



## Uniform Complaint Policies and Procedures

2020-2021

*The Accelerated Schools*  
4000 S. Main Street  
Los Angeles, CA 90037  
323-235-6343

UCP Policies and Procedures  
adopted by our  
Governing Board on  
8/30/2016

*Updated: October 2020 (Board Approval Pending)*

### 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 The Accelerated Schools of federal or state laws or regulations governing educational programs, including allegations of unlawful discrimination, harassment, intimidation, bullying and 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 in which we receive state or federal funding. 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.

Programs and activities that are subject to the UCP are:

- Accommodations for Pregnant and Parenting Pupils
- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- Career technical and technical education and career technical and technical training programs
- Childcare and development programs
- Compensatory Education
- Consolidated categorical aid programs
- Course Periods without Educational Content
- Discrimination, harassment, intimidation, or bullying against any protected group as identified under *Education Code (EC)* sections 200 and 220 and *Government Code* Section 11135, including any actual or perceived characteristic as set forth in *Penal Code* 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 conducted by an educational institution, as defined in *EC* Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance.

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- Educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families and pupils formerly in Juvenile Court now enrolled in a school district
- Every Student Succeeds Act
- 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 Plans for Student Achievement
- School Safety Plans
- Schoolsite Councils
- State Preschool
- State Preschool Health and Safety Issues in LEAs Exempt from Licensing

And any other state or federal educational program the State Superintendent of Public Instruction (SSPI) of the California Department of Education (CDE) or designee deems appropriate.

The UCP no longer addresses complaints relative to child nutrition, which are addressed in federal regulations and in Title 5, Sections 15580 through 15584. 5 CCR 4610(c).

The UCP no longer addresses complaints relative to special education, which are addressed in federal regulations and in Title 5, Sections 3200 through 3205. 5 CCR 4610(d).

A local educational agency (LEA) may choose to use its UCP to address a complaint outside the subject matters falling within the UCP. Only allegations within the subject matters falling within the UCP (as summarized in the list above) can be appealed to the CDE. 5 CCR 4610(e).

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:

1. (a) Allegations of child abuse shall be referred to the applicable County Department of Social Services (DSS), Protective Services Division or appropriate law enforcement agency.
2. (b) Health and safety complaints regarding licensed facilities operating a Child Development Program shall be referred to DSS.
3. Employment discrimination, harassment, intimidation or bullying complaints may be referred to Mr. Robert French (Human Resources Director) or to the State Dept. of Fair Employment

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and Housing (DFEH). The complainant shall be notified in writing in a timely manner of any DFEH transferal.

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

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:

1. 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.
2. 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.
3. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

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 Education Code Section 52060(d).

## **The responsibilities of The Accelerated Schools**

We have the primary responsibility to ensure compliance with applicable state and federal laws and regulations. We shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations including, including, but not limited to, allegations of discrimination, harassment, intimidation, bullying or noncompliance with laws relating to all programs and activities implemented by the district that are subject to the UCP.

We shall ensure annual dissemination of the written notice of our complaint procedures to students, employees, parents or guardians of its students, school and district advisory committee's member, appropriate private school officials or representatives, and other interested parties that includes information regarding unlawful pupil fees and LCAP requirements.

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.

Our UCP Annual Notice shall also include information regarding the requirements of Education Code sections 49010 through 49013 relating to pupil fees and information regarding the requirements of Education Code section 52075 relating to the LCAP.

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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.

The following is responsible for receiving and investigating complaints and ensuring our compliance:

**Name or title:** Lenita Lugo, Director of Curriculum and Instruction  
**Unit or office:** The Accelerated Schools  
**Address:** 4000 S. Main Street, Los Angeles, CA 90037  
**Phone:** 323-235-6343  
**E-mail address:** llugo@accelerated.org

The above, responsible for compliance and investigations, is knowledgeable about the laws and programs assigned to investigate.

