



UNIFORM COMPLAINT PROCEDURES

California Code of Regulations outline a Uniform Complaint Procedure (“UCP”) that must be followed for certain types of complaints within the school setting. These regulations articulate the steps that should be followed for filing these complaints, the timelines within which a school must respond, appeal rights to the California Department of Education or State Superintendent of Public Instruction, among other things. The UCP process must be followed for claims of a violation of federal or state laws or regulations in the following applicable programs administered by the CDE: Consolidated Categorical Aid Programs listed in Education Code section 64000(a), Migrant Education established pursuant to Education Code section 54440 through 54445, Career Technical and Technical Education and Career Technical and Technical Training Programs established pursuant to Education Code sections 52300 through 52480, Child Care and Development Programs established pursuant to Education Code sections 8200 through 8493, lactation accommodations, Educational rights of foster youth and graduation requirements for foster youth, homeless youth, and other youth, pupil fees, courses of study, instructional minutes for physical education, local control and accountability plans, juvenile court schools, school safety plans, refusal to approve the use or prohibit the use of any textbook, etc., for classroom instruction or any book or other resource in a school library on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code sections 51204.5 and 60040, with limited exceptions. The UCP also applies to filing complaints alleging unlawful discrimination, harassment, intimidation or bullying against any actual or perceived characteristics set forth in Penal Code section 422.55, including immigration status, and any protected group as identified in Education Code sections 200 and 220, and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, including actual or perceived characteristics or on the basis of a person’s association with a person or group with one or more of these actual or perceived characteristics. As part of Education Code sections 200 and 220, the school is required to provide complaint procedures relating to the failure to provide resources relating to the support of LGBTQ pupils. These complaints are included in this policy. A complaint relating to protections for pregnant and parenting students may be filed through the UCP as well. Complaints relating to student fees and those relating to the LCAP may be made anonymously. Complaints relating solely to employment discrimination should be handled in accordance with the complaint process identified in the employee handbook, and may ultimately be sent to the Civil Rights Department for investigation. It is not recommended that these types of

complaints be included in this policy since it would confer rights to the employee greater than that of an at-will employee. Consult with competent legal counsel to draft an appropriate employee complaint procedure for discrimination.

This policy is drafted consistently with the requirements of the UCP and provides notice that complaints will be filed directly with the Civil Rights Department or may be transferred to the Civil Rights Department by the school. Annually, the school must notify, in writing, its students, parents, employees, and other interested parties, the complaint procedures, any civil law remedies and the opportunity to appeal to the CDE under the UCP.

It is the policy of the Achieve Charter School (the “School”) to maintain a positive and productive working and educational environment. The School does not discriminate on the basis of disability, gender, gender identity, gender expression, nationality, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, race, color, ancestry, or ethnicity, religion, sex, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in California Penal Code section 422.55 in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The School is primarily responsible to ensure that it is compliant with all applicable federal and state laws and regulations. There are some circumstances, however, when employees or students may take issue with other employees or students or someone may believe that a violation of federal or state law is occurring in certain educational programs. The School encourages complainants to first address the issue with the other person directly using conflict resolution skills when possible.

Types of Complaints to be Filed Using the UCP: If, however, the complainant does not feel comfortable with this approach and the complaint relates to any of the topics below, the complainant must use the complaint procedure identified below. If the complaint relates to a different type of complaint, contact Casey Taylor, Superintendent, at ctaylor@achievecharter.org to obtain information about making a different type of complaint. The School will investigate relevant complaints, as identified below, and seek to resolve them in compliance with this policy:

- Discrimination, harassment, intimidation, or bullying against any protected group as identified under Education Code sections 200 and 220 and section 11135 of the Government Code, including any actual or perceived characteristic as set forth in section 422.55 of the Penal Code, 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 the school;
- Improper student fees;
- Failure to accommodate lactating students
- Noncompliance with the rights of pregnant and parenting students;

