



VIBRANT MINDS CHARTER SCHOOL

TK-6 Grade, Free, Public Education

412 W. Carl Karcher Way

Anaheim, California 92801

Office: 714-563-2390

FAX: 714-563-2401

<https://www.vibrantminds.us/>

<https://www.facebook.com/VMCharterSchool/>

BOARD POLICY UNIFORM COMPLAINT POLICIES AND PROCEDURES

This document contains rules and instructions about the filing, investigation, and resolution of a Uniform Complaint Procedures (UCP) complaint regarding an alleged violation by Vibrant Minds Charter School (VMCS) of federal or state laws or regulations governing educational programs, including non-compliance with laws relating to scholar fees and VMCS's Local Control and Accountability Plan (LCAP). This document includes information about how VMCS processes UCP complaints concerning particular programs or activities that are subject to the UCP.

What is a Uniform Complaint (UCP)?

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, and/or bullying; charging scholar fees for participation in an educational activity; or non-compliance with the requirements of VMCS's 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. If the complainant is unable to put the complaint in writing due to a disability or illiteracy, VMCS shall assist the complainant in the filing of the complaint.

The Responsibilities of VMCS

VMCS has the primary responsibility to ensure compliance with applicable state and federal laws and regulations. VMCS will investigate and seek to resolve, in accordance with this VMCS UCP process, any 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, as well as noncompliance with laws relating to all programs and activities implemented by VMCS that are subject to the UCP. These include:

- Accommodations for Pregnant and Parenting Scholars
- After-School Education and Safety
- Career Technical and Technical Education, Career Technical, Technical Training
- Compensatory Education
- Course Periods without Educational Content

- Education of Scholars in Foster Care, Scholars who are Homeless, former Juvenile Court Scholars now enrolled in a school district and Children of Military Families
- Every Student Succeeds Act
- Local Control and Accountability Plans (LCAP)
- Migrant Education
- Physical Education Instructional Minutes
- Reasonable Accommodations to a Lactating Scholar
- Regional Occupational Centers and Programs
- School Plans For Student Achievement
- School Safety Plans
- School Site Councils

In addition, VMCS's UCP adopted to provide a uniform system of complaint processing for the following types of complaints:

- Complaints regarding "scholar fees," including any fee, deposit, or other charge that a scholar or a scholar's parent or guardian are required to pay or any "fee waiver."
- Complaints of discrimination against any protected group (actual or perceived), including discrimination on the basis of age, sex, sexual orientation, gender, gender identity, gender expression, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, 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 VMCS program or activity (5 CCR §4610).
- Complaints of violations of state or federal law and regulations governing the following programs including, but not limited to: Special Education, Title II, Section 504 of the Rehabilitation Act, Consolidated Categorical Aid, Every Student Succeeds Act, Migrant Education, Career Technical and Technical Education Training Programs, Child Care and Development Programs, Child Nutrition Program (5 CCR §4610).

The following complaints shall be referred to other agencies for appropriate resolution and are not subject to VMCS's UCP process set forth in this document unless these procedures are made applicable by separate interagency agreements:

- Allegations of child abuse shall be referred to County Department of Social Services (DSS), Protective Services Division or appropriate law enforcement agency.

- Health and safety complaints regarding a Child Development Program shall be referred to Department of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.
- Employment discrimination, harassment, intimidation, or bullying complaints may be referred to the State Department of Fair Employment and Housing (DFEH).
- Allegations of fraud shall be referred to the Legal, Audits, and Compliance Branch in the California Department of Education (CDE).

Scholar Fees

A scholar enrolled in a charter school shall not be required to pay a scholar fee for participation in an educational activity. A scholar fee includes, but is not limited to, all of the following:

- A fee charged to a scholar 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 scholar is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
- A purchase that a scholar is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity. This excludes the purchase of school uniforms.

A scholar fees complaint may be filed using the Contact Information shown below or with the executive director or assistant director of the school. A scholar fees and/or an LCAP complaint may be filed anonymously; however, the complainant must provide evidence or information leading to evidence to support the complaint. A scholar fee complaint shall be filed no later than one year from the date the alleged violation occurred.

