

DARNALL CHARTER SCHOOL UNIFORM COMPLAINT PROCEDURES

These Uniform Complaint Procedures (“UCP”) contains rules and instructions about UCP complaints regarding an alleged violation by federal or state laws or regulations governing certain educational programs offered by Darnall Charter School (“Darnall”). Darnall developed this UCP in accordance with Title 5, California Code of Regulations, Section 4600 et seq. Darnall has primary responsibility to ensure its compliance with applicable state and federal laws and regulations, and Darnall will investigate and seek to resolve UCP complaints in accordance with this UCP.

UCP COMPLAINTS

Not all complaints fall under the scope of the UCP. However, Darnall 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.

According to applicable state and federal law, 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
- Career technical and technical education and career technical and technical training programs
- Child Care and Development Programs
- Compensatory Education
- Consolidated Categorical Aid Programs
- Course Periods without Educational Content
- Discrimination, harassment, intimidation, or bullying against any protected group as identified under Education Code sections 200 and 220 and Government Code Section 11135, including any actual or perceived characteristic as set forth in Penal Code Section 422.55, 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 an educational institution, as defined in Education Code Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance.
- Educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families, pupils formerly in juvenile court schools, pupils who are migratory, and pupils participating in a newcomer program.
- Every Student Succeeds Act
- Local Control and Accountability Plans (LCAP)
- Migrant Education

- Physical Education Instructional Minutes
- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil
- Refusing Approval of Use or Prohibiting Use of Any Curriculum for Classroom Instruction or School Library Resource Pursuant to Education Code Section 243
- Regional Occupational Centers and Programs
- School Plans for Student Achievement
- Schoolsite Councils
- State Preschool
- State Preschool Health and Safety Issues in LEAs Exempt from Licensing • And any other state or federal educational program the State Superintendent of Public Instruction (SSPI) or designee deems appropriate.

THE UCP ANNUAL NOTICE

Darnall 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 Darnall who is responsible for processing UCP complaints and knowledgeable about the laws and programs that they are assigned to investigate, and the identity(ies) of the person(s) currently occupying the position if known. Darnall's annual UCP notice is in English. If 15% or more of students enrolled at Darnall 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. The notice may be made available on Darnall's website.

Darnall does not operate a preschool program, but pursuant to applicable law, the notice includes a statement that in order to identify appropriate subjects of state preschool health and safety issues pursuant to Section 1596.7925 of the Health and Safety Code (HSC) a notice, separate from the UCP Annual Notice, shall be posted in each California state preschool program classroom in each school in the local educational agency notifying parents, guardians, pupils, and teachers (1) that the health and safety requirements under Title 5 of the California Code of Regulations apply to California state preschool programs pursuant to HSC Section 1596.7925, and (2) of the location at which to obtain a form to file a complaint.

RESPONSIBLE EMPLOYEE

The employee responsible for receiving, investigating and responding to UCP complaints (the "Responsible Employee") is as follows:

Jeff Morabito

Executive Director

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6020 Hughes St.
San Diego, CA 92115
(619) 582-1822
jmorabito@darnallcharter.org

In no instance will the Responsible Employee be assigned to investigate a complaint in which they have a bias that would prohibit them from fairly investigating or responding to the complaint. Any complaint against the Responsible Employee or that raises a concern about the Responsible Employee's ability to investigate the complaint fairly and without bias should be referred to the Board of Directors, who will determine how the complaint will be investigated.

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

CONFIDENTIALITY AND NON-RETALIATION

Darnall 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 they 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 their complaint in writing due to a disability or illiteracy, Darnall 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 (i.e., without an identifying signature) 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), which

are attached.

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Complaints shall be filed with the Responsible Employee at the address or email address provided herein. A pupil fees complaint may also be filed with the Principal or designee. 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 appropriate school officials where the complaint originated 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 Darnall 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, except this one-year timeline shall not apply to complaints regarding the educational rights of foster youth. For complaints regarding LCAP, the date of the alleged violation is the date when the Darnall governing board approves the LCAP or annual update.

Unless a UCP complaint is resolved through mediation as set forth below, Darnall 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 Darnall employee or member of the Darnall 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 Darnall 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 Darnall or

complainant, in which case the complaint will proceed directly to an investigation. If mediation resolves the complaint to the satisfaction of both parties, Darnall will implement any remedial measures and the complainant may choose to withdraw the complaint. If mediation does not resolve the complaint

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to the satisfaction of both parties or within the parameters of law, the Responsible Employee (or designee) shall proceed with their investigation of the complaint.

