



Summit Public Schools California Student: NonDiscrimination Policy¹

Summit Public Schools (“Summit”) is committed to providing a learning environment free of unlawful discrimination, harassment, intimidation and bullying. Summit will provide equal educational opportunity and treatment for all students in all aspects of the academic and activities program without discrimination, harassment, intimidation, and bullying on the basis of actual or perceived characteristics set forth in Penal Code § 422.5, Education Code § 220 and actual or perceived 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, or on the basis of a person’s association with a person or group with one or more of these actual or perceived characteristics. All such discrimination, harassment, intimidation and bullying is unlawful and prohibited by Summit. Auxiliary aids and services will be provided upon request to individuals with disabilities.

Discrimination is different treatment on the basis of a protected category in the context of an educational program or activity without a legitimate nondiscriminatory reason and interferes with or limits the individual’s ability to participate in or benefit from the services, activities, or privileges by Summit. Conduct against any student that is based on one of the categories listed above that is sufficiently severe, persistent or pervasive as to limit or deny the student’s ability to participate in or benefit from Summit’s course offerings; educational programming or any activity will not be tolerated.

Upon witnessing an act of discrimination, harassment, intimidation, and/or bullying, Summit personnel are required to take prompt and effective steps reasonably calculated to end harassment, prevent its recurrence, and remedy its effects when a Summit employee knows or reasonably should know, that such discriminatory harassment is occurring or has occurred. Once a school or home office has notice of discriminatory, harassing, intimidating, or bullying conduct, whether carried out by employees, students, or third parties, it should take immediate and appropriate steps to investigate or otherwise determine what occurred and take prompt and effective steps reasonably calculated to end the conduct, eliminate a hostile environment, if one has been created and prevent the conduct from occurring again. These steps should be taken whether or not an individual makes a complaint or asks the school or office to take action.

¹ Revised 10/24/19



This nondiscrimination policy applies to all acts related to school activity or school attendance within any school or office operating by Summit Public Schools.

Summit Public Schools (“SPS”) - Uniform/Discrimination Complaint Procedure

The Governing Board recognizes that Summit Public Schools (“SPS”) has primary responsibility for ensuring that it complies with the applicable state and federal laws and regulations governing educational programs.

SPS shall follow the Complaint Procedures when addressing:

- **Complaints that SPS has violated anti-discrimination laws.**
- **Complaints regarding curriculum development and instructional materials.**

Anyone may file a complaint against SPS alleging that Summit has violated anti-discrimination laws. Summit will provide equal educational opportunity and treatment for all students in all aspects of the academic and activities program without discrimination, harassment, intimidation, and bullying on the basis of actual or perceived characteristics set forth in Penal Code § 422.5, Education Code § 220 and actual or perceived 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, or on the basis of a person’s association with a person or group with one or more of these actual or perceived characteristics. All such discrimination, harassment, intimidation and bullying is unlawful and prohibited by Summit. Auxiliary aids and services will be provided upon request to individuals with disabilities.

This complaint procedure is designed to assure that the resolution of real or alleged violations are directed toward a just solution that is satisfactory to the complainant, the administration and the board of directors. This grievance procedure will apply to the general conditions of the nondiscrimination policy and curriculum development and instructional materials.

Definitions:

As used in this procedure:



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A. “**Grievance**” means a complaint that has been filed by a complainant relating to alleged violations of any state or federal anti-discrimination laws.

B. “**Complaint**” means a written, signed charge alleging specific acts, conditions or circumstances, which are in violation of the anti-discrimination laws. The time period for filing a complaint is one year from the date of the occurrence that is the subject matter of the complaint. However, a complaint filing deadline may not be imposed if the complainant was prevented from filing due to 1) Specific misrepresentations by SPS that it had resolved the problem forming the basis of the complaint; or 2) Withholding of information that Summit was required to provide under applicable laws. Complaints may be submitted by mail, fax, e-mail or hand-delivery to any SPS campus, to the SPS compliance officer at the school responsible for investigating discrimination complaints, or to Summit’s home office compliance officer. Any Summit employee who receives a complaint that meets these criteria will promptly notify the compliance officer.

C. “**Respondent**” means the person alleged to be responsible or who may be responsible for the violation alleged in the complaint.

The Board acknowledges and respects every individual’s rights to privacy. Discrimination, intimidation, harassment, and bullying complaints shall be investigated in a manner that protects [to the greatest extent possible] the confidentiality of the parties and the integrity of the process. SPS cannot guarantee anonymity of the complainant. This includes keeping the identity of the complainant confidential except to the extent necessary to carry out the investigation, as determined by the Superintendent of SPS or their designee on a case-by-case basis.