We will investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group as identified in Education Code section 200 and 220 and Government Code section 11135, including any actual or perceived characteristics as set forth in Penal Code 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 conducted by the agency, which is funded directly by, or that receives or benefits from any state financial assistance.

All complaints must be filed within one year from the date of the alleged violation, except for complaints of unlawful discrimination, harassment, intimidation or bullying, which must be filed within six months of the date of the alleged violation. For complaints relating to Local Control and Accountability Plans (LCAP), the date of the alleged violation is the date when the reviewing authority approves the LCAP or annual update that was adopted by the LEA. 5 CCR 4630(a)&(b).

A LEA Decision is now referred to as a LEA Investigation Report. 5 CCR 4600(n) and 4631(a).

If the LEA finds merit in a complaint, it must impose corrective actions, including for complaints involving pupil fees, courses of study, instructional minutes for physical education and local control and accountability plans, and a remedy to all affected pupils, parents and guardians. 5 CCR 4631(e)(3).

The time for filing a discrimination, harassment, intimidation or bullying complaint may be extended in writing by our CEO or his or her designee, upon written request by the complainant setting forth the reasons for the extension. The period for filing a discrimination, harassment, intimidation or bullying complaint may be extended by our CEO or his or her designee for good cause for a period not to exceed 90 calendar days following the expiration of the six-month time period. Our CEO shall respond immediately upon a receipt of a request for extension.

The complaint shall be filed by one who alleges that he or she has personally suffered unlawful discrimination, harassment, intimidation, and bullying or by one who believes an individual or any specific class of individuals has been subjected to discrimination, harassment, intimidation, and bullying prohibited by this part.

We ensure that complainants are protected from retaliation.

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An investigation of a discrimination, harassment, intimidation, and bullying complaint shall be conducted in a manner that protects confidentiality of the parties and maintains the integrity of the process.

Complainants are advised of the right to pursue civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws. Civil law remedies, including, injunctions, restraining orders, or other remedies or orders may also be available at any time.

If we find merit in a pupil fees, LCAP, and/or a Course Period without Educational Content complaint, we shall provide a remedy. Specifically, in Course Period without Educational Content complaints the remedy shall go to the affected pupil. In LCAP and pupil fee complaints, the remedy shall go to all affected pupils, parents and guardians, which in the case of pupil fees, also includes reasonable efforts by us to ensure full reimbursement to all affected pupils, parents and guardians subject to procedures established through regulations adopted by the state board.

We submitted our UCP policies and procedures to our local governing board or authorized designee for approval and adoption (see the top of this document for final adoption date).

## **Filing a complaint with The Accelerated Schools**

Except for Williams complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancies or misassignments, and complaints that allege discrimination, harassment, intimidation, and bullying, any individual, public agency or organization may file a written complaint with our CEO or his or her designee alleging a matter which, if true, would constitute a violation by our agency of federal or state law or regulation governing a program. A pupil fees complaint may be filed with the principal of a school.

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 fee includes 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 with our CEO or their designee. A pupil fees complaint may be filed anonymously, that is, without an identifying signature, if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

For complaints relating to Local Control and Accountability Plans (LCAP), the date of the alleged violation is the date when the reviewing authority approves the LCAP or annual update that we adopted. An LCAP complaint may be filed anonymously, that is, without an identifying signature, if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

We advise complainants of the right to pursue civil law remedies that may be available under state or federal discrimination, harassment, intimidation or bullying laws, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may also be available to complainants.

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The signature on a complaint may be handwritten, typed (including in an email) or electronically-generated. 5 CCR 4600(a)&(e).

A complaint filed on behalf of an individual student may only be filed by that student or that student's duly authorized representative. 5 CCR 4600(e).

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

We will attempt in good faith by engaging 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.

## **Investigating UCP Complaints**

The investigation shall provide an opportunity for the complainant, or the complainant's representative, or both, 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 The Accelerated Schools 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.

