

## **MARCONI LEARNING ACADEMY**

**Mailing Address:** 2444 Marconi Ave.

Sacramento, CA 95838

**Phone:** (916) 974-7307

**Website:** <https://marconilearning.org>

### **UNIFORM COMPLAINT POLICY AND PROCEDURES**

#### **Introduction**

This Policy contains rules and instructions about the filing, investigation, and resolution of a Uniform Complaint Procedures (UCP) complaint regarding an alleged violation by Marconi Learning Academy (Charter School) of federal or state laws or regulations governing educational programs. The Policy was adopted and thereafter revised by the Charter School's Board of Directors on the dates listed in the document footer below.

This Policy presents information about how the Charter School processes UCP complaints concerning particular programs or activities that are subject to the UCP.

A UCP complaint is a written and signed statement alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation or bullying. A signature may be handwritten, typed (including in an email) or electronically generated. Some complaints may be filed anonymously. A UCP complaint filed on behalf of an individual student may only be filed by that student or that student's duly authorized representative.

A complainant is any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination, harassment, intimidation or bullying in programs and activities funded directly by the state or receiving any financial assistance from the state.

If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, we shall assist the complainant in the filing of the complaint.

The Charter School developed the UCP process with policies and procedures adopted by the Board of Directors.

According to state and federal codes and regulations, the programs and activities that are subject to the UCP are:

- Accommodations for Pregnant and Parenting Pupils
- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- Career Technical and Technical Education and Career Technical and Technical Training Programs

- Child Care and Development Programs
- Compensatory Education
- Consolidated Categorical Aid Programs
- Course Periods without Educational Content
- Discrimination, harassment, intimidation, or bullying against any protected group as identified under California Education Code (EC) sections 200 and 220 and Government Code Section 11135, including any actual or perceived characteristic as set forth in Penal Code Section 422.55, 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 an educational institution, as defined in EC Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance.
- Educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families, pupils formerly in Juvenile Court now enrolled in a school district, pupils who are migratory, and pupils participating in a newcomer program.
- Every Student Succeeds Act (ESSA)
- Instructional Materials and Curriculum Diversity
- Local Control and Accountability Plans (LCAP)
- Migrant Education
- Physical Education Instructional Minutes
- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- School Plans for Student Achievement
- Schoolsite Councils
- State Preschool
- State Preschool Health and Safety Issues in LEAs Exempt from Licensing
- And any other state or federal educational program the State Superintendent of Public Instruction (SSPI) or designee deems appropriate.

## **Scope**

The programs and activities subject to the UCP in which the Charter School operates are:

- Accommodations for Pregnant and Parenting Pupils
- Career Technical and Technical Education and Career Technical and Technical Training Programs
- Consolidated Categorical Aid Programs
- Discrimination, harassment, intimidation, or bullying against any protected group as identified under California Education Code (EC) sections 200 and 220 and Government Code Section 11135, including any actual or perceived characteristic as set forth in Penal Code Section 422.55, 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 an educational institution, as defined in EC Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance.
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- Migrant Education
- Physical Education Instructional Minutes
- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- School Plans for Student Achievement
- Schoolsite Councils
- And any other state or federal educational program the State Superintendent of Public Instruction (SSPI) or designee deems appropriate.

The following complaints shall be referred to the specified agencies for appropriate resolution and are not subject to the UCP complaint procedures set forth in this Policy:

- Allegations of child abuse shall be referred to the applicable County Department of Social Services (DSS), Protective Services Division or appropriate law enforcement agency.
- Health and safety complaints regarding licensed facilities operating a Child Development Program shall be referred to DSS.
- Employment discrimination complaints shall be sent to the State Department of Fair Employment and Housing (DFEH). The complainant shall be notified in writing in a timely manner of any DFEH transferal.

### **The Responsibilities of the Charter School**

The Charter School shall have the primary responsibility to ensure compliance with applicable state and federal laws and regulations. The Charter School shall investigate and seek to resolve, in accordance with our approved UCP process, 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 we implement that are subject to the UCP.

### **The UCP Annual Notice**

The Charter School disseminates on an annual basis the UCP Annual Notice which is a written notice of the approved UCP complaint procedures to all of our students, employees, parents or guardians of its students, school advisory committee members, and other interested parties. This notice may be made available on our website and shall include the following:

- Information regarding allegations about discrimination, harassment, intimidation, or bullying;
- The list of all federal and state programs within the scope of the UCP;
- The title of the position whose occupant is responsible for processing complaints, and the identity(ies) of the person(s) currently occupying that position, if known;
- A statement that the occupant responsible for processing complaints is knowledgeable

- about the laws and programs that they are assigned to investigate;
- A statement that in order to identify appropriate subjects of state preschool health and safety issues pursuant to Section 1596.7925 of the Health and Safety Code (HSC) a notice, separate from the UCP Annual Notice, shall be posted in each California state preschool program classroom in each school in the local educational agency notifying parents, guardians, pupils, and teachers of (1) the health and safety requirements under Title 5 of the California Code of Regulations (5 CCR) apply to California state preschool programs pursuant to HSC Section 1596.7925, and (2) the location at which to obtain a form to file a complaint.

