Uniform Complaint Procedures (UCP)

This document contains rules and instructions about the filing, investigation and resolution of a Uniform Complaint Procedures (UCP) complaint regarding an alleged violation by Birmingham Community Charter High School (BCCHS) of federal or state laws or regulations governing educational programs, including non-compliance with laws relating to pupil fees and our Local Control and Accountability Plan (LCAP).

This document presents information about how we process UCP complaints concerning particular programs or activities that are subject to the UCP.

A UCP complaint is a written and signed statement by a complainant alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation, bullying or charging pupil fees for participation in an educational activity or non-compliance with the requirements of our LCAP. 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, bullying and non-compliance with laws relating to pupil fees or non-compliance with the requirements of our LCAP. 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 responsibilities of the Birmingham Community Charter High School (BCCHS)

We shall have the primary responsibility to ensure compliance with applicable state and federal laws and regulations.

We shall investigate and seek to resolve, in accordance with our UCP process, any 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 implemented by the BCCHS that are subject to the UCP.

BCCHS developed the Uniform Complaint Procedures (UCP) process with policies and procedures adopted by our governing board. According to state and federal codes and regulations, the programs and activities subject to the UCP are:

- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- American Indian Education Centers and Early Childhood Education Program Assessments
- Bilingual Education
- California Peer Assistance and Review Programs for Teachers
Career Technical and Technical Education; Career Technical; Technical Training (State)
Career Technical Education (Federal)
Child Care and Development
Child Nutrition
Compensatory Education
Consolidated Categorical Aid
Course Periods without Educational Content
Economic Impact Aid
Education Of Pupils In Foster Care, Pupils Who Are Homeless, Former Juvenile Court Pupils Now Enrolled In A School District, and Pupils Of Military Families
Every Student Succeeds Act / No Child Left Behind (Titles I–VII)
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 Safety Plans
Special Education
State Preschool
Tobacco-Use Prevention Education

The programs and activities subject to the UCP that are currently implemented by BCCHS are:

Career Technical and Technical Education; Career Technical; Technical Training (State)
Career Technical Education (Federal)
Child Care and Development
Child Nutrition
Compensatory Education
Consolidated Categorical Aid
Course Periods without Educational Content
Economic Impact Aid
Education Of Pupils In Foster Care, Pupils Who Are Homeless, Former Juvenile Court Pupils Now Enrolled In A School District, and Pupils Of Military Families
Every Student Succeeds Act / No Child Left Behind (Titles I–VII)
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 Safety Plans
Special Education
Tobacco-Use Prevention Education
The following complaints shall be referred to other agencies for appropriate resolution and are not subject to our UCP process set forth in this document unless these procedures are made applicable by separate interagency agreements:

1. Allegations of child abuse shall be referred to County Department of Social Services (DSS), Protective Services Division or appropriate law enforcement agency.
2. Health and safety complaints regarding a Child Development Program shall be referred to Department of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.
3. Employment discrimination, harassment, intimidation or bullying complaints shall be sent to the State Department of Fair Employment and Housing (DFEH).
4. Allegations of fraud shall be referred to the Legal, Audits and Compliance Branch in the California Department of Education (CDE).

**Pupil Fees**

A pupil fee is a fee, deposit, or other charge imposed on pupils, or a pupil's parents or guardians, in violation of state codes and constitutional provisions 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. Educational activities are those offered by a school, school district, charter school, or county office of education that constitute a fundamental part of education, including, but not limited to, curricular and extracurricular activities.

A pupil fee includes, but is not limited to, all of the following:

1. 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.
2. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
3. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

**The Local Control Accountability Plan**

The LCAP is an important component of the Local Control Funding Formula (LCFF), the revised school finance system that overhauled how California funds its K-12 schools. Under the LCFF we are required to prepare an LCAP, which describes how we intend to meet annual goals for our pupils, with specific activities to address state and local priorities identified pursuant to California Education Code (EC) § 47606.5 and 47607.3.

**The UCP Annual Notice**

We ensure annual dissemination of a written notice of our complaint procedures to all students, employees, parents or guardians of its students, school and district advisory committee members, appropriate private school officials or representatives, and other interested parties that includes information regarding allegations about discrimination, harassment, intimidation, or bullying.

Our UCP Annual Notice shall also include information regarding the requirements of EC §§ 49010 through 49013 relating to pupil fees and information regarding the requirements of EC § 52075 relating to the LCAP.

Our UCP Annual Notice shall be in English and in the primary language, pursuant to section 48985 of the Education Code, or mode of communication of the recipient of the notice.
UCP Complaint Investigation

The staff member, position, or unit responsible to receive and investigate UCP complaints and ensure our compliance in our agency is:

- Name or title: ARI BENNETT, CEO/PRINCIPAL
- Address: 17000 Haynes Street
- Phone: 818.758.5200
- Email address: a.bennett@birminghamcharter.com

The person or office responsible for compliance and investigations is knowledgeable about the laws and programs assigned to investigate.

BCCHS will investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group as identified in EC §§ 200 and 220 and Government Code (GC) § section 11135, including any actual or perceived characteristics as set forth in Penal Code (PC) § 422.55 or on the basis or a person’s association with a person or group with one or more of these actual or perceived characteristics in any program or activity we conduct, which is funded directly by, or that receives or benefits from any state financial assistance. The aforementioned protected groups include actual or perceived sex/gender, sexual orientation, gender, gender identity, gender expression, race or ethnicity, ethnic group identification, ancestry, nationality, national origin, immigration status, religion, color, mental or physical disability and age.