We ensure that complainants are protected from retaliation.

We investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group. 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.

The signature on a complaint may be handwritten, typed (including in an email) or electronically-generated. 5 CCR 4600(a)&(e).

A complaint filed on behalf of an individual student may only be filed by that student or that student's duly authorized representative. 5 CCR 4600(e).

## **UCP Complaint Resolution**

Except for Williams complaints and pupil fees complaints, a UCP complaint will be investigated and a written report (also known as the Decision) issued to the complainant within 60 days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time.

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We shall issue a Decision based on the evidence and 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 disposition,
- (v) corrective actions, if we find merit in a complaint,
  - including 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;
- (vi) notice of the complainant's right to appeal our agency Decision to the CDE,
  - We shall inform the complainant of his or her right to appeal the agency Decision to CDE and
  - The complainant may appeal our Decision of a UCP complaint regarding all specified federal and state educational programs subject to the UCP.
- (vii) procedures to be followed for initiating an appeal to the CDE.

## **UCP Complaint Appeal Process**

An appeal is a written and signed request by the complainant to the CDE seeking review of an LEA Investigation Report that was issued in response to a properly-filed complaint. A signature may be handwritten, typed (including in an email) or electronically-generated.

Appeals to the CDE must be filed within 30 days of the date of the LEA Investigative Report (previously 15 days). 5 CCR 4632(a). The CDE will not process an appeal if it is untimely or if it fails to include this information required by 4632(b) and (c). Complainants, when filing an appeal with the CDE, must specify and explain the basis for the appeal, including at least one of the following [5 CCR 4632(b)]:

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

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The appeal shall be sent with: (1) a copy of the locally filed complaint; and (2) a copy of the LEA Investigation Report.

LEAs shall provide the investigative file to CDE within 10 days of notification of an appeal. An LEA's failure to provide a timely and complete response may result in the CDE ruling on the appeal without considering information from the LEA. 5 CCR 4633(a).

If the CDE finds merit in an appeal, it must issue corrective actions as appropriate and including a remedy to the affected pupil, or in the case of complaints involving pupil fees, courses of study, instructional minutes for physical education and local control and accountability plans, a remedy to all affected pupils, parents and guardians. 5 CCR 4633(g)(3).

The CDE must issue an appeal Decision within 60 days, unless extended by written agreement with the Appellant, or the CDE documents exceptional circumstances and informs the Appellant, or the CDE receives notice that the matter has been resolved at the local level, or the CDE receives notice that the matter has been judicially decided. 5 CCR 4633(h).

A written appeal of the decisions and/or findings may be directed to The Accelerated School (TAS) Board of Trustees:

Mrs. Grace Lee-Chang  
The Accelerated Schools  
4000 South Main Street  
Los Angeles, California 90037  
Telephone: (323) 235-6343

Appeals of District decisions regarding allegations of discrimination, harassment, intimidation, or bullying may be sent to:

California Department of Education  
Office for Equal Opportunity  
1430 N Street, Suite 4206  
Sacramento, CA 95814

Appeals of District decisions regarding educational program complaints should be sent to:

California Department of Education  
Categorical Programs Complaints Management Office  
1430 N Street, Suite 6408  
Sacramento, CA 95814

Appeals of District decisions regarding special education compliance should be sent to:

California Department of Education  
Procedural Safeguards Referral Service  
1430 N Street, Suite 2401  
Sacramento, CA 95814



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- This appeal to TAS Board of Trustees and/or to the CDE must fully explain the basis for the appeal, stating how the facts of the agency's Decision are incorrect and/or the law is misapplied.
- The appeal shall be sent with (1) a copy of the locally filed complaint and (2) a copy of the Decision.