- Failure to provide Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ) resources;
- Failure to comply with statutes relating to foster care pupil records transfers or foster care pupil education;
- Failure to comply with statutes relating to the education of homeless students, students in foster care, former juvenile court school students, students who are children of a military family, or migratory students;
- A complaint about the School’s safety plan;
- A complaint that the School has not complied with the requirements of Education Code sections 47606.5 (annual update to goals and annual actions) or 47607.3 (outcomes for pupil subgroups), as applicable. This complaint may be filed by any member of the public and may be filed anonymously;
- Every Student Succeeds Act;
- A complaint that the governing body of the School has refused to approve the use or prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction or any book or other resource in a school library on the basis that it includes a study and contributions of any individual group consistent with the requirements of Education Code sections 51204 and 60040, unless the study of the role and contributions violates Section 51501 or 60044. A complaint filed for this reason may be filed with the Superintendent of Public instruction directly if immediate action is necessary. The complaint may be filed by any member of the public and may be filed anonymously;
- A complaint that the governing body of the School adopted or approved the use of any textbook, instructional material, supplemental instructional material, or curriculum for classroom instruction if its use would subject a pupil to unlawful discrimination;
- School or athletic team names, mascots, or nicknames pursuant to Education Code section 221.3;
- Other violations of state or federal law under the following programs:
 Consolidated Categorical Aid Programs, including improving academic achievement, compensatory education, English learner programs, After School Education and Safety, Physical Education: Instructional Minutes; Pupil Instruction: Course Periods without Educational Content or Previously Completed Courses.

Types of Complaints Not Covered by the UCP

Many complaints do not fit within the above-listed complaints to be made through the UCP. Some of these include, but are not limited to:

- Classroom assignments
- Common core
- Grades and graduation requirements
- Hiring and evaluation of staff
- Homework policies and practices
- Provision of core curricula subjects
- Student advancement and retention
- Student discipline
- Student records
- Employment complaints
- Open meetings and board meetings
- Other general education requirements

Internal Procedures:

As an initial matter, each Principal has the responsibility to maintain a workplace and educational environment free from any form of sexual or other unlawful harassment, discrimination, or conduct. Consequently, should a Principal become aware of any conduct that may constitute discrimination, harassment, or other prohibited behavior, immediate action will be taken to address and remediate such conduct.

STEP ONE: Making a Complaint: Any person who has experienced or is aware of a situation that relates to a complaint to be made in accordance with this policy (as identified above) has a responsibility to report the situation immediately to the Superintendent, 1494 East Ave, Chico, CA 95926, 530-872-4100.

Employees who believe they have been the victim of any employment discrimination should follow the complaint procedures identified in the employee handbook. If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, the School will assist the complainant in filing the complaint.

When making a UCP complaint, if the employee or student is not comfortable contacting the Superintendent or if that individual is not available, the employee or student should contact the Chief Business Officer (CBO), 1494 East Ave, Chico, CA 95926, 530-872-4100, who has been designated to handle inquiries regarding the UCP complaints. OCR Non-discrimination notice. A UCP Complaint Form may be obtained from the Superintendent and is on the school website.

The complaint shall be presented to the compliance officer, who shall maintain a log of complaints received, providing each with a code number and date stamp.

Anonymous Complaints: Students making a complaint of improper fees or complaints that the School has failed to comply with Education Code sections 47606.5 or 47607.3, may make the complaint anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the applicable Education Codes.

6 Month Limit on Certain Complaints: Complaints relating to discrimination (other than employment discrimination) must be filed within six months of the alleged discrimination or when the complainant first obtained knowledge of the alleged discrimination, unless an extension has been obtained from the Superintendent or his/her designee shall be made in writing. The period for filing may be extended by the Superintendent or his/her designee for good cause for a period not to exceed 90 days following the expiration of the six month time period. The Superintendent shall respond immediately upon a receipt for extension.

[Note: The regulations allow for the parties to resolve the complaint through means other than the complaint process provided below. However, they do not require such other resolution process. This policy is drafted to allow for such an alternative resolution mechanism.]

STEP 2: Informal Resolution: If the parties mutually agree, the complainant and the School may resolve the matter through mediation or otherwise informally. If mediation fails to resolve the matter, or the parties do not agree to mediate the matter, the formal complaint procedure identified below shall be followed.

Within three (3) days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make arrangements for this process.

Before initiating the mediation of an unlawful discrimination, harassment, intimidation, or bullying complaint, the compliance officer 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 compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the Charter School's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time.

STEP 3: Investigation of Complaints: If the complaint alleges wrongdoing involving a complaint required to be filed under the UCP, the School will complete an investigation and submit to the complainant a written decision regarding the complaint within 60 days of receipt of the complaint. During the investigation, the complainant, his/her representative or both, will have the opportunity to present the complaint and evidence or information leading to evidence to support the allegations of the complaint. The 60-day timeframe may be extended by the written consent of the complainant.

