



## UNIFORM COMPLAINT POLICY and PROCEDURES (UCP)

Ararat Charter School's ("ACS" or "Charter School") policy is to comply with applicable federal and state laws and regulations. The Charter School is the local agency primarily responsible for compliance with federal and state laws and regulations governing educational programs. Pursuant to this policy, persons responsible for conducting investigations shall be knowledgeable about the laws and programs which they are assigned to investigate. This complaint procedure is adopted 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, Immigration status, mental disability, physical disability, ethnic group identification, gender expression, gender identity, gender, genetic information, nationality, national origin, race or ethnicity, religion, medical condition, 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 Charter School program or activity; and
- (2) Complaints alleging violations of state or federal laws and regulations governing the following programs including, but not limited to:
  - After School Education and Safety
  - Bilingual Education
  - Child Care and Development
  - Child Nutrition
  - Consolidated Categorical Aid
  - Economic Impact Aid
  - Education of Pupils in Foster and Homeless Youth Services, and Children of Military Families and pupils participating in a newcomer program
  - 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
  - School Safety Plans
  - Special Education
  - State Preschool
  - Tobacco-Use Prevention Education
- (3) Complaints may also be filed alleging that a pupil enrolled in a public school was required to pay a pupil fee for participation in an educational activity as those terms are defined below.
  - a. "Educational activity" means an activity offered by a school, school district, or county office of education that constitutes an integral fundamental part of elementary 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 and/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 *Hertzell 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.
- c. A pupil fee complaint may be filed anonymously if the complainant provides evidence or information leading to evidence to support an allegation of noncompliance with laws relating to pupil fees.
  - d. If the Charter School finds merit in a pupil fee complaint, the Charter School shall provide a remedy to all affected pupils, parents and/or guardians that, where applicable, includes reasonable efforts by the Charter School to ensure full reimbursement to all affected pupils, parents and/or guardians, subject to procedures established through regulations adopted by the state board.
  - e. Nothing in this section shall be interpreted to prohibit solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or school districts, school, and other entities from providing pupils prizes or other recognition for voluntarily participating in fundraising activities.

(4) 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.

ACS acknowledges and respects every individual's rights 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. To the extent necessary to carry out the investigation/proceedings, as determined by the compliance officer(s), ACS may find it necessary to disclose information regarding the complaint and/or the complainant.

ACS 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 discrimination. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

#### **COMPLIANCE OFFICERS(S)**

The Governing Board designates the following ACS personnel to receive and investigate complaints and to ensure the Charter School's compliance with the law:

Mr. Eduardo Villela  
Principal  
principal@araratcharterschool.com

Ms. Adrineh Gharibi  
Operations Manager  
a.gharibi@araratcharterschool.com

ACS-Campus 1  
6555 Sylmar Avenue, Van Nuys, CA 91401  
T: (818) 994-2904 | F: (818) 994-8096

ACS-Campus 2  
13400 Erwin Street, Van Nuys, CA 91401  
T: (818) 787-8521 | F: (818) 786-3627

The compliance officer(s) 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(s).

Should a complaint be filed against the Principal or Operation's Manager, the compliance officer for that case shall be the ACS Governing Board Chairperson:

Ms. Shakeh Avakian – Governing Board Chairperson, Founding Member  
Email: savakian@araratcharterschool.com

## **NOTIFICATIONS**

ACS shall annually provide written notification of its Uniform Complaint Procedures to students, parents and/or guardians, employees, advisory committees, private school officials and other interested parties.

## **COMPLAINT PROCEDURES**

The following procedures shall be used to address all complaints which allege that ACS has violated federal or state laws or regulations governing educational programs. ACS compliance officer(s) 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 may file a written complaint of alleged noncompliance by ACS.

A complaint alleging unlawful discrimination, harassment, intimidation, or bullying shall be initiated no later than six (6) months from the date when the alleged 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 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 unlawful discrimination, harassment, intimidation, or bullying.

Pupils fee complaints shall be filed no later than one (1) year from the date the alleged violation occurred.

The complaint shall be presented to the compliance officer(s) who shall maintain a log of complaints received, providing each with a code number and date stamp.

If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, ACS staff shall assist him or her in the filing of the complaint.

### **Step 2: Mediation**

Within seven (7) days of receiving the complaint, the compliance officer(s) may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer(s) shall make arrangements for this process.

Before initiating the mediation of an unlawful discrimination, harassment, intimidation, or bullying complaint, the compliance officer(s) 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(s) shall proceed with his or her investigation of the complaint. The use of mediation shall not extend the Charter School'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(s) is encouraged to hold an investigative meeting within seven (7) 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 or her representative to repeat the complaint orally.

