



## **Uniform Complaint Policy & Procedures**

Board Approved: 10/2018

Board Revised and Approved: 12/8/2020

Innovations Academy ("IA") complies with applicable federal and state laws and regulations. IA is the local agency primarily responsible for compliance with federal and state laws and regulations governing educational programs. Pursuant to this policy, persons responsible for compliance and/or conducting investigations shall be knowledgeable about the laws and programs, which they are assigned to investigate.

### Scope

Not all complaints fall under the scope of this Policy.

- Many concerns can be made in accordance with the **General Complaint Policy**, including complaints regarding classroom assignments, common core, grades, classroom requirements, hiring and evaluation of staff, drop off and pick up procedures, homework policies and practices, provision of core curricula subjects, student advancement and retention, student discipline, student records, the Bagley- Keene Open Meeting Act, the Brown Act, and other general education and school requirements that do not otherwise fall under the purview of this Policy. A complete copy of this Policy is included within this Family Handbook.
- Concerns may also be raised under the School's **Title IX, Harassment, Intimidation, Discrimination, and Bullying Policy**. A complete copy of this Policy is included within this Family Handbook.

The following complaints are referred to other agencies for resolution and not subject to the Uniform Complaint Policy:

- Allegations of child abuse are referred to County Departments of Social Services, Protective Services Divisions, or appropriate law enforcement agency.
- Employment complaints are sent to the California Department of Fair Employment and Housing.
- Allegations of fraud are referred to the responsible Division Director at the California Department of Education ("CDE").

This complaint procedure is adopted to provide a uniform system of complaint processing ("UCP") for the following types of complaints:

1. Complaints of unlawful discrimination, harassment, intimidation or bullying against any protected group on the basis of actual or perceived characteristics of age, ancestry, color, mental disability, physical disability, ethnic group identification, immigration status, citizenship, gender expression, gender identity, gender, genetic information, nationality, national origin, race or ethnicity, religion, medical condition, marital status, pregnancy, sex, or sexual orientation, 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 IA program or activity.

2. Complaints of violations of state or federal law and regulations governing the following programs:
  - Accommodations for Pregnant, Parenting or Lactating Students;
  - Adult Education;
  - Career Technical and Technical Education;
  - Career Technical and Technical Training;
  - Child Care and Development Programs;
  - Consolidated Categorical Aid;
  - Education of Students in Foster Care, Students who are Homeless, former Juvenile Court Students now enrolled in a public school, Migratory Children and Children of Military Families;
  - **Every Student Succeeds Act**;
  - Migrant Education Programs;
  - Regional Occupational Centers and Programs; and/or
  - School Safety Plans.
  
3. Complaints alleging that a student enrolled in a public school was required to pay a pupil fee for participation in an educational activity as those terms are defined below.
  - a. "Educational activity" means an activity offered by the charter school that constitutes an integral fundamental part of elementary and secondary education, including, but not limited to, curricular and extracurricular activities.
  
  - b. "Pupil fee" means a fee, deposit or other charge imposed on students, or a student's parents/guardians, in violation of Education Code section 49011 and Section 5 of Article IX of the California Constitution, which require educational activities to be provided free of charge to all students without regard to their families' ability or willingness to pay fees or request special waivers, as provided for in *Hartzell v. Connell* (1984) 35 Cal.3d 899. A pupil fee includes, but is not limited to, all of the following:
    - i. A fee charged to a student 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.
  
    - ii. A security deposit, or other payment, that a student is required to make to obtain a lock, locker, book, class apparatus, musical instrument, uniform or other materials or equipment.
  
    - iii. A purchase that a student is required to make to obtain materials, supplies, equipment or uniforms associated with an educational activity.
  
  - c. A pupil fees complaint and complaints regarding local control and accountability plans ("LCAP") only, may be filed anonymously (without an identifying signature), if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with Education Code sections 52060 - 52077, including an allegation of a violation of Education Code sections 47606.5 or 47607.3, as referenced in Education Code section 52075, regarding local control and accountability plans.

