



# New Millennium Secondary School

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## **UNIFORM COMPLAINT POLICY**

This document contains guidelines and instructions about how to file, investigate and resolve a Uniform Complaint Procedures (UCP) complaint regarding an alleged violation by New Millennium Secondary School 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).

A complaint regarding the violation of specific federal and state programs that use categorical funds such as Adult Education, After School Education and Safety, Agricultural Vocational Education, American Indian Education Centers, American Indian Early Childhood Education, Career Technical Education, Child Care and Development, Consolidated Categorical Aid, Foster Youth Services, Local Control Funding Formula and Local Control Accountability Plans, Migrant Education, Nutrition Services, Regional Occupational Centers, School Facilities, Tobacco-Use Prevention Education, and Unlawful Pupil Fees are considered UCP complaints. UCP complaints are filed with the district superintendent or their designee.

New Millennium Secondary School shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX of the Education Amendments of 1972 (Title IX) and section 504 of the Rehabilitation Act of 1973 ("Section 504"), including any investigation of any complaint filed with Charter School alleging its noncompliance with these laws or alleging any actions which would be prohibited by these laws. New Millennium Secondary School shall notify all of its students and employees of the name, office address, and telephone number of the designated employee or employees.

NMSS shall adopt and publish complaint procedures providing for prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX or Section 504.

New Millennium shall adopt and implement specific and continuing procedures for notifying applicants for admission and employment, students and parents of elementary and secondary school students, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with Charter School, that Charter School does not discriminate on the basis of sex or mental or physical disability in the educational programs

or activities which it operates, and that it is required by Title IX and Section 504 not to discriminate on any such basis.

Charter School shall establish and provide a uniform complaint procedure in accordance with applicable federal and state laws and regulations, including but not limited to all applicable requirements of *California Code of Regulations*, title 5, section 4600 et seq.

Charter School shall adhere to all applicable federal and state laws and regulations regarding pupil fees, including Education Code sections 49010 - 49013, and extend its uniform complaint procedure to complaints filed pursuant to Education Code section 49013.

Charter School shall extend its uniform complaint procedure to complaints filed pursuant to the Local Control Funding Formula legislation provisions set forth in Education Code section 52075.

What is not covered?

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. Allegations of child abuse shall be referred to California Dept. of Social Services (CDSS), Protective Services Division or appropriate law enforcement agency.
- Health and safety complaints regarding a Child Development Program shall be referred to CDSS for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities. <sup>[L]</sup><sub>[SEP]</sub>
- Employment discrimination, harassment, intimidation or bullying complaints shall be sent to the California Dept. of Fair Employment and Housing (DFEH). <sup>[L]</sup><sub>[SEP]</sub>
- Allegations of fraud shall be referred to the Legal, Audits and Compliance Branch in the California Department of Education (CDE). <sup>[L]</sup><sub>[SEP]</sub>
- Allegations of employment/work, employee-to-employee and/or student to employee discrimination, harassment, intimidation, and/or bullying may be referred to the CNCA Home Support Office at (213) 417-3400. <sup>[L]</sup><sub>[SEP]</sub>
- Complaints involving classroom assignments, common core, grades, graduation requirements, hiring and evaluation of staff, homework policies and practices, provision of core curricula subjects, public meeting laws (Brown Act), student advancement and retention, student discipline, students' records, and other general education requirements may be referred to the school principal. <sup>[L]</sup><sub>[SEP]</sub>

## **Universal Complaint Procedures**

Discrimination, Harassment, Intimidation or Bullying of Protected Groups (related to employee-to-student, student-to-student, third party to student, employee-to-third party)

Existing law requires the adopted course of study for grades 1 to 6 inclusive, to include instruction in specified areas of study, including physical education for a total period of time of not less than 200 minutes each 10 school days, exclusive of recesses and the lunch period. Instruction in physical education in an elementary school maintaining any of grades 1 to 8, inclusive, shall be for a total period of time of not less than 200 minutes each 10 school days, exclusive of recesses and the lunch period. A complaint that the District has not complied with instructional minute requirements of the physical education adopted course of study for pupils in those grades may be filed under UCP. If merit is found in such a complaint, a remedy shall be provided to all affected pupils, parents and/or guardians.