The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint. To this end, specific steps will be taken. Summit Public Schools is prohibited by law from intimidating, threatening, coercing or discriminating against any individual for the purpose of interfering with their right to file a grievance under this policy and procedure and from retaliating against an individual for filing such a grievance.

SPS California Schools Compliance Officers

The Governing Board designates the following compliance officer to receive and investigate complaints and ensure SPS’s compliance with the law:



Summit Public Schools - Denali Compliance Officer

Kevin Bock Executive Director
Summit Public Schools Denali
6th - 8th Grade Campus:
539 E Weddell Dr.
Sunnyvale, CA 94089

9th - 12th Grade Campus:
195 Leota Ave
Sunnyvale, CA 94086

Phone: (669) 721-2646
Email: kbock@summitps.org

Summit Public Schools - Everest Compliance Officer

Jimmy Zuniga Executive Director
Summit Public Schools Everest
455 5th Ave
Redwood City, CA 94063

Phone: (650) 366-1050
Email: jzuniga@summitps.org

Summit Public Schools - K2 Compliance Officer

Cynthia Jerez Executive Director
Summit Public Schools K2
1800 Elm Street
El Cerrito, CA 94530

Phone: (510) 374-4093
Email: cjerez@summitps.org

Summit Public Schools - Prep Compliance Officer

Caitlin Reilly Executive Director



Summit Public Schools Prep
890 Broadway St.
Redwood City, CA 94063

Phone: (650) 556-1110
Email: creilly@summitps.org

Summit Public Schools - Rainier Compliance Officer

Edwin Avarca Executive Director
Summit Public Schools Rainier
1750 S White Rd
San Jose, CA 95127

Phone: (408) 831-3105
Email: eavarca@summitps.org

Summit Public Schools - Shasta Compliance Officer

Wren Maletsky Executive Director
Summit Public Schools Shasta
905 Campus Dr.
Daly City, CA 94015

Phone: (415) 799-4719
Email: wmaletsky@summitps.org

Summit Public Schools - Tahoma Compliance Officer

Jonathan Stewart Executive Director
Summit Public Schools Tahoma
285 Blossom Hill Road
San Jose, CA 95123

Phone: (408) 729 -1981
Email: jstewart@summitps.org

Summit Public Schools - Tamalpais Compliance Officer



Abbie Ridenour Executive Director
Summit Public Schools Tamalpais
3020 Hilltop Mall Road
Richmond, CA 94806

Phone: (510) 374-4185

Email: aridenour@summitps.org

Summit Public Schools Home Office Compliance Officer

Summit Public Schools Compliance Officer

Keith Cantrelle (Conflict Resolution Advisor)

Summit Public Schools

780 Broadway

Redwood City, CA 94063

kcantrelle@summitps.org

Phone: (650) 257-9878

Fax: (650) 517-8356

The Superintendent or his/her designee shall ensure that Summit employees designated to investigate complaints are knowledgeable about laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Superintendent or designee.

NOTIFICATIONS

Complaint Procedures are distributed to every student and family in the Student – Family Handbooks that are sent home every year, and to new students as part of the enrollment process. Procedures and forms are available at every SPS school site and the SPS Home Office. Complaint procedures are distributed to classified and certificated employees at the beginning of each school year. Complaint procedures are distributed in different languages to students of schools where 15% or more students speak a primary language other than English. SPS also provides an annual written notification of the complaint procedures to advisory committees, private school



officials, and other interested parties (i.e., Adult Education). Copies of the SPS complaint procedures shall be available free of charge.

PROCEDURES

The following procedures shall be used to address all complaints that allege a violation of federal or state laws or regulations governing educational programs. The compliance officer shall maintain a record of each complaint and 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.

Informal Process for Resolution

Anyone with an allegation of discrimination may request an informal meeting with the compliance officer or designated employee to resolve their concerns. Such a meeting will be at the option of the complainant. If unable to resolve the issue at this meeting, the complainant may submit a written complaint to the compliance officer. During the course of the informal process, SPS must notify complainant of their right to file a formal complaint.

Formal Process for Resolution

Filing of A Complaint:

- A. Any individual, parent, public agency or organization may file a written complaint of alleged noncompliance. Complaints alleging discrimination, harassment, intimidation or bullying must be initiated no later than 6 months from the date the alleged unlawful discrimination, harassment, intimidation or bullying occurred or 6 months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying. Written complaints 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, the Charter School staff shall assist him/her in the filing of the complaint.

