

UNIFORM COMPLAINT PROCEDURES PARADISE CHARTER MIDDLE SCHOOL

It is the policy of Paradise Charter Middle 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.

It is the responsibility of the School to ensure that it is compliant with all applicable federal and state laws and regulations governing its educational program.

Types of Complaints to be Filed Using the UCP

The uniform complaint procedure (UCP) shall be used to investigate the following complaints of harassment, discrimination, intimidation, or bullying based upon the above-identified characteristics, or any other legally protected category, in its programs or activities, including violation of state or federal law under the following programs, including the educational rights of foster, homeless or other youth pursuant to Section 51225.1, pupil fees, courses of study, instructional minutes for physical education, local control and accountability plans, school safety plans, lactation accommodations for staff or students, or any other implemented state or federal program the School deems appropriate.

The complainant must use the identified complaint procedure below. The School will investigate complaints and seek to resolve them in compliance with this policy.

The Board desires to protect the rights of students with disabilities in accordance with the procedural safeguards set forth in state and federal law. Parents/guardians shall receive written notice of their rights in accordance with law, Board policy, and administrative regulation.

The Executive Director or designee shall represent the School in any due process hearing and shall inform the Board about the result of the hearing.

The Executive Director or designee shall address a complaint concerning compliance with state or federal law regarding special education in accordance with the uniform complaint procedures.

Internal Procedures

The Executive Director has the responsibility to maintain a workplace and educational environment free from any form of sexual or other unlawful harassment, discrimination or conduct. Unlawful discrimination or harassment may be based upon actual or perceived sex, sexual orientation, gender, gender identity, gender expression, ethnic group identification, race, ancestry, national origin, religion, color, mental or physical disability, age or on the basis of a person’s association with a person or group with one or more of these actual or perceived characteristics, or any other category protected by law. Consequently, should the Executive Director 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.

Making a Complaint

Any person who has experienced or is aware of a situation that is believed to be sexually and/or otherwise unlawfully harassing or represents a violation of law as identified above, has a responsibility to report the situation immediately to

Beverly Landers, Executive Director
6473 Clark Rd, Paradise, CA 95969
(530) 872-7277
blanders@pcms.tv

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.

If the employee or student is not comfortable contacting the Executive Director or if that individual is not available, the employee or student should contact

Christina Voigt, Board President
christymoon@yahoo.com
(530) 872-7277

A Harassment/Retaliation/Unlawful Conduct Complaint Form may be obtained by visiting the school office or contacting one of the individuals identified above. However, complainants are not required to use the complaint form to file a complaint.

Procedural Safeguards and Complaints for Special Education

Prior Written Notice

1. The Executive Director or designee shall send to the parents/guardians of any student with disabilities a prior written notice within a reasonable time:
2. Before the School initially refers the student for assessment
3. Before the School proposes to initiate or change the student's identification, assessment, educational placement, or the provision of a free appropriate public education (FAPE) to the student
4. Before the School refuses to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student
5. Upon receipt of the parent/guardian's written revocation of consent for the continued provision of special education and related services to their child

This notice shall include:

1. A description of the action proposed or refused by the School
2. An explanation as to why the School proposes or refuses to take the action

3. A description of each assessment procedure, test, record, or report the School used as a basis for the proposed or refused action
4. A statement that the parents/guardians of the student have protection under procedural safeguards and, if this notice is not an initial referral for assessment, the means by which a copy of the description of procedural safeguards can be obtained Sources for parents/guardians to obtain assistance in understanding these provisions
5. A description of any other options that the individualized education program (IEP) team considered and why those options were rejected
6. A description of any other factors relevant to the School's proposal or refusal

Procedural Safeguards Notice

A procedural safeguards notice shall be made available to parents/guardians of students with disabilities once each school year and:

1. Upon initial referral or parent/guardian request for assessment
2. Upon receipt of the first state compliance complaint in a school year
3. Upon receipt of the first due process hearing request in a school year
4. In accordance with the discipline procedures pursuant to 34 CFR 300.530(h), when a decision is made to remove a student because of a violation of a code of conduct constituting a change of placement
5. Upon request by a parent/guardian

The procedural safeguards notice shall include a full explanation of all procedural safeguards available under 34 CFR 300.148, 300.151-300.153, 300.300, 300.502-300.503, 300.505-300.518, 300.520, 300.530-300.536, and 300.610-300.625 relating to:

1. Independent educational evaluation
2. Prior written notice
3. Parental consent, including a parent/guardian's right to revoke consent, in writing, to their child's continued receipt of special education and related services
4. Access to educational records
5. Opportunity to present complaints and resolve complaints through the due process complaint and state compliance complaint procedures, including the time period in which to file a complaint, the opportunity for the School to resolve the complaint, and the difference between a due process complaint and the state compliance complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures
6. The availability of mediation
7. The student's placement during the pendency of any due process complaint
8. Procedures for students who are subject to placement in an interim alternative educational setting
9. Requirements for unilateral placement by parents/guardians of students in private schools at public expense
10. Hearings on due process complaints, including requirements for disclosure of assessment results and recommendations
11. State-level appeals
12. Civil actions, including the period in which to file those actions

13. Attorney's fees

This notice shall also include the rights and procedures contained in Education Code 56500-56509, including information on the procedures for requesting an informal meeting, prehearing mediation conference, mediation conference, or due process hearing; the timelines for completing each process; whether the process is optional; the type of representative who may be invited to participate; the right of the parent/guardian and/or the School to electronically record the proceedings of IEP meetings in accordance with Education Code 56341; and information regarding the state special schools for students who are deaf, hard of hearing, blind, visually impaired, or deaf-blind.