The Local Control Accountability Plan (LCAP)

The LCAP is an important component of the Local Control Funding Formula (LCFF), the revised school finance system that determines how California funds its K-12 schools. Under the LCFF, VMCS is required to prepare an LCAP, which describes how VMCS intends to meet annual goals for VMCS scholars, with specific activities to address state and local priorities identified pursuant to California *Education Code (EC)* Section 52060(d).

Annual Notice

VMCS ensures annual dissemination of a written notice of the school's complaint procedures that includes information regarding allegations about discrimination, harassment, intimidation, or bullying to all scholars, parents/guardians of its scholars, employees, school advisory committee members, appropriate private school officials or representatives, and other interested parties

VMCS's UCP Annual Notice also includes information regarding the requirements of *EC* Section 49010 through 49013 relating to scholar fees and information regarding the requirements of *EC* Section 52075 relating to the LCAP. VMCS's UCP Annual Notice is distributed 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.

Filing UCP Complaints

- Filing Scholar Fees UCP Complaints -- A scholar fees complaint may be filed using the contact information provided herein or with the executive director and/or assistant director of VMCS. A scholar 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 scholar fees complaint shall be filed no later than one year from the date the alleged violation occurred.
- Filing All Other UCP Complaints -- VMCS will provide an opportunity for complainants and/or representatives to present evidence or information during the course of the investigation of any UCP complaint. 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 VMCS employees or board members 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. The complaint will be investigated and a written report with a decision will be 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. This report will contain the following elements:
 - The findings of fact based on the evidence gathered.
 - Conclusions of law.
 - Disposition of the complaint.
 - The rationale for such a disposition.
 - Corrective actions, if any are warranted.
 - Notice of the complainant's right to appeal VMCS's decision to the California Department of Education (CDE).
 - Procedures to be followed for initiating an appeal to CDE.

UCP Complaint Investigation

The staff member responsible to receive and investigate UCP complaints and ensure VMCS compliance is:

- Names: Debra J. Schroeder, Ed.D. (Executive Director) and/or Chammarra Nguyen (Assistant Director)
- Address: 412 W. Carl Karcher Way, Anaheim, CA 92801
- Phone: 714-563-2390

- Email Addresses: dschroeder@vibrantminds.us and cnguyen@vibrantminds.us

The staff member responsible to receive and investigate UCP complaints and ensure VMCS compliance is knowledgeable about the laws and programs s/he is assigned to investigate. VMCS will investigate all allegations of unlawful discrimination, harassment, intimidation, or bullying against any protected group as identified in *EC* Section 200 and 220 and Government Code (*GC*) Section section 11135, including any actual or perceived characteristics as set forth in Penal Code (*PC*) 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 we conduct, which is funded directly by, or that receives or benefits from any state financial assistance.

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. All complainants are protected from retaliation.

VMCS will advise all complainants of the right to pursue civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws.

Procedures

The following procedures shall be used to address all complaints which allege that VMCS has committed a violation of a law or regulation specified in Board Policy 1008. Compliance officers shall maintain a record of each complaint and subsequent related actions. All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

- **Step 1: Filing of Complaint** -- Any individual, public agency, or organization may file a written complaint of alleged noncompliance by VMCS. A complaint alleging unlawful discrimination or harassment shall be initiated no later than six months from the date when the alleged discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination. A complaint may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and date stamp. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, VMCS staff shall assist him/her in the filing of the complaint.
- **Step 2: Mediation** -- Within three days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make arrangements for this process. Before initiating the mediation of a discrimination complaint, the compliance officer shall 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 shall proceed with his/her investigation of the complaint. The use of mediation shall not extend VMCS's timelines for investigating and

resolving the complaint unless the complainant agrees in writing to such an extension of time.

