



**GOMPERS PREPARATORY ACADEMY** A UCSD Partnership

1005 47th Street, San Diego, CA 92102 p. (619) 263-2171 f. (619) 264-4342 [www.gompersprep.org](http://www.gompersprep.org)

## **GOMPERS PREPARATORY ACADEMY UNIFORM COMPLAINT PROCEDURES POLICY**

This Uniform Complaint Procedures Policy (“UCP”) contains rules and instructions about the filing, investigation and resolution of UCP complaints regarding any alleged violation by Gompers Preparatory Academy (“GPA”) of federal or state laws or regulations governing educational programs. GPA shall have primary responsibility to ensure compliance with applicable state and federal laws and regulations.

GPA developed this UCP pursuant to Title 5, California Code of Regulations, §§ 4600-4687 and consistent with policies and procedures adopted by our governing board. This UCP shall apply only to those complaints that fall within the scope of the UCP and are applicable to charter schools. It does not apply to complaints arising from the employment relationship, which are separately addressed by GPA’s employment policies and practices.

### **COMMITMENT TO RESOLVING COMPLAINTS ON SITE**

*Expedited Dispute Resolution:* GPA is committed to resolving all complaints on site. GPA maintains an expedited dispute resolution process that may be utilized to assist in resolving complaints. Any parent, student or person directly affected by the operations and administration of GPA may bring a complaint in writing to the Director or his/her designee. If not resolved promptly and informally, the Director or designee will set up a formal meeting to discuss the issue with the involved parties within thirty (30) calendar days or investigate the complaint under the UCP process (if applicable). The intent of this process is to resolve the problem as quickly and simply as possible.

*Complaints about Staff or Director:* If there are complaints about teachers/staff, please contact the Director or Director’s designee. If there is a complaint about the Director, contact the Chairman of the GPA Board of Directors. These complaints will be investigated within thirty (30) calendar days and responded to within sixty (60) calendar days unless an extension is agreed upon in writing with the complainant. Please note: GPA may elect to complete the investigation of these complaints per the UCP process, if applicable.

### **COMPLAINTS UNDER THE UCP**

A UCP complaint is a written and signed statement by a complainant, including a person’s duly authorized representative or an interested third party, public agency, or organization, alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation, bullying or charging pupil fees for participation in an

educational activity or non-compliance with the requirements of GPA’s Local Control and Accountability Plans (“LCAP”). A signature on a UCP complaint may be handwritten, typed (including in an email), or electronically-generated. The complaint must be filed according to the procedures set forth herein.

### **Complaints Regarding Programs and Activities**

Complaints of violations of state or federal law or regulations governing the following programs and activities, to the extent offered by GPA, are subject to the UCP and will be investigated by GPA. GPA may also use these complaint procedures to address complaints not covered by the UCP in its sole discretion, but only allegations within the subject matters falling within the UCP as provided below can be appealed to the California Department of Education (“CDE”).

- Accommodations for Pregnant and Parenting Pupils
- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- Career Technical and Technical Education, Career Technical, Technical Training (state)
- Career Technical Education (federal)
- Child Care and Development Programs
- Compensatory Education
- Complaints of Discrimination, Harassment, Intimidation and/or Bullying of any protected group as identified in Education Code §§ 200 and 220 and Government Code § 11135, including 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,
- Course Periods without Educational Content
- Education and Graduation requirements of Pupils in Foster Care, Homeless Pupils, former Juvenile Court Pupils, and Pupils of Military Families
- Every Student Succeeds Act
- Local Control and Accountability Plans (LCAP)
- Migrant Education
- Physical Education Instructional Minutes
- 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
- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- School Plans for Student Achievement

- 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 BMA which is funded directly by, or that received or benefits from, any state financial assistance
- Consolidated Categorical Aid Programs
- School Safety Plans
- School Site Councils
- State Preschool
- State Preschool Health and Safety Issues in LEAs Exempt from Licensing
- Any other state or federal educational program the State Superintendent of Public Instruction or the California Department of Education or designee deems appropriate

