

## SUMMIT PUBLIC SCHOOLS UNIFORM COMPLAINT PROCEDURES

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 Uniform Complaint Procedures (UCP) when addressing complaints alleging:

- **Unlawful discrimination, harassment, intimidation, or bullying** against any protected group, including actual or perceived discrimination based on the actual or perceived characteristics of race or ethnicity, ancestry, national origin, nationality, ethnic group identification, religion, age, gender, gender expression, gender identity, genetic information, sex, sexual orientation, color, physical or mental disability, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics.
- **Failure to comply with state and/or federal laws and regulations** in consolidated categorical aid programs, migrant education, career technical and technical education and career technical and technical training programs, child care and development programs, child nutrition programs, and special education programs.
- A complaint may also be filed alleging that a pupil 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 a school, school district, charter school or county office of education 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 pupils, or a pupil's parents or guardians, in violation of Section 49011 of the Education Code and Section 5 of Article IX of the California Constitution, 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, 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 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.
    - ii. A security deposit, or other payment, that a pupil 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 pupil is required to make to obtain materials, supplies, equipment or uniforms associated with an educational activity.
  - c. A pupil fees complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with laws relating to pupil fees.

- d. If the Charter School finds merit in a pupil fees complaint the Charter School shall provide a remedy to all affected pupils, parents, and guardians that, where applicable, includes reasonable efforts by the Charter School to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.
- e. Nothing in this section shall be interpreted to prohibit solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or school districts, school, and other entities from providing pupils prizes or other recognition for voluntarily participating in fundraising activities.
- Complaints of noncompliance with the requirements governing the Local Control Funding Formula or Sections 47606.5 and 47607.3 of the Education Code, as applicable.

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.

SPS prohibits any form of retaliation against the 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, harassment, or bullying. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

### **SPS California Schools Compliance Officers**

Summit Public Schools designates the following compliance officer to receive and investigate complaints and ensure compliance with the law:

Everest Public High School	<p>Angel Barragan Executive Director 455 5th Avenue Redwood City, California 94063 Phone: (650) 366-1050 Email: <a href="mailto:abarragan@summitps.org">abarragan@summitps.org</a></p>
Summit Public School: K2 (Grades 9-12)	<p>Megan Lee Executive Director 1800 Elm Street El Cerrito, California 94530 Phone: (510) 374-4408 Email: <a href="mailto:mlee@summitps.org">mlee@summitps.org</a></p>
Summit Public School: K2 (Grades 7-8)	<p>Kacy Robinson Executive Director 1800 Elm Street El Cerrito, California 94530 Phone: (510) 374-4093 Email: <a href="mailto:krobinson@summitps.org">krobinson@summitps.org</a></p>
Summit Public School: Tamalpais (Grades 9-12)	<p>Jackie Wilson Executive Director 3020 Hilltop Mall Road Richmond, California 94806 Phone: (510) 374-4185 Email: <a href="mailto:jwilson@summitps.org">jwilson@summitps.org</a></p>
Summit Public School: Tamalpais (Grades 6-8)	<p>Eric Dillie Executive Director 3020 Hilltop Mall Road Richmond, California 94806 Phone: (510) 374-4185 Email: <a href="mailto:edillie@summitps.org">edillie@summitps.org</a></p>
Summit Public School: Shasta	<p>Chelsea Watts Executive Director 905 Campus Dr. Daly City, California 94015 Phone: (415) 799-4719 Email: <a href="mailto:cwatts@summitps.org">cwatts@summitps.org</a></p>
Summit Preparatory Charter School	<p>Mary Beth Thompson Executive Director 890 Broadway St. Redwood City, California 94063 Phone: (650) 556-1110 Email: <a href="mailto:mthompson@summitps.org">mthompson@summitps.org</a></p>

Summit Public School: Tahoma	Jonathan Stewart Executive Director 285 Blossom Hill Road San Jose, California 95123 Phone: (408) 729 -1981 Email: jstewart@summitps.org
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#### **Summit Public Schools Home Office Compliance Officer**

<b>Site</b>	<b>Compliance Officer / Contact Information</b>
Summit Public Schools Home Office	Jaime Rhoads (HR Manager) Summit Public Schools 780 Broadway Redwood City, CA 94063 jrhoads@summitps.org

The Superintendent shall ensure that 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 Superintendent or designee.

#### **NOTIFICATIONS**

Uniform Complaint Procedures are distributed to every student and family in the Student – Family Handbooks that are sent home every year. Procedures are distributed at parent-teacher meetings, 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. UCP are distributed to classified and certificated employees at the beginning of each school year. UCP are distributed in different languages to students of school where 15% or more students speak a primary language other than English. SPS also provides an annual written notification of the UCP 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.

#### **FILING OF A COMPLAINT**

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.

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.

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

## **MEDIATION**

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.

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.

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.

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.

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.

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:

- ☐ The findings of fact based on the evidence gathered.
- ☐ Conclusion(s) of law
- ☐ Disposition of the complaint
- ☐ The rationale for such a disposition.
- ☐ Corrective actions, if any are warranted.
- ☐ Notice of the complainant's right to appeal the SPS's decision to CDE within 15 days.
- ☐ Procedures to be followed for initiating an appeal to CDE.
- ☐ 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.
- ☐ 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.
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**

School/Office of Alleged Violation: \_\_\_\_\_

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: \_\_\_\_\_

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

- |   |  |
|---|--|
| <input type="checkbox"/> Adult Education              | <input type="checkbox"/> Career/Technical Education        |
| <input type="checkbox"/> Child Development Programs   | <input type="checkbox"/> Consolidated Categorical Programs |
| <input type="checkbox"/> Migrant and Indian Education | <input type="checkbox"/> Pupil Fees                        |
| <input type="checkbox"/> Other                        | <input type="checkbox"/> Nutrition Services                |
| <input type="checkbox"/> Special Education            | <input type="checkbox"/> Local Control Funding Formula     |

**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"/> Disability (Mental or Physical)  |
| <input type="checkbox"/> Color                                    | <input type="checkbox"/> Gender / Gender Expression /   |
| <input type="checkbox"/> Ethnic Group Identification              | <input type="checkbox"/> Genetic Information  |
| <input type="checkbox"/> Gender Identity                          | <input type="checkbox"/> Race or Ethnicity  |
| <input type="checkbox"/> National Origin                          | <input type="checkbox"/> Sex (Actual or Perceived)  |
| <input type="checkbox"/> Religion                                 | <input type="checkbox"/> Association with a person or group with one or more of these actual or perceived characteristics |
| <input type="checkbox"/> Sexual Orientation (Actual or Perceived) | <input type="checkbox"/> Other  |
| <input type="checkbox"/> Ancestry                                 |   |

**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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**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?**

**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:** \_\_\_\_\_

Send complaint and any relevant documents  
to:

Jaime Rhoads (Human Resources Manager)  
Summit Public Schools  
780 Broadway  
Redwood City, CA 94063  
jrhoads@summitps.org