- Step 3: Investigation of Complaint -- The compliance officer is encouraged to hold an investigative meeting within five days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally. The complainant and/or his/her representative shall have an opportunity to present the complaint and evidence or information leading to evidence to support the allegations in the complaint .A complainant's refusal to provide VMCS's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. VMCS's refusal to provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement 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.
- Step 4: Response
 - Option 1: Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report of VMCS's investigation and decision, as described in Step #5 below, within 60 days of VMCS's receipt of the complaint.
 - Option 2: Within 30 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of VMCS's investigation and decision, as described in Step #5 below. If the complainant is dissatisfied with the compliance officer's decision, s/he may, within five days, file his/her complaint in writing with the Board.
 - The Board may consider the matter at its next regular Board Meeting or at a Special Board Meeting convened in order to meet the 60-day time limit within which the complaint must be answered.
 - The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.
 - If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 days of VMCS's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant.
 - If VMCS finds merit in a complaint regarding Scholar Fees, Local Control Accountability Plan (LCAP) and/or Physical Education Instructional Minutes (Grades one through six), the remedy shall go to all affected scholars and parents/guardians. VMCS will make a good-faith attempt to identify and fully reimburse all scholars and parents/guardians who paid a scholar fee within one year prior to the filing of the complaint.
 - If VMCS finds merit in a complaint regarding Reasonable Accommodations to a Lactating Scholar; Course Periods without Educational Content (grades nine through twelve); and/or Education of Scholars in Foster Care, Scholars who are Homeless, former Juvenile Court Scholars now enrolled in a school, and pupils in military families, VMCS shall provide a remedy to affected scholars.

- **Step 5: Final Written Decision -- VMCS's decision shall be in writing and sent to the complainant. VMCS's decision shall be written in English and in the language of the complainant whenever feasible or as required by law. The decision shall include:**
 - The findings of fact based on evidence gathered.
 - The conclusion(s) of law.
 - Disposition of the complaint.
 - Rationale for such disposition.
 - Corrective actions, if any are warranted.
 - Notice of the complainant's right to appeal VMCS's decision within fifteen (15) days to the CDE and procedures to be followed for initiating such an appeal.
 - For discrimination complaints arising under state law, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies.
 - For discrimination complaints arising under federal law such complaint may be made at any time to the U.S. Department of Education, Office for Civil Rights.
 - If an employee is disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the employee was informed of VMCS's expectations. The report shall not give any further information as to the nature of the disciplinary action.

Civil Law Remedies

A complainant may pursue available civil law remedies outside of VMCS's complaint procedures under state or federal discrimination, harassment, intimidation, or bullying laws. Unlawful discrimination, harassment, intimidation, or bullying complaints shall be filed no later than six months from the date of the alleged discrimination, harassment, intimidation, or bullying occurred, or from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying. 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 discrimination complaints arising under state law, however, a complainant must wait until 60 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 VMCS has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.

UCP Complaint Reporting

Summaries of all UCP complaints shall be publicly reported on a quarterly basis at a regularly scheduled VMCS Board Meeting. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints, but shall not otherwise identify the complainant or any other party or parties. All complaints and responses are public records.

Appeals to the California Department of Education

If dissatisfied with VMCS's decision, the complainant may appeal in writing to the CDE within fifteen (15) days of receiving VMCS's decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of VMCS's decision.

Upon notification by the CDE that the complainant has appealed VMCS's decision, the Executive Director and/or Assistant Director shall forward the following documents to the CDE:

- A copy of the original complaint.
- A copy of the decision.
- A summary of the nature and extent of the investigation conducted by VMCS, if not covered by the decision.
- A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by all parties and gathered by the investigator.
- A report of any action taken to resolve the complaint.
- A copy of VMCS's complaint procedures.
- Other relevant information requested by the CDE.

The CDE may directly intervene in the complaint without waiting for action by VMCS when one of the conditions listed in Title 5, California Code of Regulations, Section 4650 5 CCR 4650 exists, including cases in which VMCS has not taken action within 60 days of the date the complaint was filed with VMCS.

This appeal to the CDE must fully explain the basis for the appeal, stating how the facts of VMCS's decision are incorrect and/or the law is misapplied. You may request assistance with an appeal using the Appeal Assistance Form located at: <https://www3.cde.ca.gov/ucpemail/> You may also contact the Categorical Programs Complaints Management Office at 916-319-0929 for assistance.

Citations

California *Education Code (EC)* sections 200, 220, 48985, 49010-49013, 52060-52075
California *Government Code (GC)* sections 11135
California *Penal Code (PC)* section 422.55

Review of Policy

This policy may be reviewed periodically by the VMCS Board.

Adopted: February 10, 2021

Amended: