



UNIFORM COMPLAINT POLICY AND PROCEDURES

Scope

High Tech High (“**HTH**”) is the local agency primarily responsible for compliance with applicable federal and state laws and regulations governing educational programs. This Uniform Complaint Procedures Policy and Procedures (“**UCP**”) contains rules and instructions about the filing, investigation and resolution of UCP complaints regarding any alleged violation by High Tech High of certain federal or state laws or regulations governing educational programs. HTH shall have primary responsibility to ensure compliance with applicable state and federal laws and regulations.

HTH developed this UCP pursuant to Title 5, California Code of Regulations, §§ 4600-4687 and consistent with policies and procedures adopted by the HTH Board of Directors. This UCP shall apply only to those certain complaints that fall within the scope of the UCP and are applicable to charter schools. It does not apply to complaints arising from the employment relationship, which are separately addressed by HTH’s employment policies and practices.

Pursuant to this policy, HTH adopts the following complaint procedure to provide a uniform system of complaint processing for the following types of complaints:

- (1) Complaints of unlawful discrimination, harassment, intimidation or bullying against any protected group, including actual or perceived discrimination, on the basis of the actual or perceived characteristics of age, ancestry, color, mental disability, physical disability, ethnic group identification, immigration status, gender expression, gender identity, gender, genetic information, nationality, national origin, race or ethnicity, religion, medical condition, parental/family/marital status, sex, or sexual orientation, 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 HTH program or activity.
- (2) Complaints of violations of state or federal law and regulations governing the following programs including but not limited to: Consolidated Categorical Aid Programs; Child Nutrition Programs; Special Education Programs; Foster and Homeless Youth Services; and Every Student Succeeds Act, including improving academic achievement, compensatory education, limited English proficiency, and migrant education.
- (3) Complaints of noncompliance with the requirements governing the Local Control Funding Formula, Local Control and Accountability Plans, or Sections 47606.5 and 47607.3 of the Education Code, as applicable.
- (4) Complaints of noncompliance with the requirements of Education Code Section 222 regarding the rights of lactating pupils on a school campus. If HTH finds merit in a complaint, or if the CEO finds merit in an appeal, HTH shall provide a remedy to the affected pupil.

- (5) Complaints of noncompliance with the requirements of Education Code Section 48645.7 regarding the rights of juvenile court school pupils when they become entitled to a diploma. If the Charter School finds merit in a complaint, or if the Superintendent finds merit in an appeal, the Charter School shall provide a remedy to the affected pupil.

To file a complaint on any of the bases enumerated above, a complaining party can use the **Uniform Complaint Procedure Form – General Purpose attached and incorporated herein as Exhibit A.**

In addition, HTH has adopted a Student Fees Policy. A uniform complaint may also be filed for allegations that a pupil enrolled in a public school was required to pay a pupil fee for participation in an educational activity, as described in further detail in the Student Fees Policy. The **HTH Student Fees Policy pursuant to AB 1575 and the Uniform Complaint Procedure Form – Student Fees, are collectively attached and incorporated herein as Exhibit B.** This complaint form should be used when stating a complaint alleging that a pupil enrolled in a public school was required to pay an unauthorized pupil fee for participation in an educational activity as those terms are defined in the Student Fees Policy.

HTH shall ensure that the staff persons responsible for conducting investigations relating to this Uniform Complaint Policy and/or the Student Fees Policy shall be knowledgeable about the laws and programs that are the subject of investigation. Moreover, HTH 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. HTH cannot guarantee anonymity of the complainant. However, HTH will attempt to keep the identity of the complainant confidential as appropriate. HTH 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 HTH Compliance Officer or designee on a case-by-case basis.

HTH 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.