- d. If IA finds merit in a pupil fees complaint, or the California Department of Education ("CDE") finds merit in an appeal, IA shall provide a remedy to all affected students, parents/guardians that, where applicable, includes reasonable efforts by IA to ensure full reimbursement to all affected students and parents/guardians, subject to procedures established through regulations adopted by the state board.
  - e. Nothing in this Policy shall be interpreted to prohibit solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or IA and other entities from providing student prizes or other recognition for voluntarily participating in fundraising activities.
4. Complaints alleging noncompliance with the requirements governing the Local Control Funding Formula ("LCFF"), or Local Control and Accountability Plans ("LCAP") under Sections 47606.5 and 47607.3 of the Education Code, as applicable. If IA adopts a School Plan for Student Achievement in addition to its LCAP, complaints of noncompliance with the requirements of the School Plan for Student Achievement under Education Code sections 64000, 64001, 65000, and 65001 shall also fall under this Policy.
  5. Complaints alleging noncompliance regarding child nutrition programs established pursuant to Education Code sections 49490-49590 are governed by Title 7, Code of Federal Regulations ("C.F.R.") sections 210.19(a)(4), 215.1(a), 220.13(c), 225.11(b), 226.6(n), and 250.15(d) and Title 5, California Code of Regulations ("C.C.R.") sections 15580 - 15584.
  6. Complaints alleging noncompliance regarding special education programs established pursuant to Education Code sections 56000-56865 and 59000-59300 are governed by the procedures set forth in 5 C.C.R. sections 3200-3205 and 34 C.F.R. sections 300.151-300.153.

Moreover, IA acknowledges and respects every individual's right to privacy. Unlawful discrimination, harassment, intimidation or bullying complaints shall be investigated in a manner that protects (to the greatest extent reasonably possible) the confidentiality of the parties and the integrity of the process. IA cannot guarantee anonymity of the complainant. This includes keeping the identity of the complainant confidential. However, IA will attempt to do so as appropriate. IA may find it necessary to disclose information regarding the complaint/complainant to the extent necessary to carry out the investigation or proceedings, as determined by the Director or designee on a case-by-case basis.

IA prohibits any form of retaliation against any complainant in the complaint process, including but not limited to a complainant's filing of a complaint or the reporting of instances of unlawful discrimination, harassment, intimidation or bullying. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

#### Compliance Officers

The Board of Directors designates the following compliance officer(s) to receive and investigate complaints and to ensure Innovations Academy's compliance with law:  
Christine Kuglen

Executive Director  
10380 Spring Canyon Rd, San Diego, CA 92131  
858-271-1414  
[christine@innovationsacademy.org](mailto:christine@innovationsacademy.org)

**or**

Tony Spitzberg  
Assistant Director  
10380 Spring Canyon Rd, San Diego, CA 92131  
858-271-1414  
Tony@innovationsacademy.org

IA shall ensure that the staff persons responsible for conducting investigations relating to this Uniform Complaint Policy shall be knowledgeable about the laws and programs for which they are responsible. The compliance officer may have access to legal counsel as determined by the Executive Director or designee.

Should a complaint be filed against the Director or Assistant Director, the compliance officer for that case shall be the Parent Representative on the Board of Directors or his/her designee.

### Notifications

The Executive Director or designee shall annually provide written notification of this Policy to employees, students, parents and/or guardians, school officials and other interested parties by publishing notification on the website and in the Family Handbook. A copy is available upon request free of charge.

The annual notice shall be in English. When necessary under Education Code section 48985, if fifteen (15) percent or more of the students enrolled in IA speak a single primary language other than English, this annual notice will also be provided to the parent/guardian of any such students in their primary language.

The annual notice shall include the following:

1. A list of the types of complaints that fall under the scope of the UCP and the state and federal provisions that govern complaints regarding child nutrition programs and special education programs.
2. A statement clearly identifying any California State preschool programs that IA is operating as exempt from licensing pursuant to Health and Safety Code section 1596.792(o) and corresponding Title 5 health and safety regulations, and any California State preschool programs that IA is operating pursuant to Title 22 licensing requirements.
3. A statement that IA is primarily responsible for compliance with federal and state laws and regulations.
4. A statement that a pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.
5. A statement identifying the responsible staff member, position, or unit designated to

receive complaints.

6. A statement that if a UCP complaint is filed directly with the CDE and the CDE determines that it merits direct intervention, the CDE shall complete an investigation and provide a written decision to the complainant within sixty (60) calendar days of receipt of the complaint, unless the parties have agreed to extend the timeline or the CDE documents exceptional circumstances and informs the complainant.
7. A statement that the complainant has a right to appeal an IA decision to the CDE by filing a written appeal within thirty (30) calendar days of the date of IA's decision, except if IA has used its UCP to address a complaint that is not subject to the UCP requirements.
8. A statement that a complainant who appeals IA's decision on a UCP complaint to the CDE shall receive a written appeal decision within sixty (60) calendar days of the CDE's receipt of the appeal, unless extended by written agreement with the complainant or the CDE documents exceptional circumstances and informs the complainant.
9. A statement that if IA finds merit in a UCP complaint, or the CDE finds merit in an appeal, IA shall take corrective actions consistent with the requirements of existing law that will provide a remedy to the affected student and/or parent/guardian as applicable.
10. A statement advising the complainant of any civil law remedies that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable, and of the appeal pursuant to Education Code § 262.3.
11. A statement that copies of the local educational agency complaint procedures shall be available free of charge.

