

DUAL LANGUAGE IMMERSION NORTH COUNTY

UNIFORM COMPLAINT POLICY AND PROCEDURES

Scope

Dual Language Immersion North County (DLINC) is the local agency primarily responsible for compliance with applicable federal and state laws and regulations governing educational programs, and, it is DLINC who will comply with all applicable laws and regulations.

Pursuant to this policy, DLINC 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 action or perceived characteristics of age, ancestry, color, disability, ethnic group identification, gender expression, gender identity, gender, genetic information, nationality, national origin, race or ethnicity, religion, 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 DLINC program or activity.
2. Complaints of violations of state or federal law and regulations governing the following programs but not limited to: Consolidated Categorical Aid Programs, Child Nutrition Programs, Special Education Programs, Foster and Homeless Youth Services, Programs Titles I – IX, 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 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 DLINC finds merit in the complaint, or if the CEO finds merit in the appeal, DLINC shall provide a remedy to the affected pupil.

To file a complaint on any of the bases listed above, a complaining party must use the Uniform Complaint Procedure Form – General Purpose attached here in Exhibit A.

In addition, DLINC has adopted a Student Fees Policy. The DLINC Student Fee Policy pursuant to AB 1575 and the Uniform Complaint Procedure Form – Student Fees, are collectively attached as Exhibit B. This complaint form should be used when stating a complaint alleging that the pupil enrolled in a public school was required to pay an unauthorized pupil fee for the participation in an educational activity as those terms are defined in the Student Fees Policy.

DLINC 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, DLINC 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. DLINC cannot guarantee anonymity of the complainant. This includes keeping the identity of the complainant confidential. However, DLINC will attempt to do so as appropriate. DLINC 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.

DLINC 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 Officers

The DLINC Board of Directors designates the following compliance officers to receive and investigate complaints and to ensure DLINC's compliance with the law:

Kimberleigh Kopp, Executive Director
Dual Language Immersion North County
2030 University Dr.
Vista, CA 92083

(760) 630 – 4080

kkopp@nu.edu

Pablo Fabian, Executive Vice President, Business and Administration
National University System
11355 North Torrey Pines Rd.
La Jolla, CA 92037

(858) 642 – 8822

pfabian@nu.edu

Should a complaint be filed against the Executive Director, the compliance officer for that case shall be the Chair of the DLINC Board of Directors or his/her designee.

Notifications

The Executive Director or his/her designee shall anDLINCI provide written notification of the DLINC Uniform Complaint Procedures to employees, students, parents and/or guardians, advisory committees, school officials and other interested parties by publishing the DLINC Handbooks, which shall contain that required written notification.

The anDLINCI notification will be in English, and when necessary, in the primary language , pursuant to section 48985 of the Education Code if fifteen percent (15%) or more of the pupils enrolled in DLINC speak a single primary language other than English.

The Executive Director or his/her designee shall make available copies of DLINC's Uniform Complaint Procedures free of charge.

The AnDLINCI Notice Shall Include the Following:

- a) A statement that DLINC 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 DLINC's decision to the CDE by filing a written appeal within 15 days of receiving DLINC'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 or 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 DLINC has violated federal or state laws or regulations governing educational programs. Compliance officers 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 a Complaint

Any individual, public agency, or organization alleging noncompliance by DLINC 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.

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

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

Step 2: Resolution Meeting

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 Executive Director of DLINC serving as a mediator. If the complainant agrees to the 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 Executive Director a party to the 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 DLINC'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 DLINC'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 lack of evidence to support the allegation.

DLINC'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 another 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 DLINC's investigation and decision within sixty (60) days of DLINC's receipt of the complaint.

DLINC's decision shall be in writing and sent to the complainant. DLINC'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 conclusions 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 DLINC'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 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 DLINC'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 DLINC's decision, the complainant may appeal in writing to the CDE within fifteen (15) days of receiving DLINC'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 DLINC's decision.

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

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

Civil Law Remedies

A complainant may pursue available civil law remedies outside of DLINC'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 the appeal with the CDE before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if DLINC 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 Complain Procedure Form – General Use

Last Name: _____ First Name: _____

Student Name (if applicable) : _____ Grade: _____ Date of Birth: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Home Phone: _____ Cell Phone: _____

School / Program of Alleged Violation: _____

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

- Consolidated Categorical Programs
- Pupil Fees
- Foster / Homeless Youth
- Nutrition Services
- Special Education
- Local Control Funding Formula

For allegation(s) of unlawful discrimination, harassment, intimidation or bullying, please check the basis of the unlawful discrimination, harassment, intimidation or bullying described in your complaint, if applicable:

