

**Policy: Uniform Complaint Procedures Purpose**

Extera Public Schools recognizes the primary responsibility to ensure its compliance with applicable state and federal laws and regulations governing Extera Public Schools educational programs. Accordingly, Extera shall investigate complaints alleging failure to comply with such laws and regulations, or alleging unlawful discrimination, harassment, intimidation, or bullying. Further, Extera Public Schools shall seek to resolve those complaints in accordance with the uniform complaint procedures ("UCP") set forth herein and pursuant to Title 5 of the California Code of Regulations section 4600 et seq.

Extera Public Schools shall use the UCP to resolve any complaint alleging unlawful discrimination, harassment, intimidation, and/or bullying in Extera programs based on actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in California Education Code sections 200 or 220, California Penal Code section 422.55, or California Government Code section 11135, or based on association with a person or group with one or more of these actual or perceived characteristics.

Extera Public Schools' UCP shall also be used to address any complaint alleging Extera's failure to comply with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (see California Assembly Bill No. 1575 (2011-2012) and California Education Code section 49010 et seq.).

Extera Public Schools' UCP shall also be used to address any complaint alleging Extera's failure to comply with the Local Control and Accountability Plan under the Local Control Funding Formula (see California Assembly Bill No. 97 (2013-2014), California Senate Bill No. 91 and California Education Code section 52075).

Written notice of Extera Public Schools' UCP shall be disseminated annually to Extera employees, students, parents/guardians, appropriate school officials or representatives, school advisory committees, and other interested Extera parties. If 15 percent or more of students enrolled in a particular Extera school speak a single primary language other than English, Extera Public Schools' UCP policy, forms, and notices shall be translated into that language. Distribution may be in any form (e.g., employee/parent/student handbook, brochure, newsletter, memoranda) that will reach the school community. Extera Public Schools' UCP shall also be posted in all schools, including staff lounges and student government meeting rooms, and office. Copies of Extera Public Schools' UCP shall be available free of charge.

**Filing a Complaint**

Prior to filing a formal complaint, Extera Public Schools encourages the early, informal resolution of complaints at the school site level whenever possible.

Any individual public agency, or organization may file a written complaint that alleges a violation of federal or state laws or regulations governing Extera Public Schools' educational programs or unlawful discrimination as identified above.

Written Complaints may be filed and sent to:

Dr. Jim Kennedy, CEO Extera Public Schools 3626 E. 5th Street  
Los Angeles, CA 90063  
Phone: 323-261-0059 Fax: 323-403-0856

A complaint alleging legal noncompliance regarding the prohibition against requiring students to pay student fees, deposits, or charges may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with Education Code section 49010 et seq.

A complaint concerning unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges that he or 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 it. Such a complaint must be filed no later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying. However, upon written request by the complainant, the school principal or designee may extend the filing period for up to 90 calendar days.

UCP complaints are to be submitted, in writing, to the principal at the school at which the alleged violation occurred. Such complaints must include the following:

The underlying facts:

1. Details, such as the name(s) of the those involved (including witnesses) as well as the date(s) and location(s) of the incident or alleged violation;
2. Information regarding any attempts to address the complaint at the school site; and
3. Copies of written documentation or evidence that may be relevant or supportive of the complaint.

Any individual who is unable to prepare a written complaint (e.g., disability or illiteracy) can receive assistance from the school site administrator or designee, or by contacting the schools site at which the alleged violation occurred.

Extera Public Schools shall maintain confidentiality of the involved parties to the maximum extent practicable without obstructing the investigation. Extera prohibits any form of retaliation against any complainant in the UCP process.

Participation in the complaint process shall not in any way affect the complainant's status, grades, or work assignments.

### **Complaint Investigation and Final Response**

Extera Public Schools shall complete an investigation and provide a written final response within 60 calendar days from the date of receipt of the complaint by the school principal unless the complainant agrees, in writing, to an extension of the timeline. The principal or designee shall provide the complainant and/or his or her representative with an opportunity to present the complaint and any evidence, or information leading to evidence, to support the allegations in the complaint. The principal or designee also shall collect all documents and interview all witnesses with information pertinent to the complaint.

A complainant's refusal to provide the principal or designee with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or 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.

Extera Public Schools' final response shall be written in English and, when required by Education Code section 48985, in the complainant's primary language, and include the following:

- Article I. The finding(s) of fact based on the evidence gathered;
- Article II. The conclusion(s) of law;
- Article III. Disposition of the complaint;
- Article IV. Rationale for such disposition;
- Article V. Corrective action, if any are warranted; and
- Article VI. Notice of the complainant's right to appeal the final response within 15 calendar days to the California Department of Education ("CDE") and procedures to be followed for initiating such an appeal.

Any final response concerning a discrimination, harassment, intimidation, or bullying complaint based upon California law shall include a notice that the complainant must wait until 60 calendar days have elapsed from the from the date of filing an appeal with the CDE before pursuing civil law remedies.

If a complaint alleging noncompliance with the laws regarding student fees, deposits, or other charges, Extera shall provide a remedy to all affected students and parents/guardians, which, where applicable, shall include reasonable efforts to ensure full reimbursement to them.

The principal of the school at which the complaint was filed shall maintain a record of each complaint and subsequent related actions, including, but not limited to, Extera Public Schools' final response.

### **Appeal**

The complainant has a right to appeal Extera Public Schools' final response to the CDE by filing a written appeal within 15 calendar days from the receipt of Extera's final response. The appeal shall specify the basis for the appeal and whether the findings of facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the original complaint filed with Extera and a copy of Extera's final response.

### **Civil Law Remedies**

Complainants may pursue available civil law remedies outside Extera Public Schools' UCP. 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 complaints alleging discrimination, harassment, intimidation, and bullying based on state law, a complainant shall wait until 60 calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies, provided that Extera has appropriately and in a timely manner apprised the complainant of his or her right to file a complaint. The moratorium does not apply to injunctive relief and to discrimination complaints based on federal law.