



Aspire Public Schools Uniform Complaint Policy and Procedures

These Uniform Complaint Procedures (“UCP”) contain rules and instructions about UCP complaints regarding any alleged violation of federal or state laws or regulations governing certain educational programs and activities offered by Aspire Public Schools (“Aspire”). Aspire developed this UCP in accordance with Title 5, California Code of Regulations, §§ 4600-4687.

This document presents information about how Aspire processes 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, Aspire shall assist the complainant in the filing of the complaint.

Aspire Public Schools developed the Uniform Complaint Procedures (UCP) process with policies and procedures adopted by the Aspire Public Schools Board of Directors.

UCP Complaints

Not all complaints fall under the scope of the UCP. Complaints arising from the employment relationship are separately addressed by Aspire’s employment policies. Many concerns, including classroom assignments, grades, graduation requirements, hiring and evaluation of staff, homework policies and practices, student advancement and retention, student discipline, student records, special education, the Brown Act, and other general education requirements, are not UCP complaints. Aspire, however, may use these complaint procedures to address complaints not covered by the UCP in its sole discretion. Only allegations within the subject matters falling within the UCP can be appealed to the CDE.

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 following complaints shall be referred to the specified agencies for appropriate resolution and are not subject to the 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.

THE RESPONSIBILITIES OF ASPIRE PUBLIC SCHOOLS

Aspire Public Schools shall have the primary responsibility to ensure compliance with applicable state and federal laws and regulations. Aspire shall investigate and seek to resolve, in accordance with its approved UCP process, complaints alleging failure to comply with applicable state and federal laws and regulations including, but not limited to, allegations of discrimination, harrasment, intimidation or bully or noncompliance with laws relating to all programs and activities that Aspire implements that are subject to the UCP.

THE UCP ANNUAL NOTICE

Aspire disseminates on an annual basis the UCP Annual Notice which is a written notice of Aspire's approved UCP complaint procedures. The notice is also made available on the Aspire Public Schools website. The notice addresses all students, employees, parents or guardians, school advisory committee members, appropriate private school officials or representatives (if applicable), and other interested parties.

The notice shall include:

- 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;
- a statement that in order to identify appropriate subjects of state preschool health and safety issues pursuant to Section 1596.7925 of the *Health and Safety Code (HSC)* a notice, separate from the UCP Annual Notice, shall be posted in each California state preschool program classroom in each school in the local educational agency notifying parents, guardians, pupils, and teachers of (1) the health and safety requirements under Title 5 of the *California Code of Regulations (5 CCR)* apply to California state preschool programs pursuant to *HSC* Section 1596.7925, and (2) the location at which to obtain a form to file a complaint.

Aspire’s UCP Annual Notice is in English. If 15% or more of students enrolled at an Aspire school speak a single primary language other than English, then the annual notice will be provided in that language as well pursuant to Education Code §48985.

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:

The Regional Director of Student Services overseeing the Aspire charter school where the complaint originated, or their designee, is the employee responsible for receiving, investigating and responding to UCP complaints (the “Responsible Employee”):

Regional Director of Student Services, Bay Area Region
1001 22nd Ave
Oakland, CA 94606
510-434-5000
Pamela.Saberton@aspirepublicschools.org

Regional Director of Student Services, Central Valley Region
3311 E. Morada Lane
Stockton, CA 95212
209-647-3047
Hugo.Vazquez@aspirepublicschools.org

Regional Director of Student Services, Los Angeles Region
5901 E. Slauson Avenue
Commerce, CA 90040

323-837-9920

Alejandra.Velez@aspirepublicschools.org

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 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.

In no instance will the Responsible Employee be assigned to investigate a complaint in which they have a bias that would prohibit them from fairly investigating or responding to the complaint. Any complaint against the Responsible Employee or that raises a concern about the Responsible Employee's ability to investigate the complaint fairly and without bias should be referred to the Principal of the Aspire charter school where the complaint originated or other appropriate Aspire official, who will determine how the complaint will be investigated.

