Adopted by our Governing Board on 11/16/2020

AMERICA'S FINEST CHARTER SCHOOL
UNIFORM COMPLAINT PROCEDURES POLICY

(Adopted by the Board of Directors on November 16, 2020)

This Uniform Complaint Procedures Policy ("UCP") contains 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 America's Finest Charter School ("AFCS"). AFCS developed this UCP in accordance with Title 5, California Code of Regulations, §§ 4600-4687. AFCS has primary responsibility to ensure its compliance with applicable state and federal laws and regulations, and AFCS will investigate and seek to resolve UCP complaints in accordance with this UCP. This UCP has been approved by AFCS's 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 AFCS'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, the Brown Act, and other general education requirements, are not UCP complaints. AFCS, 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.

A UCP complaint is a written and signed statement alleging a violation of federal or state laws or regulations, which may include: complaints regarding certain programs and activities (list below); complaints alleging the charging of pupil fees for participation in an educational activity; complaints regarding non-compliance with the requirements of AFCS's Local Control and Accountability Plans ("LCAP"); or an allegation of unlawful discrimination, harassment, intimidation, or bullying in certain programs or activities.

Complaints Regarding Programs and Activities

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
- Education and Graduation requirements of Pupils in Foster Care, Homeless Pupils,
- Career Technical and Technical Education; Career Technical and Technical Training
- Childcare and Development Programs
- Compensatory Education
- Consolidated Categorical Aid Programs

former Juvenile Court Pupils, and Pupils of Military Families

- Regional Occupational Centers and Programs
- Reasonable Accommodation to a Lactating Pupil
- Schoolsite Councils
- School Plan for Student Achievement
- School Safety Plans
- Pupil Fees, which includes a purchase that a pupil is required to make to obtain materials, supplies, equipment or clothes associated with an educational activity
- Complaints Regarding AFCS's LCAP
- Every Student Succeeds Act
- Migrant Education
- Physical Education Instructional Minutes
- State Preschool Health and Safety Issues in LEAs Exempt from Licensing
- State Preschool
- Course Periods without Educational Content (grades nine through twelve)
- Complaints of Discrimination, Harassment, Intimidation and/or Bullying any protected group 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 program or activity conducted by AFCS which is funded directly by, or that received or benefits from, any state financial assistance
- Any other state or federal educational program the State Superintendent of Public Instruction or the California Department of Education or designee deems appropriate

THE UCP ANNUAL NOTICE

AFCS provides notice of this UCP on an annual basis. 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 includes information regarding allegations about discrimination, harassment, intimidation, or bullying. It lists all federal and state programs within the scope of the UCP. It lists the position at AFCS who is responsible for and knowledgeable about processing UCP complaints. AFCS's annual UCP notice is in English. If 15% or more of students enrolled at AFCS speak a single primary language other than English, the annual notice will be provided in that language as well pursuant to Education Code Section 48985.

DESIGNATION OF RESPONSIBLE EMPLOYEE

AFCS's Executive Director is the employee responsible for receiving, investigating and responding to UCP complaints (the "Responsible Employee"):

Jan Perry
Executive Director
America's Finest Charter School
730 45th Street
San Diego, CA 92102

Phone: (619) 694-4809
Fax: (619) 794-2762
Email: jan@americasfinestcharterschool.org

In no instance will the Responsible Employee be assigned to investigate a complaint in which he or she has a bias that would prohibit him or her from fairly investigating or responding to the complaint. Any complaint against Responsible Employee or that raises a concern about Responsible Employee's ability to investigate the complaint fairly and without bias should be referred to the AFCS K-8 Principal or High School Principal, as applicable, or other appropriate school official, who will determine how the complaint will be investigated.

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

CONFIDENTIALITY AND NON-RETALIATION

AFCS 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 PROCEDURES

Step 1: Filing a UCP Complaint

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

Any individual, including a person's duly authorized representative or an interested third party, public agency, or organization, may file a UCP complaint. However, a complaint filed on behalf of a student may only be filed by that student or that student's duly authorized representative.

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 the same.

A UCP complaint is written and signed. If a complainant is unable to put his/her complaint in writing due to a disability or illiteracy, AFCS 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(s), attached.

