

# Board Policy

## Uniform Complaint Procedures

GCCS

BP 1312.3

### Community Relations

The Grizzly Challenge Charter School Board of Directors recognizes that the Grizzly Challenge Charter School (“GCCS” or “Charter School”) has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing its educational programs. The Board encourages the early resolution of complaints whenever possible. Pursuant to this policy, persons responsible for compliance and/or conducting investigations shall be knowledgeable about the laws and programs, which they are assigned to investigate.

#### Scope

GCCS’s uniform complaint procedures (UCP) shall be used to investigate and resolve complaints regarding the following types of complaints:

1. Complaints alleging unlawful discrimination, harassment, intimidation, or bullying against any protected group on the basis of the actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, 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 GCCS program or activity.

Discrimination includes the Charter School's refusal to approve the use or prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library, on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. A complaint alleging such unlawful discrimination may, in addition to or in lieu of being filed with the Charter School, be directly filed with the Superintendent of Public Instruction (SPI). (Education Code 243)

2. Complaints alleging a violation of state or federal law or regulation governing the following programs:
  - o Career technical and technical education and career technical and technical training programs
  - o Consolidated categorical aid programs

- Educational and graduation requirements for students in foster care, students experiencing homelessness, students from military families, migratory students, students formerly in a juvenile court school, and students participating in a newcomer program
  - Every Student Succeeds Act
  - Migrant education
  - Pregnant and parenting pupils accommodations
  - School safety plans
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.
- “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.
  - “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:
    - 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.
    - 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.
    - A purchase that a student is required to make to obtain materials, supplies, equipment, or uniforms associated with an educational activity.
  - 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.

- If the Charter School finds merit in a pupil fees complaint, or the California Department of Education (“CDE”) finds merit in an appeal, the Charter School shall provide a remedy to all affected students, parents/guardians that, where applicable, includes reasonable efforts by the Charter School to ensure full reimbursement to all affected students and parents/guardians, subject to procedures established through regulations adopted by the state board.
  - Nothing in this Policy shall be interpreted to prohibit solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or the Charter 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 Charter 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.

The Charter School acknowledges and respects 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. The Charter School cannot guarantee anonymity of the complainant. This includes keeping the identity of the complainant confidential. However, the Charter School will attempt to do so as appropriate. The Charter School 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 Principal or designee on a case-by-case basis. The Charter School shall ensure that complainants are protected from retaliation.

All complainants shall be protected from retaliation, and the confidentiality of the parties shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the identity of the complainant, and/or the subject of the complaint if different from the complainant, shall remain confidential when appropriate and as long as the integrity of the complaint process is maintained.

Records of all UCP complaints and the investigations of those complaints are to be maintained in accordance with applicable law and GCCS policies and procedures.

Non-UCP Complaints:

The following complaints shall not be subject to GCCS's UCP but shall be investigated and resolved by the specified agency or through an alternative process:

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division or the appropriate law enforcement agency. (5 CCR 4611)
2. Any complaint alleging that a student, while in an education program or activity in which GCCS exercises substantial control over the context and respondent, was subjected to sexual harassment, discrimination, intimidation, or bullying as defined in 34 CFR 106.30 shall be addressed through the federal Title IX complaint procedures as specified in 34 CFR 106.44 - 106.45.
3. Any complaint alleging employment discrimination or harassment shall be referred to the GCCS Principal for investigation using GCCS procedures, including the right to file the complaint with the California Civil Rights Department.
4. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education (FAPE) failure, or refusal to implement a due process hearing order to which GCCS is subject, shall be submitted to California Department of Education (CDE), the Office of Administrative Hearings (OAH) or the Office for Civil Rights (OCR).

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