

BAYPOINT PREPARATORY ACADEMY
UNIFORM COMPLAINT PROCEDURES POLICY

This Uniform Complaint Procedures Policy (“UCP”) contains rules and instructions about the filing, investigation and resolution of UCP complaints regarding any alleged violation by Baypoint Preparatory Academy (“BPA”) of federal or state laws or regulations governing educational programs. BPA shall have primary responsibility to ensure compliance with applicable state and federal laws and regulations.

BPA developed this UCP pursuant to Title 5, California Code of Regulations, §§ 4600-4687 and consistent with policies and procedures adopted by our governing board. This UCP shall apply only to those complaints that fall within the scope of the UCP and are applicable to charter schools. It does not apply to complaints arising from the employment relationship, which are separately addressed by BPA’s employment policies.

COMPLAINTS UNDER THE UCP

A UCP complaint is a written and signed statement by a complainant, including a person’s duly authorized representative or an interested third party, public agency, or organization, 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 BPA’s Local Control and Accountability Plan (“LCAP”). A UCP complaint must be filed according to the procedures set forth herein.

Complaints Regarding Programs and Activities

Complaints of violations of state or federal law or regulations governing the following programs and activities, to the extent offered by BPA, are subject to the UCP and will be investigated by BPA:

- Adult Education
- After School Education and Safety
- Agricultural Vocational Education
- American Indian Education Centers and Early Childhood Education Program Assessments
- Bilingual Education
- California Peer Assistance and Review Programs for Teachers
- Career Technical and Technical Education; Career Technical; Technical Training
- Child Nutrition
- Consolidated Categorical Aide
- Economic Impact Aid
- Every Student Succeeds Act / No Child Left Behind (2001) Programs
- Foster and Homeless Youth Services

- Child Care and Development
- Regional Occupational Centers and Programs
- School Safety Plans
- Special Education
- Migrant Education
- State Preschool
- Tobacco-Use Prevention Education

Complaints Regarding Pupil Fees

Complaints BPA has violated Education Code §§ 49010 through 49013 concerning pupil fees are subject to this UCP and will be investigated by BPA. A pupil shall not be required to pay a pupil fee for participation in an educational activity, unless the charge for such a fee is specifically authorized by law and does not violate Education Code §49011. 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.

Complaints Regarding LCAP

Complaints concerning BPA’s LCAP (Education Code § 52075) are subject to this UCP and will be investigated by BPA. 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 BPA is 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 § 52060(d).

Complaints of Discrimination, Harassment, Intimidation and/or Bullying

Complaints of discrimination, harassment, intimidation, and/or bullying of a student as identified in Education Code §200 and 220 and Government Code §11135, including any actual

or perceived characteristics set forth in Penal Code §422.55, based on sex, sexual orientation, gender, gender identity, gender expression, race or ethnicity, ethnic group identification, ancestry, nationality, national origin, religion, color, mental or physical disability, age, immigration status, 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 programs or activities conducted by BPA which is funded directly by, or that received or benefits from any state financial assistance, are subject to this UCP and will be investigated by BPA. Any BPA personnel who witness an act of discrimination, harassment, intimidation or bullying, shall take immediate steps to intervene when safe to do so as required by Education Code § 234.1.

Complaints may be based on discrimination, harassment, intimidation, and/or bullying that occurs employee-to-student, student-to-student, and/or third party conduct to a student. Such complaints may also include allegations of failure to provide reasonable accommodations to a lactating pupil on campus to express breast milk, breast-feed an infant child, or address other needs related to breast-feeding pursuant to Education Code § 222.

UCP ANNUAL NOTIFICATION

BPA shall ensure annual dissemination of this UCP to all students, employees, parents or guardians of its students, school advisory committee members, appropriate private school officials or representatives (if applicable), and other interested parties that includes information regarding allegations about discrimination, harassment, intimidation, or bullying. The annual UCP notice shall be in English. If 15% or more of students enrolled at BPAspeak a single primary language other than English, the annual notice shall be provided in that language as well pursuant to Education Code § 48985.

This UCP shall be available in BPA's main office and copies shall be made available free of charge.

CONFIDENTIALITY AND NON-RETALIATION

Complaints shall be handled in a confidential manner to respect the privacy of all parties to the fullest extent possible. Every effort shall be made to limit the distribution of information to only those persons with a need to know within the confines of BPA's reporting procedures and investigative process. BPA will make every effort to keep as confidential the identity of a complainant alleging discrimination, harassment, intimidation, or bullying.