### **Complaints Regarding Pupil Fees**

Complaints that GPA has violated Education Code §§ 49010 through 49013 concerning pupil fees are subject to this UCP and will be investigated by GPA. A pupil shall not be required to pay a pupil fee for participation in an educational activity, unless the charge for such a fee is specifically authorized by law and does not violate Education Code §49011. A “pupil fee” is a fee, deposit, or other charge imposed on pupils, or a pupil’s parents or guardians, in violation of state codes and constitutional provisions which require educational activities to be provided free of charge to all pupils without regard to their families’ ability or willingness to pay fees or request special waivers. “Educational activities” are those offered by a school, school district, charter school, or county office of education that constitute a fundamental part of education, including, but not limited to, curricular and extracurricular activities. A pupil fee includes, but is not limited to, all of the following:

1. A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.
2. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
3. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

### **Complaints Regarding LCAP**

Complaints concerning GPA’s LCAP (Education Code § 52075) are subject to this UCP and will be investigated by GPA. The LCAP is an important component of the Local Control Funding Formula (LCFF), the revised school finance system that overhauled how California funds its K-12 schools. Under the LCFF, GPA is required to prepare an LCAP, which describes

how we intend to meet annual goals for our pupils, with specific activities to address state and local priorities identified pursuant to Education Code § 52060(d).

### **Complaints of Discrimination, Harassment, Intimidation and/or Bullying**

Complaints of 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, 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 programs or activities conducted by GPA which is funded directly by, or that received or benefits from any state financial assistance, are subject to this UCP and will be investigated by GPA. Any GPA personnel who witness an act of discrimination, harassment, intimidation or bullying, shall take immediate steps to intervene when safe to do so as required by Education Code § 234.1.

Complaints may be based on discrimination, harassment, intimidation, and/or bullying that occurs employee-to-student, student-to-student, and/or third party conduct to a student. Such complaints may also include allegations of failure to provide reasonable accommodations to a lactating pupil on campus to express breast milk, breast-feed an infant child, or address other needs related to breast-feeding pursuant to Education Code § 222.

### **UCP ANNUAL NOTIFICATION**

GPA shall ensure annual dissemination of this UCP to all students, employees, parents or guardians of its students, school advisory committee members, appropriate private school officials or representatives (if applicable), and other interested parties that includes information regarding allegations about discrimination, harassment, intimidation, or bullying. The annual UCP notice shall be in English. If 15% or more of students enrolled at GPA speak a single primary language other than English, the annual notice shall be provided in that language as well pursuant to Education Code § 48985.

This UCP shall be available in GPA's main office and copies shall be made available free of charge.

### **CONFIDENTIALITY AND NON-RETALIATION**

Complaints shall be handled in a confidential manner to respect the privacy of all parties to the fullest extent possible. Every effort shall be made to limit the distribution of information to only those persons with a need to know within the confines of GPA's reporting procedures and investigative process. GPA will make every effort to keep as confidential the identity of a complainant alleging discrimination, harassment, intimidation, or bullying.

GPA prohibits retaliation in any form for filing of a complaint or an appeal, reporting instances of noncompliance, discrimination, harassment, intimidation, and/or bullying, or for participation in the complaint-filing or investigation process. Complainants are protected from retaliation.

These confidentiality and non-retaliation requirements extend to all parties involved.

### **DESIGNATION OF RESPONSIBLE EMPLOYEE**

GPA hereby designates the individual(s) identified below as the employee(s) responsible for receiving, investigating and responding to complaints and acting as the compliance officer(s) responsible for handling complaints under this UCP, referred to herein as the “Responsible Employee.”

**Paz Garcia Ramirez**

Executive Assistant to Director Riveroll  
1005 47th St  
San Diego, CA 92102  
619-263-2171  
pramirez@gomperscharter.org

The Responsible Employee may designate another representative of GPA to serve in this role, who for the purposes of this UCP, shall be included within the definition of “Responsible Employee.”