### Procedures

The following procedures shall be used to address complaints that allege that IA has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint.

- **Step 1: Filing of Complaint subsequent related actions**

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

Any individual, including a person's duly authorized representative or an interested third party, public agency, or organization alleging noncompliance by IA or unlawful discrimination, harassment, intimidation or bullying pursuant to this Policy may file a written complaint using the complaint form.

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 when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination, harassment, intimidation or bullying, unless the time for filing is extended

by the Executive Director or designee, upon written request by the complainant setting forth the reasons for the extension. Such extension by the Executive Director or designee shall be made in writing. The period for filing may be extended by the Executive Director or designee for good cause for a period not to exceed ninety (90) calendar days following the expiration of the six-month time period. The Executive Director shall respond immediately upon a receipt of a request for extension

A complaint may be filed by a person who alleges that he/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.

All other complaints under this Policy shall be filed not later than one (1) year from the date the alleged violation occurred. For complaints relating to the LCAP, the date of the alleged violation is the date on which the IA Board of Directors approved the LCAP or the annual update was adopted by IA.

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.

If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, IA staff shall assist him/her in the filing of the complaint.

Complaints filed pursuant to this Policy must be in writing and signed. A signature may be handwritten, typed (including in an email) or electronically generated. Only complaints regarding pupil fees or LCAP compliance may be filed anonymously as set forth in this Policy. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, IA staff shall assist the complainant in the filing of the complaint.

- **Step 2: Resolution Meeting**

Within five (5) business days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of engaging in a Resolution Meeting with the IA school counselor serving as mediator. If the complainant agrees to a Resolution Meeting, the compliance officer shall make arrangements for the same.

Before initiating the Resolution Meeting of an unlawful discrimination, harassment, intimidation or bullying complaint, the compliance officer shall ensure that all parties agree to make the counselor a party to related confidential information.

If the Resolution Meeting does not resolve the problem, the compliance officer shall proceed with his/her investigation of the complaint.

The use of a Resolution Meeting shall not extend IA'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**

Within five (5) business days of receiving the complaint, the compliance officer is encouraged to informally discuss with the complainant the possibility of using mediation.

This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally. If the complainant agrees to mediation, the compliance officer shall make arrangements for this process.

The complainant and/or his/her representative shall have an opportunity to present the complaint and evidence or information leading to evidence to support the allegations in the complaint.

A complainant's refusal to provide IA's compliance officer with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation.

IA's refusal to provide the compliance officer with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement in any other 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 Response**

Unless extended by written agreement with the complainant, the compliance officer shall issue to the complainant a written report of IA's investigation and Decision within sixty (60) calendar days of receipt of the complaint.

IA's decision shall be written in English and in the language of the complainant whenever feasible or as required by law.

The decision shall include:

1. The findings of fact based on evidence gathered
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition
5. Corrective actions, if any are warranted
6. Notice of the complainant's right to appeal the decision within thirty (30) calendar days to the CDE, except when IA has used its UCP to address complaints that are not subject to the UCP requirements.
7. Procedures to be followed for initiating such an appeal
8. For unlawful discrimination, harassment, intimidation or bullying complaints arising under state law, notice that the complainant must wait until sixty (60) days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies

If an employee is disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the employee was informed of IA's expectations. The report shall not give any further information as to the nature of the disciplinary action.

#### Appeals to the CDE

If dissatisfied with IA's Decision, the complainant may appeal in writing to the CDE within thirty (30) calendar days of receiving the Decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are

incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of IA's Decision. When appealing to the CDE, the complainant must specify and explain the basis for the appeal, including at least one of the following:

1. IA failed to follow its complaint procedures.
2. Relative to the allegations of the complaint, IA's Decision lacks material findings of fact necessary to reach a conclusion of law.
3. The material findings of fact in IA's Decision are not supported by substantial evidence.
4. The legal conclusion in IA's Decision is inconsistent with the law.
5. In a case in which IA's Decision found noncompliance, the corrective actions fail to provide a proper remedy.

Upon notification by the CDE that the complainant has appealed IA's decision, the Director or designee shall forward the following documents to the CDE:

1. A copy of the original complaint.
2. A copy of the decision.
3. A summary of the nature and extent of the investigation conducted, if not covered by the decision.
4. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by all parties and gathered by the investigator.
5. A report of any action taken to resolve the complaint.
6. A copy of IA's complaint procedures.
7. Other relevant information requested by the CDE.