The use of mediation does not extend Darnall'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 school records and/or information related to the complaint allegations. As part of their investigation, the Responsible Employee (or designee) will do all of the following, in any order:

- Provide an opportunity for the complainants and/or representatives 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; and •

When necessary, seek clarification on specific complaint issues.

Refusal by the complainant or their 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 the complaint because of a lack of evidence to support the allegations.

Refusal by Darnall to provide the Responsible Employee (or designee) with access to records and/or other information 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: 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 in writing to an extension. Darnall'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 Darnall is in compliance with the relevant law;

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3. If Darnall finds merit in the complaint, the corrective actions required by law;
4. Notice of the complainant's right to appeal Darnall's Investigation Report to the CDE, except when Darnall 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 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 Darnall's expectations.

If Darnall finds merit in a complaint regarding pupil fees, physical education instructional minutes, course periods without educational content, or LCAP, the remedy will go to all affected pupils and parents/guardians. For all other complaints within the scope of the UCP, the remedy shall go to the affected pupil. Darnall, 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 Darnall'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. Darnall 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 Darnall 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 Darnall's Investigation Report.

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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 Darnall when one of the conditions listed in Title 5, California Code of Regulations, Section 4650 exists, including cases in which Darnall has not taken action within sixty (60) days of the date the complaint was filed with Darnall. 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.

UCP Requirements Regarding State Preschool Health and Safety Issues Pursuant to HSC Section 1596.7925

To file a UCP complaint regarding a state preschool health and safety issue pursuant to HSC Section 1596.7925 the complainant must file with the school's preschool program administrator or their designee. Darnall does not currently operate a preschool program.

A state preschool health and safety issues complaint about problems beyond the authority of a school's preschool program administrator shall be forwarded in a timely manner, but not to exceed 10 working days to the appropriate school official for resolution.

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A state preschool health and safety issues complaint may be filed anonymously. A complainant who identifies themselves is entitled to a response if they indicate that a response is requested. A complaint form shall include a space to mark to indicate whether a response is requested. If Education Code Section 48985 is otherwise applicable, the response, if requested, and the school's Investigation Report shall be written in English and the primary language in which the complaint was filed.

A complaint form for a state preschool health and safety issue shall specify the location for filing a complaint. A complainant may add as much text to explain the complaint as they wish.

When investigating a UCP state preschool health and safety issue the preschool program administrator or the school's designee shall make all reasonable efforts to investigate any problem within their authority, and investigations shall begin within 10 calendar days of the receipt of the complaint. A valid complaint shall be remedied within a reasonable time period, but not to exceed 30 working days from the date the complaint was received. The resolution of the complaint shall be reported to the complainant within 45 working days of the initial filing. If the preschool program administrator makes this report, they shall also report the same information in the same timeframe to the school's designee.

Filing an Appeal Regarding UCP State Preschool Health and Safety Issues

A complainant not satisfied with the resolution of the preschool program administrator or the school's designee has the right to describe the complaint at a regularly scheduled hearing of the board. A complainant will not be precluded from filing an appeal to the State Superintendent of Public Instruction ("SSPI") if the complainant does not file a local appeal.

A complainant who is not satisfied with the resolution proffered by the preschool program administrator or the school's designee has the right to file an appeal to the SSPI within 30 calendar days of the date of the Investigation Report.

The complainant shall comply with the same appeal requirements of 5 CCR section 4632.

The school shall report summarized data on the nature and resolution of all UCP state preschool health and safety issues complaints on a quarterly basis to the county superintendent of schools and its board. The summaries shall be publicly reported on a quarterly basis at a regularly

scheduled meeting of the school's board. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints.

All complaints and responses are public records.

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UCP COMPLAINT FORM

This Complaint Form may be used to file a complaint subject to the Darnall Charter School's Uniform Complaint Procedures Policy. Complaints concerning pupil fees and/or the LCAP 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 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 Plan ("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):

Signature: Date:

Please file this complaint with the following Responsible Employee:

Jeff Morabito
Executive Director
6020 Hughes St.
San Diego, CA 92115
(619) 582-1822
jmorabito@darnallcharter.org