### **Filing UCP Complaints**

All UCP complaints shall be filed no later than one year from the date the alleged violation occurred. Complaints within the scope of the UCP are to be filed with the person responsible for processing complaints:

Gagandeep Gill, Area Superintendent  
2444 Marconi Ave.  
Sacramento, CA 95838  
(916) 974-7307  
[UCPOfficer@marconilearning.org](mailto:UCPOfficer@marconilearning.org)

A pupil fee includes a purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity. A pupil fees complaint may be filed with the Charter School principal or their designee. A pupil fees complaint may be filed anonymously, that is, without an identifying signature, if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

For complaints relating to Local Control and Accountability Plans (LCAP), the date of the alleged violation is the date when the reviewing authority approves the LCAP or annual update that we adopted. An LCAP complaint may be filed anonymously, that is, without an identifying signature, if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

The Charter School advises complainants of the right to pursue civil law remedies that may be available under state or federal discrimination, harassment, intimidation or bullying laws, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may also be available to complainants.

### **Investigating UCP Complaints**

The UCP complaint investigation is the Charter School's administrative process for the purpose of gathering data regarding the complaint. The Charter School provides an opportunity for complainants and/or representatives to present evidence or information.

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 engage 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.

Refusal by the Charter School to provide the investigator with access to records and/or other information related to the allegation 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 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.

The Charter School ensures that complainants are protected from retaliation.

The Charter School investigates all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group. Unlawful discrimination, harassment, intimidation or bullying complaints shall be filed no later than six months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying.

### **UCP Complaint Resolution**

The Charter School will thoroughly investigate the UCP complaint and issue a written Investigation Report to the complainant within 60 calendar days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time.

This Investigation Report will contain the following elements:

- The findings of fact based on the evidence gathered;
- A conclusion that provides a clear determination for each allegation as to whether the Charter School is in compliance with the relevant law;
- Corrective action(s) if the Charter School finds merit in a complaint:
  - For complaints regarding Pupil Fees, LCAP, or Physical Education Instructional Minutes, the remedy shall go to all affected pupils, parents, and guardians,
  - For all other complaints within the scope of the Uniform Complaint Procedures the remedy shall go to the affected pupil,
  - With respect to a Pupil Fees complaint, corrective actions shall include reasonable efforts to ensure full reimbursement to all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint;
- A notice of the complainant's right to appeal our Investigation Report to the California Department of Education (CDE); and
- The procedures to be followed for initiating an appeal to the CDE.

### **UCP Complaint Appeal Process**

An appeal is a written and signed request by the complainant to the CDE seeking review of the Charter School Investigation Report that was issued in response to a properly filed complaint. A signature may be handwritten, typed (including in an email) or electronically generated.

The complainant may appeal the Charter School Investigation Report of a UCP complaint to the CDE by filing a written appeal within 30 calendar days. In order to request an appeal, the complainant must specify and explain the basis for the appeal, including at least one of the following:

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

The appeal shall be sent to the CDE with: (1) a copy of the locally filed complaint; and (2) a copy of the Charter School Investigation Report.

Complainants have the opportunity to directly appeal to the CDE based on the Charter School's failure to issue an Investigation Report within the timeline required under Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations. The complaint shall present the CDE with evidence that supports the basis for the direct filing and why immediate action is necessary.

All complaints and responses are public records.

### **Notice of Civil Law Remedies**

A complainant may pursue available civil law remedies outside of the Charter School'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 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 the Charter School has appropriately, and in a timely manner, apprised the complainant of their right to file a complaint in accordance with 5 CCR section 4622.

## 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: \_\_\_\_\_

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

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

Career Technical and Technical Education/Career Technical and Technical Training

Consolidated Categorical Aid Programs

Instructional Materials and Curriculum Diversity

Education and Grad Req'ts for Students in Foster Care, Students who are Homeless, former Juvenile Court Students now enrolled in a Public School, Newcomer Students, Migratory Children and Children from Military Families

Every Student Succeeds Act

Local Control and Accountability Plan

Migrant Education

Physical Education Instructional Minutes

Regional Occupational Centers and Programs

School Plan for Student Achievement

School Safety Plan

Schoolsite Councils

Pupil Fees

Pregnant, Parenting or Lactating Students

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

Ancestry

Color

Disability (Mental or Physical)

Ethnic Group Identification

Immigration Status/  
Citizenship

Gender / Gender Expression /  
Gender Identity

Genetic Information

Marital Status

Medical Condition

National Origin/Nationality

Race or Ethnicity

Religion

Sex (Actual or Perceived)

Sexual Orientation (Actual or  
Perceived)

Based on association with a person  
or group with one or more of these  
actual or perceived characteristics

