

**ABLE Board Policy No. 2-FO
Facilities and Operations**

Uniform Complaint Policy (UCP)

Purpose of Policy: This policy contains uniform complaint procedures (UCP) for the filing, investigation, and resolution of a complaint from students, parents or guardians, or others alleging violations of federal or state laws or regulations when receiving certain educational services from ABLE Charter Schools (ABLE).

In addition, this policy describes how ABLE will process UCP complaints concerning particular programs or activities that are subject to the UCP. Complainants are encouraged to use the format of the UCP complaint form available on the ABLE webpage at www.ablecharter.net.

Uniform Complaints Covered by this Policy: A UCP complaint is a written and signed statement alleging a violation of federal or state laws or regulations and involving activities and programs described below. A signature may be handwritten, typed (including 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 authorized representative.

For purposes of this policy, a complainant is any person, including that person's authorized representative, filing a written complaint alleging discrimination or harassment in connection with services received in the delivery of educational services at ABLE including those involving: 1) reasonable accommodations in campus facilities, 2) after school programs, 3) career technical education, 4) public assistance programs 5) course periods without educational content, 6) requirements for students in foster care, homeless students, students of juvenile courts or military families, 7) violations of the Every Student Succeeds Act, Local Control and Accountability Plans, or current laws governing education of migrant students, 8) physical education instructional minutes, 9) student fees, and 10) school plans regarding student achievement or school safety.

Complaints Not Covered by this Policy: The following complaints are not subject to the UCP complaint procedures set forth in this policy and may be referred to other agencies:

- (a) Allegations of child abuse may be referred to the County Department of Social Services (DSS), Child Protective Services, or appropriate law enforcement agency;
- (b) Health and safety complaints may be referred to public health agencies such as the Department of Public Health or the county health officer; and
- (c) Employment discrimination or harassment complaints from ABLE employees may referred to the Chief of Human Resources in accordance with the ABLE Employee Handbook.

Complaints alleging violations of federal or state laws that are not covered by this policy may nevertheless be filed using the UCP complaint form available on the ABLE webpage. These complaints will be handled by the Chief Compliance Officer for investigation.

ABLE's Responsibility for UCP Complaints: For complaints that are subject to this policy, ABLE is responsible for ensuring compliance with applicable state and federal laws and regulations. ABLE investigates and seeks to resolve, in accordance with this UCP process, a UCP complaint alleging failure to comply with applicable state and federal laws and regulations prohibiting discrimination and/or harassment in the delivery of educational services.

The UCP Annual Notice: A UCP Annual Notice will be disseminated by ABLE. This notice is available on the ABLE webpage and provides the following information regarding the UCP complaint process:

- sets forth information about the UCP for ABLE students and their parents or guardians and other third parties involved in receiving educational services,
- contains information for complaint allegations involving discrimination and/or involving certain educational activities or programs,
- lists activities and programs at ABLE that are within the scope of the UCP,
- includes the job title of the ABLE staff member who is responsible for processing complaints, and the identity of the person currently occupying that position, and
- confirms that an ABLE staff member responsible for processing complaints is knowledgeable about the laws and programs that they are assigned to investigate.

Filing UCP Complaints: All UCP complaints shall be filed no later than six months from the date of the alleged unlawful acts or six months from the date the complainant first obtained knowledge of the facts involving the alleged unlawful acts.

Complaints covered by the UCP are to be filed with Timothy L. Le Bas, Chief Compliance Officer who can be reached at (209) 478-1600 or by electronic mail at timothy.lebas@ablecharter.net.

For purposes of a complaint involving student fees, student fees include a purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with educational activities. A student fees complaint may be filed anonymously with a Principal or the Superintendent or their designees, without an identifying signature, if the complaint provides evidence or sufficient information leading to evidence supporting an allegation of noncompliance.

Regarding complaints relating to a Local Control and Accountability Plan (LCAP), the date of the alleged violation is the date when the reviewing authority approves the LCAP or the annual update that ABLE adopts. An LCAP complaint may also be filed anonymously, without an identifying signature, if the complaint provides evidence or sufficient information leading to evidence supporting an allegation of noncompliance.

Investigating UCP Complaints: During the UCP complaint investigation, ABLE gathers information regarding the complaint and provides an opportunity for complainants and/or their representatives to present any evidence to support the complaint.

Refusal by the complainant to provide ABLE 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 a dismissal of the complaint because of a lack of evidence to support the allegations.

ABLE may also conclude that a violation occurred and initiate a corrective action or other remedy. ABLE helps ensure that complainants are protected from retaliation.

ABLE investigates all allegations of discrimination and/or harassment (including unlawful intimidation and/or bullying) against any person in a protected class who receives educational services from ABLE.

UCP Complaint Resolution: ABLE thoroughly investigates the UCP complaint and issues 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 extend that time.

This investigation report contains the following information:

- relevant factual findings based on the evidence gathered,
- conclusion for each allegation as to whether ABLE was compliant with relevant law,
- any corrective action if ABLE finds merit in the complaint,
- a notice of the complainant's right to appeal the determination of ABLE to the Department of Education (CDE), and
- the procedures to be followed for initiating an appeal to the CDE.

UCP Complaint Appeal Process: An appeal is a written and signed request by the complainant to the CDE seeking review of an ABLE investigation report that was issued in response to a properly-filed complaint. A signature may be handwritten, typed (including an e-mail) or electronically-generated.

The complainant may appeal the investigation report of a UCP complaint to the CDE by filing a written appeal within 30 calendar days of the investigation report 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:

- ABLE failed to follow the complaint procedures set forth in this policy,
- investigation report lacks material factual findings necessary to reach a conclusion of whether ABLE is compliant,
- material factual findings are not supported by substantial evidence,
- conclusion in the investigation report is inconsistent with the law, or
- corrective actions fail to provide a proper remedy to address the noncompliance.

Any appeal by the complainant shall be sent to CDE with the following: (1) a copy of the complaint filed with ABLE, and (2) a copy of the ABLE investigation report.

ABLE Contact: Any questions concerning this policy may be directed to ABLE's Chief Compliance Officer at the contact information specified above. Please note that the complaint and investigation report may be disclosable as a public record under the California Public Records Act.

Adopted: September 15, 2021

References: Education Code Section 33315 and Title 5, California Code of Regulations, Sections 4600-4640