If the CDE determines the appeal raises issues not contained in the local complaint, the CDE will refer those new issues back to IA for resolution as a new complaint. If the CDE notifies IA that its Decision failed to address an allegation raised by the complaint and subject to the UCP process, IA will investigate and address such allegation(s) in accordance with the UCP requirements and provide the CDE and the appellant with an amended Decision addressing such allegation(s) within twenty (20) calendar days of the CDE's notification. The amended Decision will inform the appellant of the right to separately appeal the amended Decision with respect to the complaint allegation(s) not addressed in the original Decision.

Within thirty (30) calendar days of the date of the CDE's appeal Decision pursuant to 5 C.C.R. section 4633(f)(2) or (3), either party may request reconsideration by the State Superintendent of Public Instruction ("SSPI") or the SSPI's designee. The request for reconsideration shall specify and explain the reason(s) for contesting the findings of fact, conclusions of law, or corrective actions in the CDE's appeal Decision. The SSPI will not



consider any information not previously submitted to the CDE by a party during the appeal unless such information was unknown to the party at the time of the appeal and, with due diligence, could not have become known to the party. Pending the SSPI's response to a request for reconsideration, the CDE appeal Decision remains in effect and enforceable, unless stayed by a court.

The CDE may directly intervene in the complaint without waiting for action by IA when one of the conditions listed in Title 5, California Code of Regulations section 4650 exists, including cases in which IA has not taken action within sixty (60) days of the date the complaint was filed with IA.

### Civil Law Remedies

A complainant may pursue available civil law remedies outside of these 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. For unlawful discrimination, harassment, intimidation or bullying complaints arising under state law, however, a complainant must wait until sixty (60) days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if IA has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint.

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**UNIFORM COMPLAINT PROCEDURE FORM**

Last Name: \_\_\_\_\_ First Name/MI: \_\_\_\_\_

Grade: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Street Address/Apt. #: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

School of Alleged Violation: \_\_\_\_\_

**For allegation(s) of noncompliance, please check the program or activity referred to in your complaint, if applicable:**

- |   |  |
|---|--|
| <input type="checkbox"/> Consolidated Categorical Programs  | <input type="checkbox"/> Regional Occupational Centers and Programs  |
| <input type="checkbox"/> Pupil Fees   | <input type="checkbox"/> School Plans for School Achievement   |
| <input type="checkbox"/> Adult Education  | <input type="checkbox"/> School Safety Plan  |
| <input type="checkbox"/> Career Technical and Technical Education/Career Technical and Technical Training | <input type="checkbox"/> Pregnant, Parenting or Lactating Students   |
| <input type="checkbox"/> Child Care and Development   | <input type="checkbox"/> Local Control Funding Formula/ Local Control and Accountability Plan  |
| <input type="checkbox"/> Regional Occupational Centers and Programs                                       | <input type="checkbox"/> Education of Students in Foster Care, Students who are Homeless, former Juvenile Court Students now enrolled in a Public School, Migratory Children and Children of Military Families |
|   | <input type="checkbox"/> Every Student Succeeds Act  |
|   | <input type="checkbox"/> Migrant Education Programs  |

**For allegation(s) of unlawful discrimination, harassment, intimidation or bullying, please check the basis of the unlawful discrimination, harassment, intimidation or bullying described in your complaint, if applicable:**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Age                             | <input type="checkbox"/> Gender / Gender Expression / Gender Identity | <input type="checkbox"/> Sex (Actual or Perceived)   |
| <input type="checkbox"/> Ancestry                        | <input type="checkbox"/> Genetic Information                          | <input type="checkbox"/> Sexual Orientation (Actual or Perceived)  |
| <input type="checkbox"/> Color                           | <input type="checkbox"/> Medical Condition                            | <input type="checkbox"/> Based on association with a person or group with one or more of these actual or perceived characteristics |
| <input type="checkbox"/> Disability (Mental or Physical) | <input type="checkbox"/> National Origin/Nationality                  | <input type="checkbox"/> Marital Status  |
| <input type="checkbox"/> Ethnic Group Identification     | <input type="checkbox"/> Race or Ethnicity                            |  |
| <input type="checkbox"/> Immigration Status/citizenship  | <input type="checkbox"/> Religion                                     |  |

1. Please give facts about the complaint. Provide details such as the names of those involved, dates, whether witnesses were present, etc., that may be helpful to the complaint investigator.

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2. Have you discussed your complaint or brought your complaint to any IA staff members? If you have, to whom did you take the complaint, and what was the result?

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3. Please provide copies of any written documents that may be relevant or supportive of your complaint. I have attached supporting documents.  Yes  No

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Mail complaint and any relevant documents to:  
Innovations Academy, 5454 Ruffin Rd. San Diego, CA 92123

Christine Kuglen, Director or  
Tony Spitzberg, Assistant  
Director

**PLEASE KEEP A COPY OF YOUR COMPLETED FORM FOR  
YOUR RECORDS.**