Complaints shall be filed with the Responsible Employee at the address provided herein. A pupil fees complaint may also be filed with the AFCS K-8 Principal or High School Principal, as applicable. 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 AFCS K-8 Principal or High School Principal, 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 AFCS 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. For complaints regarding LCAP, the date of the alleged violation is the date when the AFCS governing board approves the LCAP or annual update.

Unless a UCP complaint is resolved through mediation as set forth below, AFCS 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 AFCS employee or member of the AFCS governing board 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 AFCS 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 AFCS or complainant, in which case the complaint will proceed directly to an investigation. If mediation resolves the complaint to the satisfaction of both parties, AFCS 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 his/her investigation of the complaint.

The use of mediation does not extend AFCS'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 (or designee) shall have access to applicable AFCS records and/or information related to the complaint allegations. As part of his/her 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 AFCS'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 by the complainant or his/her 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 complaint because of a lack of evidence to support the allegation.

Refusal by AFCS 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 AFCS K-8 Principal or High School Principal, as applicable, has discretion to evaluate the complaint and/or the Responsible Employee's (or designee's) proposed decision before a final written decision is issued. 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 complainant agrees to extend this date. AFCS's Investigation Report shall be written in English and, when required by law, in the complainant's primary language.

The Investigation Report shall include:

1. The finding(s) of fact based on the evidence gathered;

2. Conclusion providing a clear determination as to each allegation as to whether AFCS is in compliance with the relevant law;

3. If AFCS finds merit in the complaint, the corrective actions required by law;

4. Notice of the complainant's right to appeal AFCS's Investigation Report to the CDE, except when AFCS has used its UCP to address a non-UCP complaint; and

5. Procedures to be followed for initiating an appeal to the CDE.

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

An Investigation Report shall not include student information protected under the Family Educational Rights and Privacy Act (FERPA) 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 AFCS's expectations.

If AFCS finds merit in a complaint regarding pupil fees, physical education instructional minutes, or LCAP, the remedy will go to all affected pupils and parents/guardians. AFCS, in good faith will engage in reasonable efforts to identify and fully reimburse all pupils, parents and guardians who paid any unlawful pupil fee within one year prior to the filing of the complaint.

APPEAL PROCESS

A complainant may appeal AFCS's Investigation Report by filing a written appeal within thirty (30) calendar days of the date of the Investigation Report to the California Department of Education ("CDE"). This appeal to the CDE must specify and explain the basis for the appeal, including at least one of the following:

1. AFCS failed to follow its complaint procedures;

2. Relative to the allegations of the complaint, the Investigation Report lacks material findings of fact necessary to reach a conclusion of law;

3. The material findings of fact in the Investigation Report are not supported by substantial evidence;

4. The legal conclusion in the Investigation Report is inconsistent with the law; and/or

5. In a case in which AFCS found noncompliance, the corrective actions fail to provide a proper remedy.

The appeal must be sent to CDE with: (1) a copy of the locally filed complaint; and (2) a copy of AFCS's Investigation Report.

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
916-319-8239

Appeals of decisions regarding LCAP should be sent to:
California Department of Education
Local Agency Systems Support Office
1430 N Street
Sacramento, CA 95814
916-319-0809

Appeals of decisions regarding pupil fees or all other educational program complaints should be sent to:
California Department of Education
Categorical Programs Complaints Management Office
1430 N Street
Sacramento, CA 95814
916-319-0929

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

CIVIL LAW REMEDIES

A complainant may pursue available civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws. 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.

Signature Gary Rubin – Board President
Adopted: November 16, 2020

AMERICA'S FINEST CHARTER SCHOOL
UCP COMPLAINT FORM

This Complaint Form may be used to file a complaint subject to AFCS's Uniform Complaint Procedures. 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) of Problem: _____

Location of Problem (school name, address, and room number or location): _____

_____

Describe specific nature of the complaint in detail. You may include as much text as necessary (please use other side):_____

_____

_____

_____

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_____

Signature: _____ Date: _____

Please file this complaint with the following Responsible Employee:

Jan Perry, Executive Director
America's Finest Charter School
730 45th Street
San Diego, CA 92102