

Uniform Complaint Procedures

Region(s): CA

This contains rules and instructions about the filing, investigation and resolution of a Uniform Complaint Procedures (UCP) complaint regarding an alleged violation by Rocketship of federal or state laws or regulations governing educational programs.

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 alleging a violation of enumerated 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. 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. Rocketship developed the Uniform Complaint Procedures (UCP) process with policies and procedures adopted by the governing board or the authorized designee.

Scope

As described above, the UCP does not apply to all types of complaints, only those as designated below. The following is a list of all programs and activities that are subject to the UCP.

Accommodations for Pregnant and Parenting Pupils (California Education Code [EC] Section 46015)

Adult Education (EC sections 8500–8538, 52334.7, 52500–52617)

After School Education and Safety (EC sections 8482–8484.65)

Agricultural Career Technical Education (EC sections 52460–52462)

Career Technical and Technical Education and Career Technical and Technical Training Programs (EC sections 52300–52462)

Child Care and Development Programs (EC sections 8200–8488) Compensatory Education (EC Section 54400)

Consolidated Categorical Aid Programs (34 CFR sections 299.10–12, EC Section 33315)

Course Periods without Educational Content (EC sections 51228.1–51228.3)

Discrimination, harassment, intimidation, or bullying against any protected group as identified under sections 200 and 220 and Section 11135 of the Government Code, including any actual or perceived characteristic as set forth in Section 422.55 of the Penal Code, 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 Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance. Unlawful discrimination includes, but is not limited to, noncompliance with Education Code section 243(a).

Educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families and pupils formerly in Juvenile Court now enrolled in a school district (EC sections 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)

Every Student Succeeds Act (20 United States Code [20 U.S.C.] Section 6301 et seq.; EC Section 52059)

Local Control and Accountability Plans (LCAP) (EC Section 52075) Migrant Education (EC sections 54440–54445)

Physical Education Instructional Minutes (EC sections 51210, 51222, 51223) Pupil Fees (EC sections 49010–49013)

Reasonable Accommodations to a Lactating Pupil (EC Section 222)

Regional Occupational Centers and Programs (EC sections 52300–52334.7)
School Plans for Student Achievement (EC Section 64001)

School Safety Plans (EC sections 32280–32289)

School Site Councils (EC Section 65000)

State Preschool (EC sections 8235–8239.1)

State Preschool Health and Safety Issues in LEAs Exempt from Licensing (EC Section 8235.5)

And any other state or federal educational program the State Superintendent of Public Instruction (SSPI) or designee deems appropriate. Rocketship does not offer State Preschool Programs.

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

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.

Rocketship has the primary responsibility to ensure compliance with applicable state and federal laws and regulations. Rocketship shall investigate and seek to resolve, in accordance with the LEA's UCP, 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 district that are subject to the UCP.

Rocketship acknowledges and respects every individual's right to privacy. Unlawful discrimination, harassment, intimidation or bullying complaints shall be investigated in a manner that protects, to the greatest extent reasonably possible, the confidentiality of the parties and the integrity of the process. Rocketship cannot guarantee anonymity of the complainant. This includes keeping the identity of the complainant confidential. However, Rocketship will attempt to do so as appropriate. Rocketship may find it necessary to disclose information regarding the complaint/complainant to the extent necessary to carry out the investigation or proceedings, as determined by the Executive Director or designee on a case-by-case basis.

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

The UCP Annual Notice

We disseminate on an annual basis the UCP Annual Notice which is a written notice of the our approved UCP complaint procedures to all of our students, employees, parents or guardians of its students, school and district advisory committee members, appropriate private school officials or representatives, 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;

This complete policy, included within the Student/Parent Handbook, serves as annual notice of the policy.

Filing UCP Complaints

All UCP complaints shall be filed no later than one year from the date the alleged violation occurred. We investigate 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.

The Board of Directors designates the Compliance Officer to receive and investigate complaints and to ensure Rocketship's compliance with law:

Renita Thukral
Title IX Compliance and Civil Rights Officer
2001 Gateway Place Ste. 230E
San Jose, CA 95110
compliance@rsed.org

The Compliance Officer or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Compliance Officer or designee.

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 principal of a school or with our Executive Director 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.

We advise 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.

Procedures for the Investigation and Resolution of UCP Complaints

The UCP complaint investigation is our administrative process for the purpose of gathering data regarding the complaint. We 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 Rocketship 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 shall be presented to the compliance officer, who shall maintain a log of complaints received, providing each with a code number and date stamp. Upon receiving a complaint, the compliance officer shall also promptly notify the designated Rocketship Executive Director. 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.

Within three (3) days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the Complainant agrees to mediation in writing, 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 the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with their investigation of the complaint. The use of mediation shall not extend Rocketship's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time.

We 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 we are in compliance with the relevant law;
- corrective actions if we find merit in a complaint:
 - for complaints regarding Pupil Fees; LCAP; Physical Education Instructional Minutes, or Course Periods without Educational Content, 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 Department of Education (CDE); and
- the procedures to be followed for initiating an appeal to the CDE.

If an employee is disciplined as a result of the complaint, the decision shall simply state that disciplinary action was taken and that the employee was informed of Rocketship'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

An appeal is a written and signed request by the complainant to the CDE seeking review of an LEA 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 our Investigation Report of a UCP complaint to the CDE by filing a written appeal within 30 calendar days of the date. In order to request an appeal, the Complainant must specify and explain the basis for the appeal, including at least one of the following:

- Rocketship 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 we were found in noncompliance, the corrective actions fail to provide a proper remedy.

The appeal shall be sent with: (1) a copy of the locally filed complaint; and (2) a copy of the Rocketship[Investigation Report.

Complaints should be sent to:

California Department of Education
Categorical Programs Complaints Management Office
1430 N Street
Sacramento, CA 95814-5901

For questions, Complainants can also contact the CDE's Complaints Management Office at 916-319-0929.

Civil Law Remedies

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