



## **Uniform Complaint Procedure Policy *Charter School Operations***

Five Keys Schools and Programs (“Five Keys”) recognizes that Five Keys is responsible for complying with applicable state and federal laws and regulations governing Charter School programs.

This document contains rules and instructions about the filing, investigation and resolution of a Uniform Complaint Procedures (UCP) complaint regarding an alleged violation by a local educational agency of federal or state laws or regulations governing Charter School programs, including allegations of unlawful discrimination, harassment, intimidation, bullying; unauthorized charging of pupil fees for educational activities; noncompliance with education provisions for pupils in foster care and pupils who are homeless; courses without educational content and previously completed/graded courses sufficient for satisfying requirements/prerequisites for postsecondary education; or any other provision covered under Title 5 of the California Code of Regulations §§4600-4687.

This document presents information about how Five Keys Schools and Programs processes UCP complaints concerning particular programs or activities in which we receive state or federal funding. The UCP complaint is a written statement that may allege 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, to include actual or perceived 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, 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 it conducts or to which it provides significant assistance, or a violation of a federal or state law or regulation.

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 the above mentioned government codes. If the complainant is unable to put the complaint in writing, due to a disability or illiteracy Five Keys Schools and Programs shall assist the complainant in the filing of the complaint.

Programs or activities in which Five Keys Schools and Programs receives state or federal funding include:

- Charter Schools
- Special Education Programs

### **Areas of Potential Complaints**

#### **A. Discrimination, Harassment, Intimidation, and/or Bullying**

1. Employee-to-student, student-to-student, and third party to student.
2. May include allegations of failure to provide reasonable accommodations for a lactating student.

B. Foster and Homeless Youth Services

C. Special Education Programs

D. Unauthorized Charging of Pupil Fees

1. A District pupil shall not be required to pay a pupil fee for participation in an educational activity.
2. All supplies, materials, and equipment needed to participate in educational activities shall be provided to pupils free of charge, including the prohibition on security deposits.

E. Failure to Comply with Legal Requirements Pertaining to LCAP

F. Enrollment in Courses without Educational Content and Previously Completed or Graded Courses Sufficient for Satisfying Requirements or Prerequisites for Postsecondary Education and Receipt of a Diploma.

**Complaints Not Under the Jurisdiction of the UCP Process:**

A. Allegations of employment/work, employee-to-employee and/or student to-employee discrimination, harassment, intimidation, and/or bullying.

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

C. Allegations of fraud may be referred to Office of the Inspector General.

D. Personnel action complaints may be referred to the responsible administrator in the region or San Francisco home office.

E. Bullying complaints not based on protected classes may be referred to the school's Principal or regional director or home office.

F. 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, Greene Act), student advancement and retention, student discipline, students' records, and other general education requirements may be referred to the appropriate principal, regional director of the home office.

G. Employment discrimination complaints shall be sent to the State Dept. of Fair Employment and Housing (DFEH.)

**The Responsibilities of the Five Keys Schools and Programs**

Five Keys Schools and Programs has the primary responsibility to insure compliance with applicable state and federal laws and regulations. We shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination, harassment, intimidation, bullying and charging pupil fees for participation in an educational activity and seek to resolve those complaints in accordance with our UCP procedures.

In regards to complaints of noncompliance with laws relating to pupil fees, if Five Keys Schools and Programs finds merit in a complaint a remedy will be provided to all affected pupils, parents and guardians, that, where applicable, will include reasonable efforts by Five Keys Schools and Programs to ensure full reimbursement to all affected pupils, parents and guardians.

Our UCP policies shall ensure that complainants are protected from retaliation and that the identity of a complainant alleging discrimination, harassment, intimidation, and bullying remain confidential as appropriate.

The person responsible for receiving and investigating complaints and ensuring our compliance with state and federal laws and regulations is (home office):

Five Keys Schools and Programs

Attention: Steve Good, Executive Director

70 Oak Grove St.

San Francisco, CA 94501

We ensure that the person above, who is responsible for compliance and/or investigations, is knowledgeable about the laws/programs that he/she is assigned to investigate. Complaints of noncompliance with laws relating to pupil fees are filed with a principal of a school.

We shall make available online to our pupils, employees, parents or guardians of our pupils, and other interested parties our UCP process regarding an alleged violation by a local agency of federal or state law or regulations governing educational programs.

A copy of this UCP complaint policies and procedures document shall be available free of charge.

### **Filing a Complaint with Five Keys Schools and Programs**

Emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancies or misalignments, and complaints that allege discrimination, harassment, intimidation, and bullying, any individual, public agency or organization may file a written complaint with our Executive Director or his or her designee alleging a matter.

A complaint of noncompliance with laws relating to pupil fees may be filed with the principal of a school under the Uniform Complaint Procedures and may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with laws relating to pupil fees.

An investigation of alleged unlawful discrimination, harassment, intimidation, and bullying shall be initiated by filing a complaint no later than six months from the date the alleged discrimination, harassment, intimidation, or bullying occurred, or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, and bullying. The time for filing may be extended in writing by our district superintendent or his or her designee, upon written request by the complainant setting forth the reasons for the extension. The period for filing may be extended by our Executive Director or his or her designee for good cause for a period not to exceed 90 calendar days

following the expiration of the six-month time period. Our Executive Director shall respond immediately upon a receipt of a request for extension.

The complaint shall be filed by one who alleges that he or she has personally suffered unlawful discrimination, harassment, intimidation, and bullying or by one who believes an individual or any specific class of individuals has been subjected to discrimination, harassment, intimidation, and bullying prohibited by this part.

An investigation of a discrimination, harassment, intimidation, and bullying complaint shall be conducted in a manner that protects confidentiality of the parties and maintains the integrity of the process.

Within 60 calendar days from the date of the receipt of the complaint, we shall conduct and complete an investigation of the complaint in accordance with our UCP policies and procedures and prepare a written decision; also known as a final report. This time period may be extended by written agreement of the complainant.

The investigation 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 non-compliance with state and federal laws and/or regulations.

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.

We shall issue a decision based on the evidence. The decision shall be in writing and sent to the complainant within 60 calendar days from receipt of the complaint by the local educational agency.

Five Keys reserves the right to modify locations for receipt of forms as necessary.