Compliance Officer

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

Angie Guerrero, Interim Compliance Officer High
Tech High
2359 Truxtun Road
San Diego, Ca. 92106
Email: aguerrero@hightechhigh.org
Phone: (619) 243-5016

The Compliance Officer may designate another representative of HTH to serve in this role, who for the purposes of this UCP, shall be included within the definition of "Compliance Officer." In no instance shall the Compliance Officer be assigned to a complaint in which he or she has a bias or conflict of interest that would prohibit him or her from fairly investigating or responding to the complaint. Any complaint against the Compliance Officer or that raises a concern about Compliance Officer's ability to

investigate the complaint fairly and without bias shall be filed with the CEO, or other appropriate HTH official, who shall determine how the complaint will be investigated.

Notifications

The CEO or his/her designee shall annually provide written notification of HTH's Uniform Complaint Procedures to employees, students, parents and/or guardians, advisory committees, school officials and other interested parties (e.g., Adult Education) by publishing the HTH Student Parent Handbook which shall contain the required written notification.

The annual notice shall be in English, and when necessary, in the primary language, pursuant to section 48985 of the Education Code if fifteen (15) percent or more of the pupils enrolled in HTH speak a single primary language other than English.

The CEO or his/her designee shall make available copies of HTH's Uniform Complaint Procedures free of charge.

The annual notice shall include the following:

- (a) A statement that HTH is primarily responsible for compliance with federal and state laws and regulations.
- (b) A statement that a pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.
- (c) A statement identifying the responsible staff member, position, or unit designated to receive complaints.
- (d) A statement that the complainant has a right to appeal HTH's decision to the CDE by filing a written appeal within 15 days of receiving HTH's Decision.
- (e) A statement advising the complainant of any civil law remedies that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable, and of the appeal pursuant to Education Code § 262.3.
- (f) A statement that copies of the local educational agency complaint procedures shall be available free of charge.

Procedures

The following procedures shall be used to address complaints that allege that HTH has violated 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.

- Step 1: Filing of Complaint

Any individual, public agency, or organization alleging noncompliance by HTH may file a written complaint using the form attached hereto as Exhibit A, or in the case of an alleged violation of the Student Fees Policy, the form attached hereto as Exhibit B. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, HTH staff shall assist him/her in the filing of the complaint.

Timing of Complaints

A complaint alleging unlawful discrimination, harassment, intimidation or bullying shall be initiated no later than six (6) months from the date when the alleged unlawful discrimination, harassment, intimidation or bullying occurred, or six (6) months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination, harassment, intimidation or bullying. 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.

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.

- Step 2: Resolution Meeting (Optional)

Within five (5) business days of receiving the complaint, the Compliance Officer may informally discuss with the complainant the possibility of engaging in a Resolution Meeting with the CEO or his/her designee serving as mediator. If the complainant agrees to a Resolution Meeting, the Compliance Officer shall make arrangements for the same.

Before initiating the Resolution Meeting of an unlawful discrimination, harassment, intimidation or bullying complaint, the Compliance Officer shall ensure that all parties agree to make the CEO a party to related confidential information.

If the Resolution Meeting does not resolve the problem, the Compliance Officer shall proceed with his/her investigation of the complaint.

The use of a Resolution Meeting shall not extend HTH's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time.

- Step 3: Investigation of Complaint

The Compliance Officer is encouraged to hold an investigative meeting within five (5) business 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.

A complainant's refusal to provide HTH's investigator with documents or other evidence related to the allegations in the complaint, 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 allegation.

HTH's refusal to provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement 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.

- **Step 4: Response**

Unless extended by written agreement with the complainant, the Compliance Officer shall prepare and send to the complainant a written report of HTH's investigation and decision within sixty (60) days of HTH's receipt of the complaint.

HTH's decision shall be in writing and sent to the complainant. HTH's decision shall be written in English and in the language of the complainant whenever feasible or as required by law.