In no instance shall the Responsible Employee be assigned to a complaint in which he or she has a bias or conflict of interest 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 shall be filed with Executive Assistant to Director Riveroll, or other appropriate GPA official, who shall determine how the complaint will be investigated.

GPA will ensure that employees assigned to investigate complaints are knowledgeable about the laws and programs at issue in the complaints for which they are responsible. The Responsible Employee may consult with legal counsel as permitted by the Director or designee.

The Responsible Employee shall determine whether interim measures are necessary pending the result of an investigation. If interim measures are determined to be necessary, Responsible Employee shall consult with the Director or designee, as appropriate, prior to implementing any such measures. The interim measures shall remain in place until the Responsible Employee determines that they are no longer necessary or until GPA issues its final written decision, whichever occurs first.

All complainants are protected from retaliation.

### **FORMAL COMPLAINT PROCEDURES**

GPA shall investigate and seek to resolve, in accordance with this UCP, complaints alleging failure to comply with applicable state and federal laws and regulations including, but not limited to, allegations of discrimination, harassment, intimidation, or bullying or noncompliance with laws relating to all programs and activities implemented by GPA that are subject to this UCP.

All parties involved in allegations shall be notified by the Responsible Employee when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

### **Step 1: Filing a Complaint**

Any individual, public agency, or organization may file a written complaint of alleged noncompliance by GPA. 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 unlawful discrimination, harassment, intimidation or bullying, or by a parent or guardian. A complaint form is included with these policies, but complaints do not need to be filed with this form.

If a complainant is unable to prepare a written complaint due to conditions such as disability or illiteracy, the complainant can receive assistance from GPA staff.

Complaints shall be filed with the Responsible Employee at the address provided herein. The Responsible Employee will maintain a log of complaints and subsequent related actions, in compliance with Title 5, California Code of Regulations, §§ 4631 and 4633. The Responsible Employee 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.

### **Timing of Complaints**

A complaint alleging unlawful discrimination, harassment, intimidation, or bullying shall be initiated no later than six (6) months from the date when the alleged unlawful discrimination, harassment, intimidation or bullying occurred, or six (6) months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination, harassment, intimidation, or bullying. If the complaint is not timely filed, the complainant will be notified of his or her right to appeal to the State Superintendent of Public Instruction for an extension of time in which to file the complaint.

All other complaints, except those involving the educational rights of foster youth, shall be filed no later than one (1) year from the date the alleged violation occurred with the Responsible Employee or designee. For complaints regarding LCAP, the date of the alleged violation is the date when GPA's Board approves the LCAP or annual update.

### **Anonymous Complaints**

Complaints related to pupil fees for participation in educational activities may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the requirements of Education Code § 49010 et seq. (pupil fees). Complaints related to LCAP compliance may also be filed anonymously if the complaint

provides evidence or information leading to evidence to support an allegation of noncompliance with the requirements of Education Code § 52075.

### **Step 2: Mediation (Optional)**

The Responsible Employee and complainant may mutually agree to mediation. Any GPA employee or member of GPA's 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 Responsible Employee shall make arrangements for any mutually agreed upon mediation that will allow both the complainant and GPA to present relevant evidence. The Responsible Employee shall inform the complainant that the mediation process may be terminated at any time and proceed directly to an investigation. In the mediation of an unlawful discrimination, harassment, intimidation or bullying complaint, the mediator must agree to keep confidential any information obtained through mediation. If mediation resolves the complaint to the satisfaction of both parties, GPA 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 shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend GPA'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 shall have access to applicable GPA records and/or information related to the complaint allegations. As part of his or her investigation, the Responsible Employee shall do all of the following, in no specific order:

- Provide an opportunity for the complainant and/or complainant's representative and GPA's representative to present information relevant to the complaint or investigative process.
- Seek 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 to provide the Responsible Employee with documents or other evidence related to the allegations in the complaint, or failure or refusal to cooperate or obstruction of the investigation by the complainant or his or her representatives may result in dismissal of complaint because of a lack of evidence to support the allegation. Refusal to provide the Responsible Employee with documents or other evidence related to the allegations in the complaint, or failure or refusal to cooperate or obstruction of the investigation by GPA or its staff 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: Board Review (Optional)**

GPA's Board may consider the complaint at its next regular meeting or at a special meeting convened in order to meet the 60 calendar day total time limit within which the complaint must be answered. Based on all the evidence obtained during the investigation, the Board may approve, modify or reject the Responsible Employee's proposed decision and issue a final decision that meets the requirements set forth herein. The Board may also decide not to hear the complaint, in which case the Responsible Employee's decision shall be final.

#### **Step 5: Final Written Decision (Investigation Report)**

The Responsible Employee 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 GPA's receipt of the complaint, unless extended by written agreement with the complainant. GPA'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 GPA is in compliance with the relevant law;
3. If GPA finds merit in the complaint, the corrective actions required by law;
4. Notice of the complainant's right to appeal GPA's Investigation Report to the CDE, except when GPA 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.

In no event shall an Investigation Report under this section include identifying information of a student or any private employee personnel information, including but not limited to the nature of the disciplinary action taken against the 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 GPA's expectations.

If GPA finds merit in a complaint regarding Pupil Fees, Physical Education Instructional Minutes, or LCAP, the remedy shall to go all affected pupils and parents/guardians. GPA, in good faith will engage in reasonable efforts to identify and fully reimburse all pupils, parents and guardians who paid an unlawful pupil fee within one year prior to the filing of the complaint.



## **APPEAL PROCESS**

A complainant may appeal GPA's Investigation Report by filing a written appeal within thirty (30) calendar days of the Investigation Report to the CDE. This appeal to the CDE must fully explain the basis for the appeal, including at least one of the following:

- GPA failed to follow its complaint procedures;
- Relative to the allegations of the complaint, the Investigation Report lacks material findings of fact necessary to reach a conclusion of law;
- The material findings of fact in the Investigation Report are not supported by substantial evidence;
- The legal conclusion in the Investigation Report is inconsistent with the law; and/or
- In a case in which GPA found noncompliance, the corrective actions fail to provide a proper remedy.

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

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

## **CIVIL LAW REMEDIES**

A complainant may pursue available civil law remedies outside of GPA's complaint procedures. 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.

## Uniform Complaint Procedures Form

Gompers Preparatory Academy has the primary responsibility to ensure compliance with applicable state and federal laws and regulations. Gompers Preparatory Academy shall investigate and seek to resolve complaints in accordance with the Uniform Complaint Procedures (UCP). Please complete this form, providing as much information as possible and attaching any applicable supporting documentation, to assist in the investigation of the complaint. 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.

### Information (Optional for Pupil Fee & LCAP Complaints)

LAST NAME OF THE COMPLAINANT	FIRST NAME OF THE COMPLAINANT
MAILING ADDRESS (NUMBER, STREET, APARTMENT NUMBER, CITY, STATE AND ZIP CODE)	
EMAIL ADDRESS	TELEPHONE NUMBER
COMPLAINANT WILL NEED THE ASSISTANCE OF AN INTERPRETER <input type="checkbox"/> No <input type="checkbox"/> Yes ( <i>specify the language to be spoken by the interpreter</i> )	
COMPLAINANT IS A: <input type="checkbox"/> Student <input type="checkbox"/> Parent/Guardian <input type="checkbox"/> Employee <input type="checkbox"/> Public Agency <input type="checkbox"/> Organization	
THIS COMPLAINT IS BEING FILED ON BEHALF OF: <input type="checkbox"/> Myself <input type="checkbox"/> A student (not the complainant named above) <input type="checkbox"/> Other ( <i>specify</i> )	
DATE OF ALLEGED VIOLATION	SCHOOL/OFFICE OF ALLEGED VIOLATION

