



Board Policy – UNIFORM COMPLAINT POLICY

Background - Many concerns are the responsibility of ENCORE, including the hiring and evaluation of staff, employee relations, selection/provision of textbooks and materials, pupil discipline, provision of core curricula subjects, homework policies and practices, and dress codes and school uniforms. Every county office of education, district, and charter school governing board are required to have established local complaint policies that describe the procedures that must be followed to resolve complaints. Copies of complaint policies and procedures are available at county offices of education, district offices, or charter school offices.

Some matters lie within the Uniform Complaint Procedures (UCP) scope. Federal and state laws and regulations specify which programs and issues do. Not all complaints are within the scope of the UCP, even if they involve alleged violations of law.

A complaint under the Uniform Complaint Procedures (UCP) is a written and signed statement by an individual, public agency, or organization alleging a violation of federal or state laws governing certain educational programs.

What Encore educational programs and services are covered by the UCP?

- After School Education and Safety
- Bilingual Education
- California Peer Assistance and Review Programs for Teachers
- Career Technical and Technical Education; Career Technical; Technical Training
- Career Technical Education
- 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, and former Juvenile Court Pupils now enrolled in a school district
- English Encorner Programs
- 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
- School Safety Plans
- Special Education
- State Preschool



What issues are not covered by the UCP?

Not all complaints fall under the scope of the UCP. Many concerns are the responsibility of ENCORE, including classroom assignments, common core, grades, graduation requirements, hiring and evaluation of staff, homework policies and practices, provision of core curricula subjects, student advancement and retention, student discipline, student records, the Bagley-Keene Open Meeting Act, the Brown Act, and other general education requirements. ENCORE uses its Universal Complaint Policy to address complaints not covered by the UCP.

In addition, the following complaints are referred to other agencies for resolution and not subject to the UCP:

- Allegations of child abuse are referred to County Departments of Social Services, Protective Services Divisions, or appropriate law enforcement agency.
- Health and safety complaints regarding a Child Development Program are referred to the Department of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.
- Employment complaints are sent to the California Department of Fair Employment and Housing.
- Allegations of fraud are referred to the responsible Division Director at the California Department of Education (CDE).

How do I file a UCP complaint and how is it processed?

A Uniform Complaint can be submitted to Encore's Dean of Students on either campus or any administrator in person or can be mailed to the Uniform Complaint Officer / Human Resources as a formal written complaint.

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What are the responsibilities of the complainant?

- Receives and reviews the UCP complaint policies and procedures from ENCORE.
- Files a written complaint by following the steps described in ENCORE UCP complaint procedures.
- Cooperates in the investigation and provides the ENCORE investigator with information and other evidence related to the allegations in the complaint.
- May file a written appeal to the CDE within 15 calendar days of receiving ENCORE's decision if he or she believes the ENCORE's decision is incorrect.
- Must specify the basis for the appeal and whether the ENCORE's facts are incorrect and/or the law is misapplied. The appeal packet must contain a copy of the original complaint to the ENCORE and a copy of the ENCORE's decision.

Where applicable, within 35 calendar days of receiving the CDE's decision or report, may submit a request for reconsideration by the Superintendent of Public Instruction at the CDE. The CDE's decision or report will notify the complainant if there is a right to request reconsideration. The request for reconsideration must designate the finding(s), conclusion(s), or corrective action(s) in the CDE's decision or report for which reconsideration is requested, and the specific basis for requesting reconsideration. The request must also state whether the findings of fact are incorrect and/or the law is misapplied.

What are the responsibilities of the ENCORE?

- Ensures compliance with applicable federal and state laws and regulations.
- Adopts UCP complaint policies and procedures consistent with the *California Code of Regulations*, Title 5 Sections 4600–4687.
- Designates a staff member to be responsible for receiving, investigating and resolving complaints and makes sure the staff member is knowledgeable about the laws/programs he or she is assigned.
- Must give the filing party an opportunity to present information and/or evidence relevant to the complaint.
- Protects complainants from retaliation.
- Resolves the complaint and completes a written report within 60 calendar days of receipt of the complaint unless extended by written agreement of the complainant.
- Must advise the complainant of the right to appeal the ENCORE's decision to the CDE within 15 calendar days of receiving the decision.

What are the responsibilities of the CDE?

The UCP authorizes the CDE to process appeals of ENCORE's decision on UCP complaints; or, in certain specified situations, to intervene directly and investigate the allegations in the complaint. The CDE:

- Reviews, monitors and provides technical assistance to all LEAs regarding the adoption of UCP complaint policies and procedures by ENCORE's governing board.
- Refers a complaint to ENCORE for resolution when appropriate.
- Considers a variety of alternatives to resolve a complaint or appeal when:
 1. The complainant alleges and the CDE verifies that, through no fault of the complainant, ENCORE fails to act within 60 calendar days of receiving the complaint.



2. The complainant appeals an ENCORE decision if he or she believes the decision is factually and/or legally incorrect.
 3. When requested by the complainant, the CDE determines when direct intervention is applicable.
- Requires corrective action by ENCORE if noncompliance issues are identified during the investigation.
 - Provides monitoring and technical assistance to LEAs to ensure resolution of findings of noncompliance.
 - Where applicable, notifies the parties of the right to request reconsideration of the CDE's decision/report by the Superintendent of Public Instruction at the CDE within 35 calendar days of the receipt of the decision/report.
 - For those programs governed by part 76 of Title 34 of the *Code of Federal Regulations*, notifies the parties of the right to appeal to the United States Secretary of Education.

Williams Complaints

A Williams complaint concerns instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils, and teacher vacancy or misassignment. They may be filed anonymously. ENCORE must have a complaint form available for these types of complaints, but will not reject a complaint if the form is not used as long as the complaint is submitted in writing. Under applicable regulations, a notice must be posted in each classroom in each school notifying parents and guardians of the matters subject to a Williams complaint and where to obtain a form to file a complaint.

A Williams complaint must be resolved by the school principal or by the district superintendent or his or her designee. A complainant who is not satisfied with the resolution has the right to describe the complaint to the governing board of the school district at a regularly scheduled meeting of the board. Except for complaints involving a condition of a facility that poses an emergency or urgent threat, there is no right of appeal to the CDE.

In the case of complaints concerning a condition of a facility that poses an emergency or urgent threat, a complainant who is not satisfied with the resolution has the right to file an appeal to the Superintendent of Public Instruction at the CDE within 15 calendar days of receiving ENCORE's decision.