

VISTA CHARTER PUBLIC SCHOOLS

We transform the school experience

2900 West Temple Street
Los Angeles, CA 90026
T 213 269-4767 | F 213 269-4762
www.vistacharterpublicschools.org

Don Wilson Ed.D., Superintendent
Collin Felch, Ed.D., Deputy Superintendent
Karen Amaya, Assistant Superintendent



UNIFORM COMPLAINT POLICIES AND PROCEDURES (UCP)

Uniform Complaint Policy

Vista Charter Public Schools (VCPS) complies with applicable federal and state laws and regulations. VCPS is the local agency primarily responsible for compliance with federal and state laws and regulations governing educational programs. Pursuant to this policy, persons responsible for conducting investigations shall be knowledgeable about the laws and programs, which they are assigned to investigate. This complaint procedure is adopted to provide a uniform system of complaint processing for the following types of complaints:

1. Complaints regarding "pupil fees," including any fee, deposit or other charge that a pupil or a pupil's parent or guardian are required to pay or any "fee waiver";
2. Complaints of discrimination against any protected group including actual or perceived, including discrimination on the basis of age, sex, sexual orientation, gender, 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 VCPS program or activity; and
3. 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, No Child Left Behind, migrant education, career technical and technical education training programs, child care and development programs, child nutrition program

VCPS acknowledges and respects every individual's right to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process. This includes keeping the identity of the complainant confidential, as appropriate and except to the extent necessary to carry out the investigation or proceedings, as determined by the Complaint Manager or designee on a case-by-case basis.

VCPS prohibits any form of retaliation against any complainant in the complaint process, including but not limited to a complainant's filing of a complaint or the reporting of instances of discrimination. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

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COMPLAINT MANAGER

The Board of Directors designates the following Complaint Manager to receive and investigate complaints and to ensure VCPS's compliance with law:

Collin Felch, Deputy Superintendent & Complaint Manager
Vista Charter Public Schools
2900 W. Temple St. Los Angeles, CA 90026
Phone: (213) 201-4000
Email: cfelch@vistacharterps.org

The Complaint Manager or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Complaint Manager or designee.

NOTIFICATIONS

VCPS shall annually provide written notification of VCPS's uniform complaint procedures to students, employees, parents/guardians, the Board of Trustees, appropriate private officials or representatives, and other interested parties.

VCPS shall make available copies of the uniform complaint procedures free of charge. The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints.
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable.
3. Advise the complainant of the appeal process pursuant to Education Code 262.3, including the complainant's right to take the complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies.
4. Include statements that:
5. VCPS is primarily responsible for compliance with state and federal laws and regulations;
6. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline;

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7. An unlawful discrimination complaint must be filed not later than six months from the date the alleged discrimination occurs, or six months from the date the complainant first obtains knowledge of the facts of the alleged discrimination;
8. The complainant has a right to appeal VCPS's decision to the CDE by filing a written appeal within 15 days of receiving the Charter School's decision; and
9. The appeal to the CDE must include a copy of the complaint filed with VCPS and a copy of VCPS's decision.

Uniform Complaint Procedures

The following procedures shall be used to address all complaints, which allege that Vista Charter Public Schools (VCPS) has committed a violation of a law or regulation specified in its Uniform Complaint Policy. The Complaint Manager 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 VCPS. 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 Complaint Manager 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, VCPS staff shall assist him/her in the filing of the complaint.

Step 2: Mediation

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Within three days of receiving the complaint, the Complaint Manager may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the Complaint Manager shall make arrangements for this process.

Before initiating the mediation of a discrimination complaint, the Complaint Manager 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 Complaint Manager shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend VCPS'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 Complaint Manager 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 VCPS'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.

VCPS'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.

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Step 4: Response

OPTION 1:

Unless extended by written agreement with the complainant, the Complaint Manager shall prepare and send to the complainant a written report of VCPS's investigation and decision, as described in Step #5 below, within 60 days of VCPS's receipt of the complaint.

OPTION 2:

Within 30 days of receiving the complaint, the Complaint Manager shall prepare and send to the complainant a written report of VCPS's investigation and decision, as described in Step #5 below. If the complainant is dissatisfied with the Complaint Manager's decision, he/she 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 Complaint Manager's decision shall be final.

If the Board hears the complaint, the Complaint Manager shall send the Board's decision to the complainant within 60 days of VCPS's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant.

If VCPS finds merit in a complaint regarding Pupil Fees, Local Control Accountability Plan (LCAP) and/or Physical Education Instructional Minutes (grades one through six), the remedy shall go to all affected pupils and parents/guardians. VCPS will make a good-faith attempt to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint.

If VCPS finds merit in a complaint regarding Reasonable Accommodations to a Lactating Pupil, Course Periods without Educational Content (grades nine through twelve) and/or Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in a school, and pupils in military families Vista Heritage Global Academy shall provide a remedy to affected pupil.

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Step 5: Final Written Decision

VCPS's decision shall be in writing and sent to the complainant. VCPS'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:

1. The findings of fact based on evidence gathered.
2. The conclusion(s) of law.
3. Disposition of the complaint.
4. Rationale for such disposition.
5. Corrective actions, if any are warranted.
6. Notice of the complainant's right to appeal VCPS's decision within fifteen (15) days to the CDE and procedures to be followed for initiating such an appeal.
7. 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.
8. 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 VCPS's expectations. The report shall not give any further information as to the nature of the disciplinary action.

APPEALS TO THE CALIFORNIA DEPARTMENT OF EDUCATION

If dissatisfied with VCPS's decision, the complainant may appeal in writing to the CDE within fifteen (15) days of receiving VCPS'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 VCPS's decision.

Upon notification by the CDE that the complainant has appealed VCPS's decision, the Principal or designee shall forward the following documents to the CDE:

1. A copy of the original complaint.

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2. A copy of the decision.
 3. A summary of the nature and extent of the investigation conducted by VCPS, if not covered by the decision.
 4. 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.
 5. A report of any action taken to resolve the complaint.
 6. A copy of VCPS's complaint procedures.
 7. Other relevant information requested by the CDE.

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

CIVIL LAW REMEDIES

A complainant may pursue available civil law remedies outside of VCPS'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 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 VCPS has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.