging unlawful discrimination, harassment, intimidation, or bullying is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
7. When a complainant of unlawful discrimination, harassment, intimidation, or bullying or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit GCCS's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, GCCS shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

Mediation

Within three business days after receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation to resolve the complaint. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall ensure that all parties agree to permit the mediator access to all relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

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

The use of mediation shall not extend GCCS's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then GCCS shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, GCCS shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform the parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall interview the alleged victim(s), any alleged offender(s), and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide GCCS's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Refusal by GCCS to provide the investigator with access to records and/or information related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

Timeline for Investigation Report

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written investigation report, as described in the section "Investigation Report" below, within 60 calendar days of GCCS's receipt of the complaint (5 CCR 4631)

For any complaint alleging unlawful discrimination, harassment, intimidation, and bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant.

Investigation Report

For all complaints, GCCS's investigation report shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered
2. A conclusion providing a clear determination for each allegation as to whether GCCS is in compliance with the relevant law
3. Corrective action(s) whenever GCCS finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a student fees complaint, a remedy that complies with Education Code 49013 and 5 CCR 4600
4. Notice of the complainant's right to appeal GCCS's investigation report to CDE, except when GCCS has used the UCP to address a complaint not specified in 5 CCR 4610
5. Procedures to be followed for initiating an appeal to CDE

The investigation report may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

In consultation with GCCS legal counsel, information about the relevant part of an investigation report may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the investigation report or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination, harassment, intimidation, and bullying, notice of the investigation report to the alleged victim

shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient (LEP) student or parent/guardian, then GCCS's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

For complaints alleging unlawful discrimination, harassment, intimidation, and bullying based on state law, the investigation report shall also include a notice to the complainant that:

1. The complainant may pursue available civil law remedies outside of GCCS's complaint procedures, including, but not limited to, injunctions, restraining orders or other remedies or orders, 60 calendar days after the filing of an appeal with CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

Corrective Actions

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or GCCS environment may include, but are not limited to, actions to reinforce GCCS policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

For complaints involving retaliation or unlawful discrimination, harassment, intimidation, or bullying, appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim

7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

For complaints of retaliation or unlawful discrimination, harassment, intimidation, or bullying involving a student as the respondent, appropriate corrective actions that may be provided to the student include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

When an employee is found to have committed retaliation or unlawful discrimination, harassment, intimidation, or bullying, appropriate action shall be taken, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

GCCS may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination, harassment, intimidation, or bullying, that GCCS does not tolerate it, and how to report and respond to it.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the law regarding student fees, deposits, and other charges, physical education instructional minutes, courses without educational content, or any requirement related to the LCAP is found to have merit, GCCS shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51222, 51223, 51228.3, 52075)

For complaints alleging noncompliance with the law regarding student fees, GCCS, by engaging in reasonable efforts, shall attempt in good faith to identify and fully reimburse all affected

students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

Appeals to the California Department of Education

Any complainant who is dissatisfied with GCCS's investigation report on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 30 calendar days of receiving GCCS's investigation report. (5 CCR 4632)

The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of GCCS's investigation report for that complaint. The complainant shall specify and explain the basis for the appeal, including at least one of the following: (5 CCR 4632)

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

Upon notification by CDE that GCCS's investigation report has been appealed, the GCCS Principal or designee shall forward the following documents to CDE within 10 days of the date of notification: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of GCCS's investigation report
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 GCCS's UCP
6. Other relevant information requested by CDE

If notified by CDE that GCCS's investigation report failed to address allegation(s) raised by the complaint, GCCS shall, within 20 days of the notification, provide CDE and the appellant with an amended investigation report that addresses the allegation(s) that were not addressed in the

original investigation report. The amended report shall also inform the appellant of the right to separately appeal the amended report with respect to the allegation(s) that were not addressed in the original report. (5 CCR 4632)

