

UCP Annual Notice for Oakland School for the Arts 2018 - 2019

For students, employees, parents/guardians, school, and other interested parties

Oakland School for the Arts has the primary responsibility for compliance with federal and state laws and regulations. We have established Uniform Complaint Procedures (UCP) to address allegations of unlawful discrimination, harassment, intimidation, and bullying, and complaints alleging violation of state or federal laws governing educational programs, the charging of unlawful pupil fees and the non-compliance of our Local Control and Accountability Plan (LCAP).

Any complaints regarding insufficiency of educational materials, emergency or urgent facilities conditions that pose a threat to the health and safety of students, or teacher vacancy/mis-assignment would be a "Williams" complaint. Please see the home page of www.oakarts.org for information on how to file a Williams Complaint.

We will investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group as identified in Education Code section 200 and 220 and Government Code section 11135, including any actual or perceived characteristics as set forth in Penal Code section 422.55 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 the agency, which is funded directly by, or that receives or benefits from any state financial assistance.

The UCP shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in:

Bilingual Education

Education of Pupils in Foster Care and Pupils who are Homeless

Every Student Succeeds Act / No Child Left Behind

Local Control Accountability Plans (including Charter Schools as described in EC §§ 47606.5 and 47607.3);

Pupil Fees

Reasonable Accommodations to a Lactating Pupil

School Safety Plans

Special Education

A pupil fee includes, but is not limited to, all of the following:

1. 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, compulsory, or is for credit.
2. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
3. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

A pupil fees or LCAP complaint may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint.

A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.

A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred.

We shall post a standardized notice of the educational rights of foster and homeless youth, as specified in Education Code Sections 48853, 48853.5, 49069.5, 51225.1, and 51225.2. This notice shall include complaint process information, as applicable.

Uniform Complaint forms may be filed with the school principal.

Staci Smith
Oakland School for the Arts
530 18th Street
Oakland, CA 94612
ssmith@oakarts.org

Uniform Complaint forms may also be filed with OSA's Ombudsperson. The Board has designated this compliance officer to receive and investigate complaints and ensure OSA's compliance with the law.

Randi Gallenson
Oakland School for the Arts
530 18th Street
Oakland CA 94612
rgallenson@oakarts.org

The employees designated to investigate complaints are knowledgeable about laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Board, Executive Director, or designee.

Complaints alleging discrimination, harassment, intimidation, or bullying, must be filed within six (6) months from the date the alleged discrimination, harassment, intimidation, or bullying, occurred or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying, unless the time for filing is extended by the superintendent or his or her designee.

Process

Any individual, parent, public agency or organization may file a written complaint of alleged noncompliance. Most complaints can be resolved by informal discussion between the complainant and the employee, or the employee's supervisor, with the objective being honest discussion and resolution of the complaint. If resolution is not achieved at this time, a formal investigation will be undertaken by the principal or compliance officer.

Formal complaints will be investigated and resolved and a written Decision or report will be sent to the complainant within sixty (60) days from the receipt of the complaint. This time period may be extended by written agreement of the complainant. The person responsible for investigating the complaint shall conduct and complete the investigation in accordance with local and state procedures.

OSA acknowledges and respects student and employee rights to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. This includes keeping the identity of the complainant confidential except to the extent necessary to carry out the investigation, as determined by the Board, Executive Director, or designee on a case-by-case basis. Complainants will be protected from retaliation.

The complainant and/or their representative shall have an opportunity to present the complaint and evidence, or information leading to evidence, to support the allegations in the complaint.

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 their 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 allegations.

OSA will cooperate with the compliance officer by providing access to records and/or other information related to the allegations in the complaint. Failure or refusal to cooperate with the compliance officer in the investigation or engagement in any other obstruction of the compliance officer's investigation may result in a finding based on evidence that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

Appeal

The complainant has a right to appeal our Decision of complaints regarding specific programs, pupil fees and the LCAP to the California Department of Education (CDE) by filing a written appeal within 15 days of receiving our Decision. The appeal must be accompanied by a copy of the originally-filed complaint and a copy of our Decision.

The complainant is advised of civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable.

A copy of our UCP compliant policies and procedures is available free of charge.