The complainant and/or his or 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 the Charter School's investigator with documents or other evidence related to the allegations in the complaint, or his or her failure or refusal to cooperate in the investigation, or his or 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.

The Charter School'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(s) shall prepare and send to the complainant a written report of ACS's investigation and decision, as described in Step #5 below, within sixty (60) days of the Charter School's receipt of the complaint.

### **Step 5: Final Written Decision**

ACS's decision shall be in writing and sent to the complainant. ACS'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; and
6. Notice of the complainant's right to appeal ACS'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.
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 the investigation of a complaint results in discipline to a student or an employee, the decision shall simply state that effective action was taken and that the student or employee was informed of appropriate 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 ACS's decision, the complainant may appeal in writing to the CDE within fifteen (15) days of receiving the Charter School's findings. 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 ACS's decision. The appeal should be sent to:

*Appeals on decisions/findings regarding allegations of discrimination, harassment, intimidation and/or bullying may be sent to the EECO or the CDE at the following addresses:*

Los Angeles Unified School District  
Educational Equity Compliance Office  
333 South Beaudry Avenue-20<sup>th</sup> floor  
Los Angeles, CA 90017

California Department of Education  
Education Equity UCP Appeal Process  
1430 N Street  
Sacramento, CA 95814

*Appeals on decisions/findings regarding specific programs subject to UCP, pupil fee, and the LCAP may be sent to the CDE at the following address:*

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

The table below lists additional CDE contacts and appeal offices for UCP programs and services.

<b>Program or Service</b>	<b>Contact Office</b>	<b>Contact Phone</b>
After School Education and Safety	After School Division	916-319-0923
Child Care and Development (including State Preschool)	Early Education and Support Division	916-322-6233
Discrimination, Harassment, Intimidation, Bullying	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 / including compensatory education, migrant education, school safety plans	Categorical Programs Complaints Management Office	916-319-0929
Local Control Accountability Plans (LCAPs): Content or Procedures	Local Agency Systems Support Office	916-319-0809
Local Control Accountability Plans (LCAPs): Fiscal	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 Office	916-319-0929
School Facilities (for Williams Complaints)	School Facility Planning Division	916-322-2470
School Plans for Student Achievement	Local Agency Systems Support Office	916-319-0809
Schoolsite Councils	Title I Policy & Program Guidance Office	916-319-0917
State Preschool Health and Safety Issues in LEAs Exempt from Licensing	Early Education and Support Division	916-322-6233

Upon notification by the CDE that the complainant has appealed ACS's decision, the compliance officer(s) 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 ACS, 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 ACS's complaint procedures;
7. Other relevant information requested by the CDE.

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



ARARAT CHARTER SCHOOL
UNIFORM COMPLAINT PROCEDURES FORM

Last Name: First Name:
Student Name (if applicable): Grade: Date of Birth:
Address: Apt/Suite #:
City: State: Zip Code:
Home Phone: Cell Phone: Work Phone:
Email Address: Date of Alleged Violation(s):
School/Office of Alleged Violation(s):

For noncompliance allegations, check the program or activity referred to in your complaint, if applicable:

- After school education safety
Bilingual education
Child care & development
Child nutrition
Consolidated categorical aid
Economic impact aid
Every Student Succeeds Act/No Child Left Behind (Titles I-VII)
Local Control & Accountability Plans (LCAP)
Migrant Education
Physical education instructional minutes
Pupil fees
School safety plans
Special education
State preschool
Tobacco Use Prevention Education
Education of Pupils in Foster and Homeless Youth Services, and Children of Military Families and pupils participating in a newcomer program

For complaints of discriminations, harassment, intimidation and /or bullying (employee-to-student, student-to-student, and third party to student), please check which of the actual or perceived protected characteristics upon which the alleged conduct was based:

- Age
Ethnic Group Identification
National Origin
Ancestry
Gender Expression
Race or Ethnicity
Color
Gender Identity
Religion
Immigration Status
Gender
Medical Condition
Mental Disability
Genetic Information
Marital Status
Physical Disability
Nationality
Sex or Sexual Orientation
Association with a person or group with one or more of the actual or perceived categories listed above

For bullying complaints not based on protected groups and other complaints not listed on this form, contact Ararat Charter School Compliance Officer(s).

If you have contacted the school compliance officer(s) and still require assistance, referrals or resources, please contact LAUSD's Equal Opportunity Section at (213) 241-7685.