The decision shall include: (1) The findings of fact based on evidence gathered; (2) The conclusion(s) of law; (3) Disposition of the complaint; (4) Rationale for such disposition; (5) Corrective actions, if any are warranted; (6) Notice of the complainant's right to appeal HTH's decision within fifteen (15) days to the CDE and procedures to be followed for initiating such an appeal; (7) For unlawful discrimination, harassment, intimidation or bullying complaints arising under state law, notice that the complainant must wait until sixty (60) days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies; and, (8) For unlawful discrimination, harassment, intimidation or bullying complaints arising under federal law such complaint may be made at any time to 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 HTH'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

If dissatisfied with HTH's decision, the complainant may appeal in writing to the CDE within fifteen (15) days of receiving HTH's decision. 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 HTH's decision.

Upon notification by the CDE that the complainant has appealed HTH'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 HTH, 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 HTH's complaint procedures.
7. Other relevant information requested by the CDE.

The CDE may directly intervene in the complaint without waiting for action by HTH when one of the conditions listed in Title 5, California Code of Regulations, Section 4650 exists, including cases in which HTH has not taken action within sixty (60) days of the date the complaint was filed with HTH.

Civil Law Remedies

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

EXHIBIT A

UNIFORM COMPLAINT PROCEDURE FORM – GENERAL USE

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: _____

School/Office of Alleged Violation:

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

- | | |
|--|--|
| <input type="checkbox"/> Discrimination, Harassment, Intimidation, and/or Bullying | <input type="checkbox"/> Career Technical Education |
| <input type="checkbox"/> Education for Foster Youth, Homeless Youth, Former Juvenile Court School Students, or Military Dependents | <input type="checkbox"/> Child Nutrition |
| <input type="checkbox"/> Every Student Succeeds Act/No Child Left Behind | <input type="checkbox"/> Consolidated Categorical Aid |
| <input type="checkbox"/> Reasonable Accommodations to a Lactating Student | <input type="checkbox"/> Pupil Fees |
| | <input type="checkbox"/> School Safety Plan |
| | <input type="checkbox"/> Sexual Harassment |
| | <input type="checkbox"/> Special Education |
| | <input type="checkbox"/> Local Control Accountability Plan |
| | <input type="checkbox"/> Other: _____ |

If you selected Pupil Fees, please fill out the form in Exhibit B for Pupil Fees complaints.

For allegation(s) of unlawful discrimination, harassment, intimidation or bullying, indicate the actual or perceived protected characteristics upon which the alleged conduct is based:

- | | | |
|---|---|--|
| <input type="checkbox"/> Race or ethnicity | <input type="checkbox"/> Religion | <input type="checkbox"/> Sex |
| <input type="checkbox"/> Color | <input type="checkbox"/> Age | <input type="checkbox"/> Sexual orientation |
| <input type="checkbox"/> Ancestry | <input type="checkbox"/> Marital/Parental/Family status | <input type="checkbox"/> Gender |
| <input type="checkbox"/> Disability | <input type="checkbox"/> Physical or mental disability | <input type="checkbox"/> Gender identity |
| <input type="checkbox"/> National origin | <input type="checkbox"/> Ethnic group identification | <input type="checkbox"/> Gender expression |
| <input type="checkbox"/> Immigration status | <input type="checkbox"/> Medical condition | <input type="checkbox"/> Genetic information |

□ Other _____

1. 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.

2. Have you discussed your complaint or brought your complaint to any HTH personnel? If you have, to whom did you take the complaint, and what was the result?

3. 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 _____

Mail complaint and any relevant documents to:

Angie Guerrero, Interim Compliance Officer High

Tech High

2359 Truxtun Road

San Diego, Ca. 92106

Email: aguerrero@hightechhigh.org

Phone: (619) 243-5016

Exhibit B

HIGH TECH HIGH STUDENT FEES POLICY PURSUANT TO AB 1575

In order to be fully compliant with Assembly Bill 1575 (2012), High Tech High has adopted the following policies and procedures regarding student fees.