Education Codes §§48645.7, 48853, 48853.5, 49069.5, 51225.1 and 51225.2, which address and provide for standardized notice of educational rights and complaint processes for pupils in foster care, pupils who are homeless, former juvenile court pupils now enrolled in a school district and pupils in military families to immediate enrollment, remaining in the school of origin, being enrolled in their local comprehensive school, obtaining partial credits, graduating with the State's minimum requirements, and access to academic resources, services, and extracurricular activities, have been amended to allow that a complaint of noncompliance with the requirements of the sections may be filed under the NMSS UCP. If merit is found in such a complaint, a remedy shall be provided to the affected pupil.

NMSS is prohibited from assigning pupils enrolled in grades 9 to 12 to courses without educational content. A complaint of noncompliance with the requirements of Education Code §51228.1 or §51228.2 may be filed under the UCP. If merit is found in such a complaint, a remedy shall be provided to the affected pupil.

A complaint that NMSS has not complied with requirements of the LCAP may also be filed using UCP. (Education Code §52075). An LCAP complaint may be filed anonymously if it provides evidence/information leading to evidence to support an allegation of noncompliance. If merit is found in an LCAP complaint, a remedy shall be provided to all affected pupils, parents and/or guardians. LCAP requirements are found in Education Code §§52060-52076.

A complaint may be filed anonymously if it provides evidence or information leading to evidence to support an allegation of noncompliance. Complainants making a verbal complaint shall be referred to an administrator/designee who will assist any person with a disability or unable to prepare a written complaint. The Complainant may use the NMSS Uniform Complaint Procedures Form, or a signed letter outlining the allegation of violations, as long as the letter contains any relevant information that would have been included in the form.

NMSS shall include an opportunity for the complainant, or the complainant's

representative, or both, to present the complaint(s) and evidence or information leading to evidence to support the allegations of noncompliance with state and federal laws and/or regulations. Refusal by the complainant to provide the investigator with documents or other evidence related to the complaint allegations, or to otherwise fail or refuse to cooperate in the investigation or engage in any obstruction of the investigation may result in dismissal of the complaint because of a lack of evidence to support the allegations. Refusal by NMSS to provide the investigator with access to records and/or other information related to the complaint allegation, or to otherwise fail or refuse to cooperate in the investigation or engage in any obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in imposition of a remedy in favor of the complainant.

#### After a Complaint is filed

NMSS will acknowledge receipt of the complaint and review it to determine whether it meets the criteria for filing under the procedures or falls within the exceptions listed in the Uniform Complaint Procedures section of this policy.

The investigator will determine whether, in the estimation of NMSS mediation may be a productive alternative resolution. The mediation process may be terminated at any time and may proceed directly to an investigation. Mediation may not extend the timeline for investigation and resolution of the complaint unless the complainant agrees, in writing, to the extension.

The investigator will determine whether a discrimination, harassment, intimidation, and/or bullying complaint has been filed within six months from the date the alleged incident occurred or the date the complainant first obtained knowledge of the facts of the alleged incident. Confidentiality of complaints alleging discrimination, harassment, intimidation, and/or bullying will be observed to the maximum extent possible.

If a discrimination, harassment, intimidation, and/or bullying complaint has not been filed in a timely manner, the complaint will be denied. NMSS will notify the complainant of the right to appeal.

Refer the complaint for investigation to the appropriate NMSS department.

NMSS will ensure that, within 60 days of receipt of the written complaint, the complaint has been resolved and/or investigated and that a written report of findings is issued to the complainant.

How long does it take?

Each complaint shall be resolved and a written report of investigative findings issued within 60 days of receipt of the written complaint unless the complainant agrees in writing to an extension of time. Mediation may not result in an extension of the investigation timeline unless the complainant agrees, in writing, to the extension.

How is an investigation conducted?

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

All complaints will be directed to the NMSS Business Office c/o Samantha Navarro, principal.

NMSS will have sixty (60)-days from the receipt of the complaint to request additional information from the complainant as necessary, conduct the investigation, and prepare the written report of findings.

NMSS will provide an opportunity for the complainant and/or complainant's representative and NMSS's representative to present information relevant to the complaint during the mediation or investigative process. Refusal by the complainant to provide the investigator with evidence related to the complaint allegations, or to otherwise fail or refuse to cooperate in the investigation or engage in obstruction of the investigation may result in dismissal of the complaint because of lack of evidence to support the allegations.

NMSS may obtain statements from individuals/witnesses who can provide relevant information concerning the alleged violation. NMSS will review documents that may provide information relevant to the allegation.

