Uniform Complaint Procedures (UCP)
Policies and Procedures

2024-2025

The Accelerated Schools

4000 S. Main Street

Los Angeles, CA 90037

323-235- 6343

www.accelerated.org

Adopted by our Governing Board: June 2022

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.

This document presents information about how we process UCP complaints concerning particular programs or activities that are subject to the UCP.

A UCP complaint is a written and signed statement alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation or bullying. A signature may be handwritten, typed (including in an email) or electronically generated. Complaints may be filed anonymously. A UCP complaint filed on behalf of an individual student may only be filed by that student or that student's duly authorized representative.

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 or bullying in programs and activities funded directly by the state or receiving any financial assistance from the state.

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.

Uniform Complaint Procedures Policies and Procedures 2021-22

The Accelerated Schools developed the Uniform Complaint Procedures (UCP) process with policies and procedures adopted by the board.

According to state and federal codes and regulations, the programs and activities 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
- Child care 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. • 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).

The following complaints shall be referred to the specified agencies for appropriate resolution and are not subject to our UCP complaint procedures set forth in this document:

(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.

(b) Health and safety complaints regarding licensed facilities operating a Child Development Program shall be referred to DSS.

(c) Employment discrimination complaints shall be sent to the State Department of Fair Employment and Housing (DFEH). The complainant shall be notified in writing in a timely manner of any DFEH transferal.

(d) Allegations of fraud shall be referred to the Legal, Audits and Compliance Branch in the California Department of Education (CDE). **The Responsibilities of The Accelerated Schools**

We shall have the primary responsibility to ensure compliance with applicable state and federal laws and regulations. We shall investigate and seek to resolve, in accordance with the our approved UCP process, 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 we implement that are subject to the UCP.

The UCP Annual Notice

We disseminate on an annual basis the UCP Annual Notice which is a written notice of our approved UCP complaint procedures to all of our students, employees, parents or guardians of its students, school and district advisory committee members, appropriate private school officials or representatives, and other interested parties.

Uniform Complaint Procedures Policies and Procedures 2021-22

This notice may be made available on our website and shall include the following: • information regarding allegations about discrimination, harassment, intimidation, or bullying;

- the list of all federal and state programs within the scope of the UCP;
- the title of the position whose occupant is responsible for processing complaints, and the identity(ies) of the person(s) currently occupying that position, if known;
- a statement that the occupant responsible for processing complaints is knowledgeable about the laws and programs that they are assigned to investigate;

Filing UCP Complaints

All UCP complaints shall be filed no later than one year from the date the alleged violation occurred.

Complaints within the scope of the UCP are to be filed with the person responsible for processing complaints*:*

Name or title: Lenita Lugo, Director of Access, Equity and Compliance

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.

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 superintendent 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.

Uniform Complaint Procedures Policies and Procedures 2021-22

Investigating UCP Complaints

The UCP complaint investigation is our administrative process for the purpose of gathering data regarding the complaint. We provide an opportunity for complainants and/or representatives 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.

UCP Complaint Resolution

We will thoroughly investigate the UCP complaint and issue a written Investigation Report to the complainant within 60 calendar days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time.

This Investigation Report will contain the following elements:

• the findings of fact based on the evidence gathered;

• a conclusion that provides a clear determination for each allegation as to whether we are in compliance with the relevant law;

• corrective actions if we find merit in a complaint:

- for complaints regarding 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 reasonable efforts to ensure full reimbursement to all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint;

- a notice of the complainant's right to appeal our Investigation Report to the Department of Education (CDE); and
- the 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.

The complainant may appeal our Investigation Report of a UCP complaint to the CDE by filing a written appeal within 30 calendar days of the date. In order to request an appeal, the complainant must specify and explain the basis for the appeal, including at least one of the following:

- The Accelerated Schools failed to follow its complaint procedures, and/or
- the Investigation Report lacks material findings of fact necessary to reach a conclusion of law, and/or
- the material findings of fact in the Investigation Report are not supported by substantial evidence, and/or
- the legal conclusion in the Investigation Report is inconsistent with the law, and/or
- in a case in which we were found in noncompliance, the corrective actions fail to provide a proper remedy.

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

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:

The Accelerated Schools

C/O CEO

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

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).

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, Director of Curriculum, Instruction and Assessment (323) 235-6343 Ext. 2553.

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 Code* [*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, 5230052462, 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

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