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.

Complaints shall be handled in a confidential manner to respect the privacy of all parties to the fullest extent possible. Every effort shall be made to limit distribution of information to those persons with a need to know within the confines of BCCHS’ reporting procedures and investigative process.

BCCHS prohibits retaliation in any form for filing of a complaint or appeal, reporting instances of noncompliance, discrimination, harassment, intimidation or bullying, or for participation in the complaint-filing or investigation process. Complainants are protected from retaliation. These confidentiality and non-retaliation requirements extend to all parties involved.

Pursuant to Education Code §262.3, complainants who have filed a UCP complaint are advised that civil law remedies, including, but not limited to, injunctions, restraining orders or other remedies or orders may be available under California or federal discrimination, harassment, intimidation or bullying laws if applicable. We advise complainants of the right to pursue civil law remedies under the aforementioned state or federal discrimination, harassment, intimidation or bullying laws.

UCP Complaint Resolution

If BCCHS finds merit in a complaint regarding Pupil Fees, Local Control and Accountability Plans (LCAP), Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in our school district, Reasonable Accommodations to a Lactating Pupil, Course Periods without Educational Content (grades nine through twelve), and Physical Education Instructional Minutes (grades one through eight), we shall provide a remedy.

The remedy shall go to the affected pupil in the case of complaints regarding:
• Course Periods without Educational Content,
• Reasonable Accommodations to a Lactating Pupil, and/or
• Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in our school district and pupils of military families.

The remedy shall to go all affected pupils and parents/guardians in the case of complaints regarding:
• Pupil Fees,
• Physical Education Instructional Minutes and/or
• Local Control and Accountability Plans.

A pupil fees complaint may be filed with the principal of a school or our superintendent or his or her designee.

A pupil fees complaint and/or an LCAP complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

A pupil fees complaint shall be filed no later than one year from the date the alleged violation occurred.

We ensure an attempt shall be made in good faith to engage in reasonable efforts to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint.

We will provide 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 BCCHS 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 complaint will be investigated and a written report with a Decision will be issued to the complainant by us within 60 days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time.

This report will contain the following elements:
  i. The findings of fact based on the evidence gathered.
  ii. Conclusion of law.
  iii. Disposition of the complaint.
  iv. The rationale for such a disposition.
  v. Corrective actions, if any are warranted.
  vi. Notice of the complainant’s right to appeal our Decision to the CDE.
  vii. Procedures to be followed for initiating an appeal to CDE.

UCP Complainant’s Right to Appeal

An appeal is a request made in writing to a level higher than the original reviewing level by an aggrieved party requesting reconsideration or a reinvestigation of the lower adjudicating body’s decision.

A complainant may appeal our Decision concerning a UCP complaint regarding all specified federal and state educational programs subject to the UCP.
To appeal a UCP complaint Decision, the complainant must file a written appeal within 15 days of receiving the Decision to CDE. This appeal to the CDE must fully explain the basis for the appeal, stating how the facts of our Decision are incorrect and/or the law is misapplied.

In addition, the appeal shall be sent in writing to the CDE at:

California Department of Education
ATTN: Education Equity UCP Appeals Office
1430 N Street
Sacramento, CA 95814

The appeal shall be sent with:
(1) a copy of the original locally filed complaint;
(2) a copy of our Decision of this original locally filed complaint

Contacts for Programs and Services Covered Under the UCP

*Adult Education, Adult Education Office; 916-322-2175
*After School Education and Safety, After School Division; 916-319-0923
*Agricultural Career Technical Education, Career & College Transition Division; 916-319-0887
*American Indian Education Centers and Early Childhood Education Program Assessments, Coordinated Student Support Division; 916-319-0506
Career Technical and Technical Education; Career Technical; Technical Training; and Career Technical Education and Regional Occupational Centers and Programs, Career Tech Ed (CTE) Leadership and Instructional Support Office; 916-322-5050
Child Care and Development (including State Preschool), Early Education and Support Division; 916-322-6233
Course Periods without Educational Content, Categorical Programs Complaints Management (CPCM) Office; 916-319-0929
Discrimination, Harassment, Intimidation, Bullying, Student Lactation Accommodations, and LGBTQ Resources, Education Equity UCP Appeals Office; 916-319-8239
Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in a school district, and Pupils from Military Families, Coordinated School Health and Safety Office; 916-319-0914
Every Student Succeeds Act / No Child Left Behind including bilingual education, compensatory education, consolidated categorical aid, economic impact aid, English learner programs, migrant education, school safety plans, Categorical Programs Complaints Management (CPCM) Office; 916-319-0929
Local Control Accountability Plans (LCAPs): Content or Procedures, Local Agency Systems Support Office; 916-319-0809;
Fiscal, including the California Peer Assistance and Review Programs for Teachers, School Fiscal Services Division; 916-322-3024
Physical Education: Instructional Minutes, Science, Technology, Engineering, and Mathematics (STEM) Office; 916-323-5847
Pupil Fees, Categorical Programs Complaints Management (CPCM) Office; 916-319-0929

*Programs and activities not offered by high schools such as Birmingham are denoted by an asterisk(*).
Federal and State laws cited:

20 United States Code (USC) § 6301 et seq.

34 Code of Federal Regulations (CFR) §§ 299.11 & 300.510-511


California Government Code (GC) § 11135

California Health and Safety Code (HSC) § 104420

California Penal Code (PC) § 422.55

California Welfare and Institutions Code (WIC) §§ 300, 309, 602

California Code of Regulations Title 5 (5 CCR) §§ 4600-4687