- 1) Students enrolled in High Tech High's schools shall not be required to pay a "pupil fee" for participation in any curricular or extracurricular activity which is "an integral component of public education".
 - a) "Curricular or extracurricular 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 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. High Tech High does not require pupils to purchase any instructional material for their use in school.
- 2) High Tech High does not use a "fee waiver" policy to make pupil fees permissible.
- 3) High Tech High will not establish a two-tier educational system by requiring a minimal educational standard and also offering a second higher educational standard that pupils may only obtain through payment of a fee or purchase of additional supplies that the schools do not provide.
- 4) High Tech High does not offer course or credit privileges related to educational activities in exchange for money or donations of goods or services from a pupil or pupil's parents or guardians, nor shall the schools remove such credit or privileges for failure to make a donation.
- 5) Voluntary donations of funds or property or participation in fund-raising activities are encouraged and allowed, but such fund raising is completely voluntary.
- 6) Purely recreational activities outside of the normal school day may be subject to mandatory fees

(e.g. attending dances, drama performances). Such activities will never have a bearing upon the pupil's credit or academic standing and are not considered to be an integral part of the educational program.

- 7) Whereas the Education Code permits charging of fees for specific activities, High Tech High may implement those fees, but will comply with the restrictions placed upon the imposition of those fees. Such fees may include:
 - a) charges for student lunches (subject to free and reduced price meal program eligibility)
 - b) paying the replacement cost for books or supplies loaned to the student that the student fails to return, or that is willfully cut, defaced, or otherwise injured, up to an amount not to exceed \$10,000
 - c) fees for field trips and excursions in connection with courses of instruction or school related social, educational, cultural, or athletic activities, as long as no student is prevented from making the field trip or excursion because of lack of sufficient funds
 - d) charges for the rental or lease of personal property for school events, such as caps and gowns for graduation ceremonies
 - e) fees for school camp programs, so long as no student is denied the opportunity to participate because of nonpayment of the fee
 - f) reimbursement for the actual cost of duplicating public records, student records, or a prospectus of the school's curriculum
 - g) fees for out-of-school child care services provided as a convenience for our families provided that no child is excluded due to inability to pay
- 8) Parents or guardians who believe that they are being charged a fee for anything that they believe is illegal under AB 1575 should contact the school's Director immediately to file a complaint under High Tech High's Uniform Complaint Procedures.
- 9) Complaints will be investigated and resolved within sixty days of receipt of the complaint pursuant to High Tech High's Uniform Complaint Procedures. If the complaint is resolved pursuant to an investigation, the school's Director shall issue a written decision stating the findings of fact and the reasons for the disposition of the complaint.
- 10) If a complaint regarding pupil fees is found to have merit, the school will reimburse all affected pupils, parents, or guardians.
- 11) If a complainant is not satisfied with the decision of the school's Director, the complainant may appeal to the State Superintendent of Public Instruction directly.

II. **Security Deposits or Other Payments for Materials or Equipment:**

- A security deposit or other payment was required to obtain materials or equipment.

Description of the Payment: include (1) the class or extracurricular activity, (2) details regarding how the security deposit or other payment was communicated, (3) the item of equipment or material for which a deposit or payment was required, and (4) the total amount of the deposit or payment.

III. **Required Purchases for Educational Activities:**

- A purchase was required to obtain materials, supplies, or equipment associated with an educational activity.

Description of the required purchase: include (1) the class or extracurricular activity, (2) details regarding how the requirement to purchase the materials, supplies, or equipment was communicated, (3) the item required to be purchased, and (4) the total cost of the purchase.

IV. **Miscellaneous / Other Fees or Charges:**

- The school is violating the requirements of Article 5.5 (commencing with Section 49010) of Chapter 6 of Part 27 of Division 4 of Title 2 of the California Education Code regarding the prohibition of pupil fees for participation in educational activities.

Describe in as much detail as possible:

IMPORTANT: I am mailing / hand-delivering (circle one) this form on _____ (date) to _____ (name of School Director) at _____ (address where delivery is to be made).

PLEASE KEEP A COPY OF YOUR COMPLETED FORM FOR YOUR RECORDS.