State References

2 CCR 11023
 5 CCR 3200-3205
 5 CCR 4600-4670
 5 CCR 4900-4965
 Ed. Code 200-262.4
 Ed. Code 18100-18203
 Ed. Code 32280-32289
 Ed. Code 46015
 Ed. Code 48853-48853.5
 Ed. Code 48985
 Ed. Code 49010-49014
 Ed. Code 49060-49079
 Ed. Code 49069.5
 Ed. Code 49701
 Ed. Code 51222
 Ed. Code 51225.1-51225.2
 Ed. Code 51226-51226.1
 Ed. Code 51228.1-51228.3
 Ed. Code 52059.5
 Ed. Code 52060-52077
 Ed. Code 52075

 Ed. Code 52300-52462
 Ed. Code 54400-54425
 Ed. Code 54440-54445
 Ed. Code 54460-54529
 Ed. Code 59000-59300
 Ed. Code 64000-64001
 Ed. Code 65000-65001
 Gov. Code 11135
 Gov. Code 12900-12996
 Pen. Code 422.55
 Pen. Code 422.6

Description

Harassment and discrimination prevention and correction
 Special education compliance complaints
 Uniform complaint procedures
 Nondiscrimination in elementary and secondary education programs
 Educational equity; prohibition of discrimination on the basis of sex
 School libraries
 School safety plans
 Accommodations for pregnant and parenting students; parental leave
 Foster youth
 Notices in language other than English
 Student fees
 Student records
 Records of foster youth
 Flexibility in enrollment of children of military families
 Physical education
 Exemption from local graduation requirements; acceptance of coursework
 Career technical education
 Course periods without educational content
 Statewide system of support
 Local control and accountability plan
 Complaint for lack of compliance with local control and accountability plan requirements
 Career technical education
 Compensatory education programs
 Migrant children
 Compensatory education programs
 Special schools and centers
 Consolidated application
 School site councils
 Discrimination
 Fair Employment and Housing Act
 Definition of hate crime
 Crimes, harassment

Federal References

20 USC 1221
 20 USC 1232g
 20 USC 1681-1688
 20 USC 6301-6576
 20 USC 6801-7014
 28 CFR 35.107
 29 USC 794
 34 CFR 100.3
 34 CFR 104.7
 34 CFR 106.1-106.82
 34 CFR 106.8

Description

Application of laws
 Family Educational Rights and Privacy Act (FERPA) of 1974
 Discrimination based on sex or blindness, Title IX
 Title I Improving the Academic Achievement of the Disadvantaged
 Limited English proficient and immigrant students
 Nondiscrimination on basis of disability; complaints
 Rehabilitation Act of 1973, Section 504
 Discrimination prohibited
 Designation of responsible employee for Section 504
 Nondiscrimination on the basis of sex in education programs
 Designation of responsible employee and adoption of grievance procedures

34 CFR 106.9	Dissemination of policy
34 CFR 110.25	Notification of nondiscrimination on the basis of age
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000e-17	Title VI and Title VII Civil Rights Act of 1964, as amended
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age Discrimination Act of 1975

Management Resources References

Description

CA DOE Publication	Sample UCP Board Policies and Procedures
California Department of Education Publication	Uniform Complaint Procedure 2020-21 Program Instrument
U.S. DOE, Office For Civil Rights Publication	Part 1: Questions and Answers Regarding the Department's Title IX Regulations, January 2021
U.S. DOE, Office For Civil Rights Publication	Questions and Answers on the Title IX Regulations on Sexual Harassment, July 2021
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014
U.S. DOJ Publication	Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2007
Website	Student Privacy Policy Office - https://simbli.eboardsolutions.com/SU/gawOOnf3nbwEHO66taDgug==
Website	U.S. Department of Justice - https://simbli.eboardsolutions.com/SU/BPwrkTmFhG0SXt3hKCVuBw==
Website	U.S. Department of Education, Office for Civil Rights - https://simbli.eboardsolutions.com/SU/HrN4mDOsAx53TBZ2HPwBvQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	California Department of Social Services - https://simbli.eboardsolutions.com/SU/L0zQ0Ee6CozUjxZm4OVTplusA==
Website	California Department of Fair Employment and Housing - https://simbli.eboardsolutions.com/SU/RRvNseNogmlnMLyl8K40jw==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==