Refusal by the complainant to provide the investigator, at any level of the investigation, 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 lack of evidence to support the allegations.

Complaints will be handled as discreetly as possible, consistent with the need to investigate effectively and promptly resolve the matter.

The Superintendent will be knowledgeable of the laws/programs that he/she is assigned to investigate. If the complaint alleges employment discrimination, the Board of Directors will send it to the Civil Rights Department (the “CRD”) for investigation as required by law.

STEP 4: Written Decision: The Superintendent shall prepare a written decision, which decision shall contain the following: 1) findings of fact based on the evidence gathered; 2) conclusions of law; 3) disposition of the complaint; 4) the rationale for such disposition; 5) the corrective actions, if any are warranted; 6) notice of the complainant’s right to appeal the School’s decision to the California Department of Education; and 7) the procedures to be followed for initiating an appeal to the Department of Education. Within 60 days of receipt of the complaint, the Superintendent will send a copy of the written decision to the complainant.

Appeal of the School’s Decision

Appeal to CDE: Except for complaints that are not required to be processed through the UCP, a complainant may appeal a decision to the California Department of Education (“CDE”) by filing a written appeal within 15 days of receiving the decision. The complainant shall specify the basis for the appeal and whether the facts are incorrect and/or the law is misapplied. The appeal should be accompanied by a copy of the locally filed complaint and a copy of the School’s decision. If the CDE determines the appeal raises issues not contained in the local complaint, the CDE will refer those new issues back to the School for resolution. If the CDE determines that the decision failed to address an issue raised by the complaint, the CDE will refer the matter to the School to make the necessary findings and conclusions on any issue not addressed. The School will have 20 days to make those findings.

Any employee found to have participated in improper harassment or discrimination will be subject to disciplinary action, up to and including possible dismissal. Any student found to have participated in improper harassment or discrimination will be subject to disciplinary action, up to and including possible suspension or expulsion.

External Procedures: Filing a Complaint with the Civil Rights Department (CRD).

Employees or job applicants who believe that they have experienced unlawful employment discrimination or harassment, should follow the complaint process identified in the employee handbook, but may file a complaint directly with the CRD. The CRD serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If the CRD finds sufficient evidence to establish discrimination occurred, and settlement efforts fail, the CRD may file a formal accusation.

Employees may also pursue the matter through a private lawsuit in civil court after a complaint has been filed with the CRD and a Right to Sue Notice has been issued. For more information, contact the CRD toll-free at (800) 884-1684, or email the CRD at contact.center@calcivilrights.ca.gov or visit its website at www.cacivilrights.ca.gov. To contact the nearest field office of the Equal Employment Opportunity Commission (“EEOC”), call 1-800-669-4000. You should be aware that state and federal law provide time limits within which complaints must be filed. Contact the relevant agency to determine the applicable time limit.

Retaliation Policy

It is in violation of the School’s policy for the School or any employee to demote, suspend, reduce, fail to hire or consider for hire, fail to give equal consideration in making employment decisions, fail to treat impartially in the context of any recommendations for subsequent employment that the School may make, adversely affect working conditions or otherwise deny any employment benefit to an individual because that individual has opposed practices prohibited by law or has filed a complaint, testified, assisted or participated in any manner in an investigation, conducted by the DFEH or their staff. Any employee retaliating against another employee, applicant, or student will be disciplined, up to and including termination.

Examples of protected activities under the School’s retaliation policy include seeking advice from the CRD or Commission; filing a complaint with the CRD, irrespective of whether the complaint is actually sustained; opposing employment practices the employee reasonably believes to exist and believes to be a violation of the law; participating in an activity that is perceived by the School as opposition to discrimination, whether or not so intended by the employee expressing the opposition; participating in the proceeding of a local human rights or civil rights agency on a legal basis.

Nothing in this policy shall be construed to prevent the School from enforcing reasonable disciplinary policies and practices, nor from demonstrating that the actions of an applicant or

employee were either disruptive or otherwise detrimental to legitimate business interests so as to justify the denial of an employment benefit.

Dissemination

The School will send to students, employees, parents, or guardians of its students, school advisory committees, and other interested parties a notice of rights under this policy on an annual basis. Upon request, a copy of this policy will be made available free of charge and is also available on the School's website.

Adopted: February 21, 2018

Amended: March 3, 2026