Aspire will ensure that the Responsible Employee (or designee) investigating the complaint is knowledgeable about the laws and programs at issue in the complaints. Aspire may consult with legal counsel as appropriate.

CONFIDENTIALITY AND NON-RETALIATION

Aspire will ensure that complainants are protected from retaliation and that the identity of a complainant alleging discrimination, harassment, intimidation, or bullying remains confidential as appropriate.

COMPLAINT AND INVESTIGATION PROCEDURES

A UCP complaint must be filed according to the procedures set forth herein.

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 **Aspire Public 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 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.

Step 1: Filing a UCP Complaint

A UCP complaint is written and signed. If a complainant is unable to put their complaint in writing due to a disability or illiteracy, Aspire will assist the complainant in the filing of the complaint. A signature on a UCP complaint may be handwritten, typed (including in an email), or electronically-generated. Complaints related to pupil fees and/or LCAPs may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

Complainants are encouraged, but not required, to use the appropriate complaint form, which is attached and a copy of the form is also available on the Aspire Public Schools website.

Complaints shall be filed with the Responsible Employee at the address or email address provided herein. A pupil fees complaint may also be filed with the Principal of the Aspire charter school where the complaint originated. The Responsible Employee will maintain a log of complaints and subsequent related actions to the extent required by oversight agencies.

Upon receipt of a complaint, the Responsible Employee (or designee) will evaluate the complaint to determine whether it is subject to this UCP and will notify the complainant within five (5) workdays if the complaint is outside the jurisdiction of this UCP.

The Responsible Employee (or designee) may also determine if interim measures are necessary pending the result of an investigation. If interim measures are determined to be necessary, Responsible Employee (or designee) will consult with the Principal of the Aspire charter school where the complaint originated or designee, prior to implementing any such measures. The interim measures shall remain in place until the Responsible Employee (or designee) determines that they are no longer necessary or until Aspire issues its final written Investigation Report, whichever occurs first.

Timing of Complaints and Investigation

A complaint alleging unlawful discrimination, harassment, intimidation, or bullying shall be filed no later than six (6) months from the date when the alleged unlawful discrimination, harassment, intimidation or bullying occurred or the complainant first obtained knowledge of it. The time for filing may be extended by the Responsible Employee (or designee) for good cause upon written request from the complainant. Such extension shall be in writing and may not exceed ninety (90) days following the expiration of the six-month period.

All other complaints shall be filed no later than one (1) year from the date the alleged violation occurred, except this one-year timeline shall not apply to complaints regarding the educational rights of foster youth. For complaints regarding LCAP, the date of the alleged violation is the date when Aspire's governing board approves the LCAP or annual update.

Unless a UCP complaint is resolved through mediation as set forth below, Aspire will investigate the UCP complaint and issue a written Investigation Report to the complainant within 60 calendar days from the date of receipt of the complaint, unless the complainant agrees in writing to an extension of time.

Step 2: Mediation (Optional)

The Responsible Employee (or designee) and complainant may mutually agree to mediation. Any Aspire employee or member of Aspire's governing board or committee who has not been involved with the allegations in the complaint may be assigned by the Responsible Employee (or designee) to serve as mediator. The mediator will arrange for both the complainant and Aspire to present relevant evidence. The Responsible Employee (or designee) will inform the complainant that the mediation process may be terminated at any time by either Aspire or complainant, in which case the complaint will proceed directly to an investigation. If mediation resolves the complaint to the satisfaction of both parties, Aspire will implement any remedial measures and the complainant may choose to withdraw the complaint. If mediation does not resolve the complaint to the satisfaction of both parties or within the parameters of law, the Responsible Employee (or designee) shall proceed with their investigation of the complaint.

The use of mediation does not extend Aspire'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

Aspire 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.

In order to investigate the complaint, the Responsible Employee (or designee) shall have access to applicable school records and/or information related to the complaint allegations. As part of their investigation, the Responsible Employee (or designee) will do all of the following, in any order:

- Provide an opportunity for the complainant or complainant's representative and Aspire's representative to present information relevant to the complaint or investigative process;
- Obtain statements from individuals/witnesses who can provide relevant information concerning the alleged violation;
- Review documents that may provide information relevant to the allegation; and
- When necessary, seek clarification on specific complaint issues.

Refusal by the complainant or their representatives to provide the Responsible Employee (or designee) with documents or other evidence related to the allegations in the complaint, or failure or refusal to cooperate or obstruction of the investigation, may result in dismissal of the complaint because of a lack of evidence to support the allegation.

Refusal by Aspire to provide the Responsible Employee (or designee) with documents or other evidence related to the allegations in the complaint, or failure or refusal to cooperate or 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: Principal Review

The Principal of the Aspire charter school where the complaint originated has discretion to evaluate the complaint and/or the Responsible Employee's (or designee's) proposed decision before a final written decision is issued, however, this is not applicable if the complaint is regarding the Principal. If the Principal elects to do so, then based on all the evidence obtained during the investigation, the Principal may approve, modify, or reject the Responsible Employee's (or designee's) proposed decision and issue a final decision that meets the requirements set forth herein. The Principal may also decide not to review the complaint, in which case the Responsible Employee's (or designee's) decision shall be final.

Step 5: Final Written Decision (Investigation Report)

The Responsible Employee (or designee) shall prepare and send to the complainant a written report of the investigation and final decision (the “Investigation Report”) within sixty (60) calendar days of receipt of the complaint, unless the complainant agrees to extend this date. Aspire’s Investigation Report shall be written in English and, when required by law, in the complainant’s primary language.

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.

An Investigation Report shall not include student information protected under the Family Educational Rights and Privacy Act or any private employee personnel information, including but not limited to the nature of the disciplinary action taken against a student or employee. If a student or employee is disciplined as a result of the complaint, the Investigation Report shall simply state that effective action was taken and that the student or employee was informed of Aspire’s expectations.

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:

- Aspire Public 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 CDE may directly intervene in the complaint without waiting for action by Aspire when one of the conditions listed in Title 5, California Code of Regulations, § 4650 exists, including cases in which Aspire has not taken action within sixty (60) days of the date the complaint was filed with Aspire. A direct complaint to CDE must identify the basis for direct filing of the complaint, which must include evidence that supports such a basis.

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, 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

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

Adopted by the Aspire Public Schools Board of Directors: **December 15, 2022**



ASPIRE PUBLIC SCHOOLS UCP COMPLAINT FORM

This UCP Complaint Form may be used to file a complaint subject to Aspire's UCP. Complaints concerning pupil fees and/or LCAPs may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. However, if you wish to receive a response, you must provide the following contact information. Complaints shall be handled in a confidential manner to respect the privacy of all parties to the fullest extent possible. Retaliation in any form for filing of a complaint is prohibited.

Response requested: ☐ Yes ☐ No

Name (optional for pupil fee & LCAP complaints)	
Mailing Address (optional):	
Phone Number (optional):	
Email Address (optional):	

Issue of complaint (please check all that apply):

- ☐ Pupil Fees
- ☐ Local Control and Accountability Plans ("LCAP")
- ☐ Discrimination, Harassment, Intimidation, or Bullying in Programs or Activities
- ☐ Other Complaint Re: Programs and Activities

Date(s) and location (school name, address, and room number or location) of problem: Describe specific nature of the complaint in detail (please feel free to use other side or attach other documents):

Signature: _____ Name (please print): _____ Date: _____

Please file this complaint with the appropriate Responsible Employee below based on your school's location.

For Bay Area schools:

Regional Director of Student Services
1001 22nd Ave., Oakland, CA 94606
[Pamela.Saberton@aspirepublicschools.org]

For Central Valley schools:

Regional Director of Student Services
3311 E. Morada Lane, Stockton, CA 95212
[Hugo.Vazquez@aspirepublicschools.org]

For Los Angeles schools:

Regional Director of Student Services
5901 E. Slauson Ave., Commerce, CA 90040
[Alejandra.Velez@aspirepublicschools.org]

Aspire Board of Directors approved and adopted on **December 15, 2022.**