BPA prohibits retaliation in any form for filing of a complaint or an appeal, reporting instances of noncompliance, discrimination, harassment, intimidation, and/or bullying, or for participation in the complaint-filing or investigation process. Complainants are protected from retaliation. These confidentiality and non-retaliation requirements extend to all parties involved.

DESIGNATION OF RESPONSIBLE EMPLOYEE

BPA hereby designates the individual(s) identified below as the employee(s) responsible for receiving, investigating and responding to complaints and acting as the compliance officer(s)

responsible for handling complaints under this UCP, referred to herein as the “Responsible Employee.”

Heather Herrera - School Site Administrator
520 E. Carmel St. San Marcos, CA 92078
(760) 203-4383
hherrera@baypointprep.org

The Responsible Employee may designate another representative of BPA to serve in this role, who for the purposes of this UCP, shall be included within the definition of “Responsible Employee.” The Responsible Employee shall promptly notify the complainant and respondent, if applicable, if another employee has been designated to handle the complaint.

In no instance shall the Responsible Employee be assigned to a complaint in which he or she has a bias or conflict of interest that would prohibit him or her from fairly investigating or responding to the complaint. Any complaint against a Responsible Employee or that raises a concern about Responsible Employee’s ability to investigate the complaint fairly and without bias shall be filed with the Chief Executive Officer, or other appropriate BPA official, who shall determine how the complaint will be investigated.

BPA will ensure that employees assigned to investigate complaints are knowledgeable about the laws and programs at issue in the complaints for which they are responsible. The Responsible Employee may consult with legal counsel as permitted by the Chief Executive Officer or designee.

The Responsible Employee shall determine whether interim measures are necessary pending the result of an investigation. If interim measures are determined to be necessary, Responsible Employee shall consult with the Chief Executive Officer or designee, as appropriate, prior to implementing any such measures. The interim measures shall remain in place until the Responsible Employee determines that they are no longer necessary or until BPA issues its final written decision, whichever occurs first.

FORMAL COMPLAINT PROCEDURES

BPA shall investigate and seek to resolve, in accordance with this UCP, 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 implemented by BPA that are subject to this UCP.

All parties involved in allegations shall be notified by the Responsible Employee when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

Step 1: Filing a Complaint

Any individual, public agency, or organization may file a written complaint of alleged noncompliance by BPA. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed by a person who alleges that he or she personally suffered unlawful discrimination, harassment, intimidation, or bullying, or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination, harassment, intimidation or bullying, or by a parent or guardian. A complaint form is included with these policies, but complaints do not need to be filed with this form.

If a complainant is unable to prepare a written complaint due to conditions such as disability or illiteracy, the complainant can receive assistance from BPA staff.

Complaints shall be filed with the Responsible Employee at the address provided herein. The Responsible Employee will maintain a log of complaints and subsequent related actions, in compliance with Title 5, California Code of Regulations, §§ 4631 and 4633. The Responsible Employee 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.

Timing of Complaints

A complaint alleging unlawful discrimination, harassment, intimidation, or bullying shall be initiated no later than six (6) months from the date when the alleged unlawful discrimination, harassment, intimidation or bullying occurred, or six (6) months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination, harassment, intimidation, or bullying. If the complaint is not timely filed, the complainant will be notified of his or her right to appeal to the State Superintendent of Public Instruction for an extension of time in which to file the complaint.

Pupil fee complaints shall be filed no later than one (1) year from the date the alleged violation occurred with the Responsible Employee or designee.

Anonymous Complaints

Complaints related to pupil fees for participation in educational activities may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the requirements of Education Code § 49010 et seq. (pupil fees). Complaints related to LCAP compliance may also be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the requirements of Education Code § 52075.

Step 2: Mediation (Optional)

Within ten (10) workdays of receiving the complaint, the Responsible Employee and complainant may mutually agree to mediation. The Responsible Employee shall make arrangements for any mutually agreed upon mediation that will allow both the complainant and

BPA to present relevant evidence. The Responsible Employee shall inform the complainant that the mediation process may be terminated at any time and proceed directly to an investigation. In the mediation of an unlawful discrimination, harassment, intimidation or bullying complaint, the mediator must agree to keep confidential any information obtained through mediation. If mediation resolves the complaint to the satisfaction of both parties, BPA 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 shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend BPA'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

In order to investigate the complaint, the Responsible Employee shall have access to applicable BPA records and/or information related to the complaint allegations. As part of his or her investigation, the Responsible Employee shall do all of the following, in no specific order:

- Provide an opportunity for the complainant and/or complainant's representative and BPA'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.
- When necessary, seek clarification on specific complaint issues.