- B. A complaint may be filed by a person who alleges that he/she personally suffered unlawful discrimination, harassment, intimidation or bullying or by a



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person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination, harassment, intimidation or bullying.

- C. Pupil fee complaints shall be filed not later than one (1) year from the date the alleged violation occurred.

Mediation:

- A. Within 3 days of the receipt of the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make arrangements for this process.
- B. Before initiating the mediation of an unlawful discrimination, harassment, intimidation or bullying complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information. If resolution is not reached at this level, the compliance officer will proceed with his/her investigation of the complaint.
- C. The use of mediation shall not extend SPS's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time.

INVESTIGATION:

The compliance officer is encouraged to hold an investigative meeting within five (5) days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

- A. 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.
- B. Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation 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 allegations.

- C. SPS will provide the investigator with access to records and/or other information related to the allegation in the complaint. SPS's refusal to provide the investigator with access to records and/or other information related to the allegation(s) in the complaint, or to otherwise fail to refuse or cooperate in the investigation or engage 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.

SPS'S WRITTEN RESPONSE:

The compliance officer will prepare a written report of the finding and decision within 60 days of receiving the complaint unless the complainant agrees in writing to extend the timeline.

SPS's decision will be reported in writing, sent to the complainant within 60 calendar days of receipt of the complaint. The decision shall be written in English and in the language of the complainant whenever feasible or as required by law. The report will contain the following elements:

- a) The findings of fact based on the evidence gathered;
- b) Conclusion(s) of law;
- c) Disposition of the complaint;
- d) The rationale for such a disposition;
- e) Corrective actions, if any are warranted;
- f) Notice of the complainant's right to appeal the SPS's decision to CDE within 15 days
- g) Procedures to be followed for initiating an appeal to CDE;
- h) For unlawful discrimination, harassment, intimidation or bullying complaints arising under state law, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies; and
- i) For unlawful discrimination, harassment, intimidation or bullying complaints arising under federal law, such complaint may be made at any time for the U.S. Department of Education, Office for Civil Rights.



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 SPS's expectations. The report shall not give any further information as to the nature of the disciplinary action.

APPEALS TO THE CALIFORNIA DEPARTMENT OF EDUCATION

The complainant may appeal in writing to the California Department of Education (CDE) within 15 days of receiving SPS's response. 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 SPS's decision.

Upon notification by the CDE that the complainant has appealed SPS'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 by SPS, 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 SPS's complaint procedures; and
7. Other relevant information requested by the CDE.

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

CIVIL LAW REMEDIES



Nothing in this policy precludes a complainant from pursuing available civil law remedies outside of SPS’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. For unlawful discrimination, harassment, intimidation or bullying complaints arising under state law, however, a complainant must wait until 60 days has elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if SPS has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.

SUMMIT PUBLIC SCHOOLS – UNIFORM COMPLAINT PROCEDURE FORM

Last Name: _____ First Name/MI: _____

Student Name (if applicable): _____ Grade: _____ Date of Birth: _____

Street Address/Apt. #: _____

City: _____ State: _____ Zip Code: _____

Home Phone: _____ Cell Phone: _____ Work Phone: _____

School/Office of Alleged Violation: _____

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

Adult Education Consolidated Categorical Programs Nutrition Services

Career/Technical Education Migrant and Indian Education Special Education



- Child Development Programs Pupil Fees Local Control Funding Formula
- Other

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:

- Age Gender/Gender Expression/Gender Identity Sex (actual or perceived)
- Ancestry Genetic Information Sexual Orientation (actual or perceived)
- Color National Origin Race or Ethnicity
- Based on Association with Person/Group with Characteristics (actual or Perceived)
- Disability (mental or physical) Ethnic Group Identification Religion
- Other

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.

2. Have you discussed your complaint or brought your complaint to any Charter School personnel? If you have, to whom did you take the complaint, and what was the result?

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/email complaint and any relevant documents to:
Keith Cantrelle (Conflict Resolution Advisor)
Summit Public Schools



780 Broadway Redwood City, CA 94063

kcantrelle@summitps.org

Phone: (650) 260 - 3758 Fax: (650) 366 - 1892

OFFICE USE ONLY

Date Received: _____ by: _____

_____ Informal Complaint Date of Informal Resolution _____

_____ Formal Complaint Date of Formal Resolution _____

_____ Not Resolved