NMSS will prepare a written report (in English and in the language of the complainant) of the investigative findings which contains the following elements:

- Findings of fact based on evidence gathered [SEP]
- Conclusion of law [SEP]
- Disposition of complaint [SEP]
- Rationale for the disposition [SEP]
- Corrective actions, if any warranted [SEP]
- Notice of complainant's right to appeal the District's decision to CDE [SEP]
- Procedures to be followed for initiating an appeal to CD [SEP] The findings will state that NMSS will not tolerate retaliation against the complainant or witnesses participating in the investigation. The findings will include notice of the complainant's right to appeal the decision to the California Department of Education.

## How to Appeal <sup>[L]</sup><sub>[SEP]</sub>

Appeals of decisions must be filed in writing within 15 days to the California Department of Education.

The complainant shall specify reasons for appealing and include a copy of NMSS's decision.

Appeals of NMSS decisions/findings regarding discrimination, harassment, intimidation, and/or bullying allegations, as well as findings regarding provision of accommodations to lactating students, may be appealed to CDE's Education Equity UCP Appeals Office by filing a written appeal within 15 days of receipt of NMSS's decision. The written appeal should specify reasons for appealing the decision and include a copy of the District's decision.

The appeal may be sent to:

California Department of Education Equity UCP Appeals Office 1430 N Street, Suite 5405 Sacramento, CA 95814

Appeals of NMSS decisions/findings regarding educational programs listed in the Uniform Complaint Procedures including foster/homeless youth services, pupil fees, elementary physical education instructional minutes, and enrollment in courses without educational content and previously completed/graded courses sufficient for satisfying requirements/prerequisites for postsecondary education and receipt of a diploma, may be appealed to CDE's Categorical Programs Complaints Management Office by filing a signed written appeal within 15 days of receipt of NMSS's decision. The written appeal should specify reasons for appealing the decision and include a copy of NMSS's decision.

The appeal may be sent to:

California Department of Education<sup>[L]</sup><sub>[SEP]</sub>Categorical Programs Complaints Management Office 1430 N Street, Suite 6408<sup>[L]</sup><sub>[SEP]</sub>Sacramento, CA 95814

The appeal may be sent to:

## California Department of Education Procedural Safeguards Referral Service

1430 N Street, Suite 2401 Sacramento, CA 95814

Appeals of NMSS's decisions/findings regarding legal requirements pertaining to LCAP may be filed with the CDE by sending a written appeal within 15 days of receipt of the NMSS's decision.

The appeal may be sent to:

California Department of Education Local Agency Systems Support Office 1430 N Street, Suite 6400 Sacramento, CA 95814 <sup>[1]</sup><sub>[SEP]</sub>

### UNIFORM COMPLAINT PROCEDURES PROCESS JURISDICTION

The UCP process may be used to address complaints alleging:

- Adult education (§§8500-8538, 52334.7, 52500-52617)
- After school education and safety (§§8482-8484.65)
- Agricultural career technical education (§§52460-52462)
- Compensatory education (§54400)
- Consolidated categorical aid programs [34 CFR §§299.10-12, §64000(a)]
- Migrant education (§§54440-54445)
- Career technical and technical education and career technical and technical training programs (§§52300-52462)
- Childcare and development programs (§§ 8200-8498)
- Every Student Succeeds Act (20 United States Code §6301 et seq.; EC §52059)
- Discrimination, harassment, intimidation or bullying of protected groups identified under §§200 and 220 and §11135 of the Government Code, including any actual or perceived characteristic as set forth in §422.55 of the Penal Code, 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 §210.3, that is funded directly by, or that receives or benefits from, any state financial assistance. (Related to employee-to-student, student-to-student, student-to-employee, third party to student, employee-to-third party)
- Accommodations for pregnant and parenting pupils, including reasonable accommodations for lactating pupils (§§46015, 222)
- Educational and graduation rights of foster youth, homeless youth, and other youth (e.g., former juvenile court school pupils, pupils from military families, newcomers and migratory education students) (§§48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
- Pupil Fees (§§49010-49013)
- Courses periods without educational content (§§51228.1-51228.3)

- Physical education instructional minutes (§51223)
- Local control and accountability plans (LCAP) (§52075)
- Regional occupational centers and programs (§§52300-52334.7)
- School plans for student achievement (§64001)
- School site councils (§65000)
- School safety plans (§§32280-32289)
- State preschools (§§8235-8239.1)
- Deficiencies related to preschool health and safety issues for a California state preschool program exempt from licensing (5 CCR §1596.7925, EC §8235.5); per public notices posted for applicable classrooms
- Any other state or federal educational program the State Superintendent of Public Instruction or designee deems appropriate
- And/or to appeal District decisions regarding such complaints.