Refusal to provide the Responsible Employee with documents or other evidence related to the allegations in the complaint, or failure or refusal to cooperate or obstruction of the investigation by the complainant or his or her representatives may result in dismissal of complaint because of a lack of evidence to support the allegation. Refusal to provide the Responsible Employee with documents or other evidence related to the allegations in the complaint, or failure or refusal to cooperate or obstruction of the investigation by BPA or its staff 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: Board Review

BPA's Board may consider the complaint at its next regular meeting or at a special meeting convened in order to meet the 60 calendar day total time limit within which the complaint must be answered. Based on all the evidence obtained during the investigation, the Board may approve, modify or reject the Responsible Employee's proposed decision and issue a final decision that meets the requirements set forth herein. The Board may also decide not to hear the complaint, in which case the Responsible Employee's decision shall be final.

Step 5: Final Written Decision

The Responsible Employee shall prepare and send to the complainant a written report of the investigation and final decision within sixty (60) days of BPA's receipt of the complaint, unless extended by written agreement with the complainant. BPA's decision shall be written in English and, when required by law, in the complainant's primary language.

The decision shall include:

1. The finding(s) of fact based on the evidence gathered;
2. The conclusion(s) of law;
3. Disposition of the complaint;
4. Rationale for such disposition;
5. Corrective action, if any are warranted, including, with respect to a pupil fee complaint, a remedy that comports with Education Code § 49013(d) and Title 5, California Code of Regulations, § 4600(u);
6. Notice of the complainant's right to appeal BPA's decision to the CDE; and
7. Procedures to be followed for initiating an appeal to the CDE.

In addition, any decision on a complaint of discrimination, harassment, intimidation or bullying based on state law shall include a notice that the complainant must wait until 60 calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies.

In no event shall a decision under this section include identifying information of a student or any private employee personnel information, including but not limited to the nature of the disciplinary action taken against the student or employee. If a student or employee is disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the student or employee was informed of BPA's expectations.

If BPA finds merit in a complaint regarding Pupil Fees, Local Control and Accountability Plans (LCAP), Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in our school district, Reasonable Accommodations to a Lactating Pupil, Course Periods without Educational Content (grades nine through twelve), and Physical Education Instructional Minutes (grades one through eight), we shall provide a remedy. If BPA finds merit in a complaint regarding Course Periods without Educational Content, Reasonable Accommodations to a Lactating Pupil, and Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a BPA school, the remedy shall go to the affected pupil. If BPA finds merit in a complaint regarding Pupil Fees, Physical Education Instructional Minutes and LCAP, the remedy shall go to all affected pupils and parents/guardians. BPA, in good faith will engage in reasonable efforts to identify and fully

reimburse all pupils, parents and guardians who paid an unlawful pupil fee within one year prior to the filing of the complaint.

APPEAL PROCESS

A complainant may appeal BPA's decision by filing a written appeal within 15 days of receiving the decision to the California Department of Education ("CDE"). This appeal to the CDE must fully explain the basis for the appeal, stating how the facts of our Decision are incorrect and/or the law is misapplied. The appeal must be sent to CDE with: (1) a copy of the original locally filed complaint; and (2) a copy of BPA's decision of this original locally filed complaint.

Appeals of decisions regarding discrimination, harassment, intimidation, and/or bullying, and regarding provision of accommodations to lactating students should be sent to:

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

Appeals of decisions regarding educational program complaints or pupil fees should be sent to:

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

Appeals of decisions regarding LCAP should be sent to:

California Department of Education
Local Agency Systems Support Office
1430 N Street
Sacramento, CA 95814

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

California Department of Education
Special Education Division - Procedural Safeguards Referral Service
1430 N Street
Sacramento, CA 95814

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

CIVIL LAW REMEDIES

A complainant may pursue available civil law remedies outside of BPA's complaint procedures. 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 complaints alleging unlawful discrimination, harassment, intimidation, and bullying based on state law, a complainant shall wait until sixty (60) calendar 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 BPA has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with Title 5, California Code of Regulations, § 4622.