- Age
- Ancestry
- Color
- Disability (mental /physical)
- Ethnic Group
- Gender / Gender Expression / Gender Identity
- Genetic Information
- National Origin
- Race or Ethnicity
- Religion
- Sex (actual or perceived)
- Sexual Orientation (actual or perceived)
- Based on association with a person or group with one or more of these actual or perceived characteristics

Please give facts about the complaint. Provide details such as the names of those involved, dates, whether witnesses were present, etc. details that may be helpful to the complaint investigator:

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

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:

Kimberleigh Kopp, Executive Director
Dual Language Immersion North County
2030 University Dr.
Vista, CA 92083

(760) 630 – 4080

kkopp@nu.edu

Pablo Fabian, Executive Vice President, Business and Administration
National University System
11355 North Torrey Pines Rd.
La Jolla, CA 92037

(858) 642 – 8822

pfabian@nu.edu

Exhibit B

Student Fees Policy Pursuant to AB 1575

In order to be fully compliant with Assembly Bill 1575 (2012), Dual Language Immersion North County has adopted the following policies and procedures regarding student fees.

Students enrolled in Dual Language Immersion North County 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, Section 5 or 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:
 - a. 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 extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.
 - b. 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.
 - c. A purchase that a pupil is required to make to obtain materials, supplies, equipment or uniforms associated with an educational activity. Dual Language Immersion North County does not require pupils to purchase any instructional material for their use in school.
- C. Dual Language Immersion North County does not use a fee waiver policy to make pupil fees permissible.
- D. Dual Language Immersion North County does not intend to 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.
- E. Dual Language Immersion North County 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.
- F. Voluntary donations of funds or property or participation in fundraising activities are encouraged and allowed, but such fund raising is completely voluntary.
- G. Purely recreational activities outside of the normal school day may be subject to mandatory fees (e.g. attending dances, drama performances, etc.) 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.
- H. Whereas the Education Code permits charging of fees for specific activities, Dual Language Immersion North County 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 needed for school events, such as caps and gowns for graduation ceremonies.
 - e. Fees for school camp programs, so as 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. Tuition fees charged to pupils whose parents are actual and legal residents of an adjacent foreign country or an adjacent state.
 - h. Tuition fees collected from foreign students attending a Dual Language Immersion North County school pursuant to an F-1 visa
 - i. Fees for out-of-school child care services provided as a convenience for our families provide that no child is excluded due to inability to pay.
- I. 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 Executive Director immediately to file a complaint under Dual Language Immersion North County's Uniform Complaint procedures.
 - J. Complaints will be investigated and resolved within sixty days of receipt of the complaint. If the complaint is resolved pursuant to an investigation, the school's Executive Director shall issue a written decision stating the findings of fact and the reasons for the disposition of the complaint.
 - K. If a complaint is found to have merit, the school will reimburse all affected pupils, parents or guardians.
 - L. If a complaint is not satisfied with the decision of the school's Executive Director, the complainant may appeal to the State Superintendent of Public Instruction directly.

Exhibit B

**Uniform Complain Procedure Form – School Fees
(Uniform Complaint Procedures for Complaints filed under California Education Code 49013)**

Anyone may use this form to file a complaint regarding a “pupil fee” that is required for participation in an educational activity offered by a California Public School, as defined in California Education Code Section 49010. After completing this form, file it with the Executive Director of Dual Language Immersion North County.

Do you want to receive a copy of the written response to your complaint?

- No, I do not request a copy of the written response. I am filing this complaint anonymously.
- Yes, I request a copy of the written response to my complaint.

- Name: _____
- Address: _____
- City & Zip Code: _____
- Phone Number or email address (optional): _____

I request immediate action to address the imposition of the following pupil fees: (please check all that apply and provide supporting details—attach additional pages if need be. Please note that the remedy must be provided to all affected pupils, parents and guardians per California Education Code Section 49013.)

A. Fees charged for registration or participation

- A fee was charged as a condition for registration for school or classes
- A fee was charged as a condition for participation in a class or extracurricular activity (whether or not the activity or class is compulsory, elective, or for course credit)
- Description of the fee—include the school, class or extracurricular activity for which the registration or participation fee was charged; details regarding how the fee requirement was communicated, and the amount of the fee.

B. Security deposit 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 the class or extracurricular activity; details regarding how the security deposit or other payment was communicated; the item of equipment or material for which a deposit or payment was required; and the total amount of the deposit or payment.

C. 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 the class or extracurricular activity; details regarding how the requirement to purchase the materials, supplies, or equipment was communicated; the item required to be purchased; the cost of the purchase.

D. 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 as much detail as possible:

IMPORTANT: I am mailing / hand-delivering (circle one) this form on _____ (date)
to _____ (name of school personnel) at

(address)

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