### Basis of Complaint

*For allegations related to any of the following programs and activities subject to the UCP:*

- |  |  |
|--|--|
| <input type="checkbox"/> Discrimination, Harassment, Intimidation, and/or Bullying<br><input type="checkbox"/> Education for Foster Youth, Homeless Youth, Former Juvenile Court School Students, or Military Dependents<br><input type="checkbox"/> Every Student Succeeds Act<br><input type="checkbox"/> Local Control Accountability Plan<br><input type="checkbox"/> Reasonable Accommodations to a Lactating Student<br><input type="checkbox"/> Other Basis from GPA UCP: _____ | <input type="checkbox"/> Career Technical Education<br><input type="checkbox"/> Child Nutrition<br><input type="checkbox"/> Consolidated Categorical Aid<br><input type="checkbox"/> Pupil Fees<br><input type="checkbox"/> School Safety Plan |
|--|--|

*For complaints alleging discrimination, harassment, intimidation, and/or bullying, indicate the actual or perceived protected characteristics upon which the alleged conduct is based:*

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Race or ethnicity<br><input type="checkbox"/> Color<br><input type="checkbox"/> Ancestry<br><input type="checkbox"/> Nationality<br><input type="checkbox"/> National origin<br><input type="checkbox"/> Immigration status<br><input type="checkbox"/> Ethnic group identification | <input type="checkbox"/> Religion<br><input type="checkbox"/> Age<br><input type="checkbox"/> Marital status<br><input type="checkbox"/> Pregnancy<br><input type="checkbox"/> Parental status<br><input type="checkbox"/> Physical or mental disability<br><input type="checkbox"/> Other _____ | <input type="checkbox"/> Sex<br><input type="checkbox"/> Sexual orientation<br><input type="checkbox"/> Gender<br><input type="checkbox"/> Gender identity<br><input type="checkbox"/> Gender expression<br><input type="checkbox"/> Genetic information |
|--|--|--|

**FOR OFFICE USE ONLY**

Date received \_\_\_\_\_ Received by \_\_\_\_\_ Title \_\_\_\_\_  
Investigator \_\_\_\_\_ Outcome \_\_\_\_\_  
Investigation Report sent to complainant on \_\_\_\_\_ Appeal filed with CDE?  Yes  No

**Details of the Complaint**

*Please answer the following questions to the best of your ability. Provide details such as the names of those involved, dates, whether witnesses were present, etc., that may be helpful to the complaint investigator. This should be a description in your own words of the grounds of your complaint, including all names, dates and places necessary for a complete understanding of your complaint. If you mention names, please also identify who they are (i.e. student, staff, parent, etc.). Attach additional pages, if necessary.*

Provide the **facts** about your complaint:

---

---

---

---

List the **people** involved or impacted:

---

---

---

List any **witnesses** or individuals who may have knowledge of the alleged acts:

---

---

---

Provide and/or describe the specific **location(s)** where the incident(s) occurred:

---

---

---

List all the **date(s) and time(s)** when the incident(s) occurred or when the alleged acts first came to your attention:

---

---

Describe any **steps** you have taken to resolve this issue before filing the complaint. If applicable, list names and titles of school and/or district staff you have contacted:

---

---

---

Do you have any **written documents/evidence** that you can provide that may be relevant/supportive of your complaint?

- No       Yes, copies of the documents/evidence are attached to this complaint

Signature of Complainant \_\_\_\_\_ Date \_\_\_\_\_

GPA shall take steps to protect complainants from retaliation. Please file this complaint form and any additional documents in person, by email, or by mail with the following individual:

**Paz Garcia Ramirez**  
1005 47th St San Diego, CA 92102  
619-263-2171  
pramirez@gomperscharter.org