Uniform Complaint Procedures Form

Baypoint Preparatory Academy has the primary responsibility to ensure compliance with applicable state and federal laws and regulations. Baypoint Preparatory Academy shall investigate and seek to resolve complaints in accordance with the Uniform Complaint Procedures (UCP). Please complete this form, providing as much information as possible and attaching any applicable supporting documentation, to assist in the investigation of the complaint.

Information

LAST NAME OF THE COMPLAINANT	FIRST NAME OF THE COMPLAINANT
ADDRESS (NUMBER, STREET, APARTMENT NUMBER, CITY, STATE AND ZIP CODE)	
EMAIL ADDRESS	TELEPHONE NUMBER
COMPLAINANT WILL NEED THE ASSISTANCE OF AN INTERPRETER <input type="checkbox"/> No <input type="checkbox"/> Yes (<i>specify the language to be spoken by the interpreter</i>)	
COMPLAINANT IS A: <input type="checkbox"/> Student <input type="checkbox"/> Parent/Guardian <input type="checkbox"/> Employee <input type="checkbox"/> Public Agency <input type="checkbox"/> Organization	
THIS COMPLAINT IS BEING FILED ON BEHALF OF: <input type="checkbox"/> Myself <input type="checkbox"/> A student (not the complainant named above) <input type="checkbox"/> Other (<i>specify</i>)	
DATE OF ALLEGED VIOLATION	SCHOOL/OFFICE OF ALLEGED VIOLATION

Basis of Complaint

For allegations related to any of the following programs and activities subject to the UCP:

- | | |
|--|--|
| <input type="checkbox"/> Discrimination, Harassment, Intimidation, and/or Bullying
<input type="checkbox"/> Education for Foster Youth, Homeless Youth, Former Juvenile Court School Students, or Military Dependents
<input type="checkbox"/> Every Student Succeeds Act/No Child Left Behind
<input type="checkbox"/> Local Control Accountability Plan
<input type="checkbox"/> Reasonable Accommodations to a Lactating Student
<input type="checkbox"/> Other Basis from BPA UCP:
_____ | <input type="checkbox"/> Career Technical Education
<input type="checkbox"/> Child Nutrition
<input type="checkbox"/> Consolidated Categorical Aid
<input type="checkbox"/> Pupil Fees
<input type="checkbox"/> School Safety Plan
<input type="checkbox"/> Sexual Harassment
<input type="checkbox"/> Special Education |
|--|--|

For complaints alleging discrimination, harassment, intimidation, and/or bullying, indicate the actual or perceived protected characteristics upon which the alleged conduct is based:

- | | | |
|--|--|--|
| <input type="checkbox"/> Race or ethnicity | <input type="checkbox"/> Religion | <input type="checkbox"/> Sex |
| <input type="checkbox"/> Color | <input type="checkbox"/> Age | <input type="checkbox"/> Sexual orientation |
| <input type="checkbox"/> Ancestry | <input type="checkbox"/> Marital status | <input type="checkbox"/> Gender |
| <input type="checkbox"/> Nationality | <input type="checkbox"/> Pregnancy | <input type="checkbox"/> Gender identity |
| <input type="checkbox"/> National origin | <input type="checkbox"/> Parental status | <input type="checkbox"/> Gender expression |
| <input type="checkbox"/> Immigration status | <input type="checkbox"/> Physical or mental disability | <input type="checkbox"/> Genetic information |
| <input type="checkbox"/> Ethnic group identification | <input type="checkbox"/> Other | |

<i>FOR OFFICE USE ONLY</i>			
Date received	Received by	Title	
Investigator	Outcome		
Final written decision sent to complainant on		Appeal filed with CDE? Yes No	

Provide the **facts** about your complaint:

List the **people** involved or impacted:

List any **witnesses** or individuals who may have knowledge of the alleged acts:

Provide and/or describe the specific **location(s)** where the incident(s) occurred:

List all the **date(s) and time(s)** when the incident(s) occurred or when the alleged acts first came to your attention:

Describe any **steps** you have taken to resolve this issue before filing the complaint. If applicable, list names and titles of school and/or district staff you have contacted:

Do you have any **written documents/evidence** that you can provide that may be relevant/supportive of your complaint?

- No Yes, copies of the documents/evidence are attached to this complaint

Signature of Complainant _____ Date

Baypoint Preparatory Academy shall take steps to protect complainants from retaliation. Please file this complaint form and any additional documents in person or by mail with the following individual:

Heather Herrera - School Site Administrator
520 East Carmel Street
San Marcos, CA 92078
760-203-4383
hherrera@baypointprep.org