## **Reconsideration of an Appeal (5CCR 4635)**

- Within 30 days of the date of the CDE's appeal Decision, either party may request reconsideration. 5 CCR 4635(a).
- On reconsideration, the CDE will not consider new information unless it was unknown during the appeal and could not have become known with due diligence. 5 CCR 4635(b).
- The CDE must act on the reconsideration request within 60 days. During the reconsideration period, the CDE appeal Decision remains in effect and enforceable, unless stayed by a court. 5 CCR 4635(c).

## **Direct State Intervention (5 CCR 4650 through 4664)**

- The CDE may at its discretion directly intervene without waiting for an LEA investigation in certain enumerated situations (the regulation previously stated that the CDE must directly intervene in certain situations). 5 CCR 4650(a).
- The CDE must directly intervene if the complaint alleges that an agency that is not an LEA violated laws relating to a Child Care and Development program. 5 CCR 4650(b).
- When CDE declines direct intervention in an anonymous complaint, the CDE will not forward the complaint to the LEA without the complainant's permission. 5 CCR 4651(b).
- When the CDE directly intervenes, the CDE must issue a Department Investigation Report within 60 days, unless the parties have agreed to extend the timeline or the CDE documents exceptional circumstances and informs the complainant, or the matter has been resolved at the local level or judicially decided. 5 CCR 4664(b).

## **Reconsideration of a Direct Intervention (5 CCR 4665)**

- Within 30 days of the date of the CDE's Investigation Report, either party may request reconsideration (previously 35 days). 5 CCR 4665(a).
- On reconsideration, the CDE will not consider new information unless it was unknown during the investigation and could not have become known with due diligence. 5 CCR 4665(b).
- The CDE must act on the reconsideration request within 60 days (previously 35 days). During the reconsideration period, the CDE Investigation Report remains in effect and enforceable, unless stayed by a court. 5 CCR 4665(c).

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Nothing in this document shall prohibit anyone involved in the complaint from utilizing alternative methods to resolve the allegations, such as mediation. Nor are we prohibited from resolving complaints prior to the formal filing of a written complaint. Mediation is a problem-solving activity whereby a third party assists the parties to the dispute in resolving the complaint.

Copies of these Uniform Complaint Procedures shall be available free of charge.

Pursuant to California Education Code § 262.3, persons who have filed a complaint, under the UCP, should be advised that civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders may also be available to them.

Complainants should be advised of the right to pursue civil law remedies under California or federal discrimination, harassment, intimidation or bullying laws.

**AUTHORITY:** This is the policy of the District CEO of Schools. The following legal standard is applied to this policy: *California Code of Regulations*, Title 5, Sections 4600 - 4687

**ASSISTANCE:** For further information, to ask questions, seek assistance regarding the filing of complaints under the Uniform Complaint Procedures, or have questions regarding appeal procedures, contact: Ms. Lenita Lugo, Categorical Programs Director (323) 235-6343 Ext. 2553.

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## Legal References

20 United States Code [20 U.S.C.] Section 6301 et seq.

34 Code of Federal Regulations [34 CFR] Sections 106.8, 34 CFR 299.10-11

California Education Codes [EC] Sections 200, 201, 210.1, 210.3, 220, 221.1, 222, 234.1, 260, 3031, 8200-8498, 8235.5, 8235-8239.1, 8261, 8482-8484.65, 8500-8538, 17002(d), 17592.72, 32280-32289, 32289, 33126(b)(5)(A), 33126(b)(5)(B), 33315, 35161, 35186, 46015, 48645.7, 48853, 48853.5, 48987, 49010-49013, 49069.5, 49531, 49556, 51210, 51222, 51223, 51225.1-3, 51228.1-51228.3, 52059, 52075, 52300-52462, 52334.7, 52355, 52451, 52460-52462, 52500-52617, 54440-54445, 54445, 56100(a), 56100(j), 60010, 64001, 65000.

California Government Code [GC] Sections 11135, 11136, 12960

California Penal Code [PC] Section 422.55, 11166

5 California Code of Regulations (CCR) Sections 4600-4640, 4690-4694