A copy of this notice shall be attached to the student's assessment plan and referred to at each IEP meeting.

Format of Parent/Guardian Notices

The parents/guardians of a student with a disability shall be provided written notice of their rights in a language easily understood by the general public and in their native language or other mode of communication used by them, unless to do so is clearly not feasible.

If the native language or other mode of communication of the parent/guardian is not a written language, the School shall take steps to ensure that:

1. The notice is translated orally or by other means to the parent/guardian in their native language or other mode of communication.
2. The parent/guardian understands the contents of the notice.
3. There is written evidence that items #1 and #2 have been satisfied.

A parent/guardian of a student with disabilities may elect to receive the prior written notice or procedural safeguards notice by an electronic mail communication.

Due Process Complaints

A parent/guardian and/or the School may initiate due process hearing procedures whenever:

1. There is a proposal to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student.
2. There is a refusal to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student.
3. The parent/guardian refuses to consent to an assessment of their child.
4. There is a disagreement between a parent/guardian and the School regarding the availability of a program appropriate for the student, including the question of financial responsibility, as specified in 34 CFR 300.148.

Prior to having a due process hearing, the party requesting the hearing, or the party's attorney, shall provide the opposing party a due process complaint, which shall remain confidential, specifying:

1. The student's name

2. The student's address or, in the case of a student identified as homeless pursuant to 42 USC 11434, available contact information for that student
3. The name of the school the student attends
4. A description of the nature of the student's problem relating to the proposed or refused initiation or change, including facts relating to the problem
5. A proposed resolution to the problem to the extent known and available to the complaining party at the time

Parties filing a due process complaint shall file their request with the Superintendent of Public Instruction or designated contracted agency. (Education Code 56502)

School's Response to Due Process Complaints

If the School has sent prior written notice to the parent/guardian regarding the subject matter of the parent/guardian's due process complaint, the School shall within 10 days of receipt of the complaint, send a response specifically addressing the issues in the complaint.

If the School has not sent a prior written notice to the parent/guardian regarding the subject matter contained in the parent/guardian's due process complaint, the School shall send a response to the parent/guardian within 10 days of receipt of the complaint containing:

1. An explanation of why the School proposed or refused to take the action raised in the complaint
2. A description of other options that the IEP team considered and the reasons that those options were rejected
3. A description of each evaluation procedure, assessment, record, or report the School used as the basis for the proposed or refused action
4. A description of the factors that are relevant to the School's proposal or refusal

Upon the filing of a due process complaint by either party or upon request of the parent/guardian, the School shall inform the parent/guardian of any free or low-cost legal and other relevant services available in the area.

Informal Process/Pre-Hearing Mediation Conference

Prior to or upon initiating a due process hearing, the Executive Director or designee and a parent/guardian may, if the party initiating the hearing so chooses, agree to meet informally to resolve any issue(s) relating to the identification, assessment, education and placement, or provision of FAPE for a student with disabilities. The Executive Director or designee shall have the authority to resolve the issue(s). In addition, either party may file a request with the Superintendent of Public Instruction for a mediation conference to be conducted by a person under contract with the California Department of Education.

If resolution is reached that resolves the due process issue(s), the parties shall enter into a legally binding agreement that satisfies the requirements of Education Code 56500.3.

Attorneys may attend or otherwise participate only in those mediation conferences that are scheduled after the filing of a request for due process hearing.

Anonymous Complaints

Any employee or student who believes that there has been a violation of state or federal law as articulated above, or an improper imposition of student fees, should make a written complaint to the Executive Director. 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 Executive Director/Board President (Investigators), as described in the section, *Making a Complaint*. Such extension by the Executive Director/Board President shall be made in writing. The period for filing may be extended by the Executive Director/Board President for good cause for a period not to exceed 90 days following the expiration of the six-month period. The Executive Director/Board President shall respond immediately upon a receipt for extension.

Investigation of Complaints

If the complaint alleges wrongdoing involving discrimination (other than employment discrimination) or claims of failure to comply with applicable state or federal laws or regulations, the Executive Director/Board President, or a designee (Investigator) 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, their 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.

Any person responsible for investigations will be knowledgeable of the laws/programs that they are assigned to investigate. If the complaint alleges employment discrimination, the Board of Directors will send it to the Department of Fair Employment and Housing (the “DFEH”) for investigation as required by law.

Written Decision

The Investigator 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 Investigator will send a copy of the written decision to the complainant.

Appeal of School's Decision

Appeal to CDE

Except for complaints regarding instructional materials and teacher vacancies or misassignments, 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 DFEH

Employees or job applicants who believe that they have experienced unlawful employment discrimination or harassment may file a complaint directly with the DFEH. The DFEH serves as a neutral factfinder and attempts to help the parties voluntarily resolve disputes. If the DFEH finds sufficient evidence to establish discrimination occurred and settlement efforts fail, the DFEH 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 DFEH and a Right to Sue Notice has been issued. For more information, contact

DFEH toll free at (800) 884-1684

or

email the DFEH at contact.center@dfeh.ca.gov

or

visit its website at www.dfeh.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 DFEH or Commission; filing a complaint with the DFEH, 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: October 25, 2022

Amended: