

## **Uniform Complaint Procedures: Administrative Regulations**

Except as the Governing Board may otherwise specifically provide in other board policies, the uniform complaint procedures shall be used only to investigate and resolve complaints alleging violations of federal or state laws or regulations governing specific educational programs, the prohibitions against requiring students to pay fees, deposits or other charges for participating in educational activities and unlawful discrimination, harassment, intimidation, or bullying and complaints regarding the implementation of the Local Control Accountability Plan (LCAP) as specified in accompanying board policy.

The Charter School's complaint procedures, policy, and administrative regulations shall be posted in all school offices, including staff lounges and student government meeting rooms. If 15 percent or more of students enrolled in the charter school speak a single primary language other than English, the school's policy, regulations, forms, and notices concerning uniform complaint procedures shall be translated into that language.

### **Compliance Officer**

The following compliance officer shall receive and investigate complaints and shall ensure compliance with law:

School Director

714 F Street, Eureka CA 95501

707-268-0854

### **Notifications**

The director or designee shall meet the notification requirements of the Code of Regulations, Title 5, Section 4622, by annually disseminating notice of the complaint procedures and information about available appeals, civil law remedies, and conditions under which a complaint may be taken directly to the California Department of Education (CDE). The notice (exhibit A) shall be distributed to students, parents, or guardians of students, employees, charter school advisory committees, and other interested parties.

### **The notice shall:**

1. Identify the person or position responsible for receiving complaints.
2. Advise the complainant of any civil law remedies that may be available to him/her under state and federal discrimination laws, if applicable.
3. Advise the complainant of the appeal process pursuant to Education Code 262.3, including the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies.
4. Include statements that:

- a. The Charter School is primarily responsible for compliance with state and federal laws and regulations.
- b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
- c. An unlawful discrimination, harassment, intimidation or bullying complaint must be filed not later than six months from the date the alleged discrimination, harassment, intimidation or bullying occurs, or six months from the date the complaint first obtains knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying.
- d. The complainant has a right to appeal the charter school's decision.
- e. The appeal to the CDE must include a copy of the complaint filed with the charter school and a copy of the charter school's decision.
- f. Copies of the charter school's uniform complaint procedures are available free of charge.

## **Procedures**

The following procedures shall be used to address all complaints which allege that the charter school has violated federal or state laws or regulations governing educational programs, the prohibitions against requiring students to pay fees, deposits, or other charges for participation in educational activities, and unlawful discrimination, harassment, intimidation, or bullying as specified in the accompanying board policy.

The charter school's compliance officer shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with the Code of Regulations, Title 5, Section 4632.

The charter school will use its uniform complaint procedures when addressing all complaints regarding gender equity.

Investigations of discrimination, harassment, intimidation and bullying complaints shall be conducted in a manner that protects confidentiality of the parties and the facts to the extent possible.

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**

- a. Any individual, public agency or organization may file a written complaint of alleged noncompliance.
- b. The complainant shall be presented to the director or designee, who shall maintain a log of complaints received. If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other handicaps, charter school staff shall help him/her to file the complaint.
- c. Complaints alleging unlawful discrimination, harassment, intimidation, or bullying 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.

- d. The complaint must be initiated no later than six months from the date when the alleged discrimination, harassment, intimidation, or bullying occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying. However, upon written request by the complainant, the director or designee may extend the filing period for up to 90 calendar days.
- e. A complaint alleging noncompliance with the law regarding the prohibition against requiring students to pay student fees, deposits, and charges may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.
- f. Complaints regarding the implementation of the Local Control Funding Formula (LCFF) may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.
- g. A 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: Investigation**

- a. Within 60 days from receipt of the complaint, the director or designee shall complete the investigation of the complaint in accordance with the local procedures developed pursuant to section 4621 and prepare a written local Education Agency Decision. This time period may be extended by written agreement of the complainant.
- b. The investigation shall provide an opportunity for the complainant or the complainant's representative, or both, and charter school representatives to present information relevant to the complaint. At the discretion of the compliance officer, the investigation may include an opportunity for the parties of the dispute to meet to discuss the complaint or to question each other or each other's witnesses.
- c. The Local Education Agency Decision (the decision) shall be in writing and sent to the complainant within sixty (60) days from receipt of the complaint by the local agency unless a continuance has been agreed to in writing by the complainant.
- d. As part of the investigation process, the compliance officer may decide to refer the matter to mediation. Referral can only be made if all parties agree to mediation. Conducting local mediation shall not extend the local time lines for investigating and resolving complaints at the local level unless the complainant agrees, in writing, to the extension of the time line. In no event shall mediation be mandatory in resolving complaints.
  - a. If mediation is used and before initiating the mediation process, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.
  - b. If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall precede with his/her investigation of the complaint of all unresolved issues subject of this complaint process.
- e. A complainant's refusal to provide the 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.
- f. 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 3: Final Written Decision**

- a. The report of the charter school's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the office will arrange a meeting at which a community member will interpret it for the complainant.
- b. This report shall include:
  - i. The findings of fact based on the evidence gathered.
  - ii. The conclusion(s) of law.
  - iii. Disposition of the complaint.
  - iv. The rationale for the above dispositions.
  - v. Corrective actions, if any are warranted.
  - vi. Notice of the complainant's right to appeal the decision within 15 days to the California Department of Education (CDE), and procedures to be followed for initiating such an appeal.
  - vii. For discrimination, harassment, intimidation or bullying complaints, notice that the complainant must wait until 60 days have elapsed from the filing an appeal with the CDE before pursuing civil law remedies.
- c. If a student or employee is disciplined as a result of the complaint, this report shall simply state that effective action was taken and that the student or employee was informed of charter school's expectations. The report shall not give any further information as to the nature of the disciplinary action, which shall be conducted in accordance with applicable laws, rules, and regulations.
- d. If a complainant alleging noncompliance with the laws regarding student fees, deposits, and other charges is found to have merit, the charter school shall provide a remedy to all affected students and parents/guardians, which where applicable, and shall include reasonable efforts to ensure full reimbursement to them.

### **Step 4: Appeals to the California Department of Education (CDE)**

If dissatisfied with the charter school's decision, the complainant may appeal in writing to the CDE within 15 days of receiving the charter school's decision.

When appealing to the CDE, the complainant shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law was misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the charter school's decision.

Upon notification by the State Superintendent of Public Instruction that the decision has been appealed to the state level pursuant to Section 4652, the charter school shall forward the following to the CDE:

1. The original complaint;
2. A copy of the decision;
3. A summary of the nature and extent of the investigation conducted by the office if not covered in the decision;
4. A copy of the investigation files, including but not limited to all notes, interviews, and documents submitted by the parties and gathered by the investigator.

5. A report of any action taken to resolve the complaint;
6. A copy of the charter school's complaint procedures; and
7. Such other relevant information as the CDE may require.

The CDE may directly intervene in a complaint without waiting for action by the charter school when one of the conditions listed in 5 CCR 4650 exists, including cases in which the charter school has not taken action within 60 days of the date the complaint was filed.

### **Civil Law Remedies**

A complainant may pursue available civil law remedies outside the charter school'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 complaints alleging discrimination, harassment, intimidation, or bullying, however, a complainant must wait until 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 to discrimination complaints based on federal law. It is applicable only if the charter school has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with the California Code of Regulations, Title 5, 4622.

Administrative Regulations: approved: March 7, 2013

Amended:

### **Uniform complaint Procedure: Notification**

The charter school shall follow the Uniform Complaint Procedure described below when addressing complaints alleging unlawful discrimination based on actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, or age 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 that receives or benefits from state financial assistance. The Uniform Complaint Procedure described below shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in consolidated categorical aid programs, special education programs, implementation of the Local Control Funding Formula (LCFF) and federal safety planning requirements. Individuals, agencies, organizations, students and interested third parties have the right to file a complaint using this procedure described below. The charter school shall have the primary responsibility to ensure compliance with applicable state and federal laws and regulations.

Complaints must be filed in writing and with the appropriate compliance officer identified below. Complaints alleging discrimination must be filed not later than six (6) month from the date the alleged discrimination occurred or the date the complainant first obtained knowledge of the facts of the alleged discrimination, unless the time for filing is extended by the school director or his or her designee.

Complaints will be investigated and a written decision sent to the complainant within sixty (60) days from the receipt of the complaint. This sixty (60) day time period may be extended by written agreement of the complainant. The charter school's person responsible for investigating the complaint shall conduct and complete the investigation in accordance with sections 4680-4687 and in accordance

with local procedures adopted under section 4621. If the complainant is not satisfied with the local education agency's decision, the complainant may file within fifteen (15) days of receipt of the decision a written appeal with the California Department of Education (CDE) in Sacramento, California. The appeal to CDE must include a copy of the locally-filed complaint and a copy of the charter school's decision.

Complainants may also pursue available civil law remedies, including, but not limited to, injunctions, restraining orders or other orders in federal or state court. Further information about such remedies may be available through a public or private interest attorney, the County Lawyer Referral Service, Legal Aid Society, a mediator, or dispute resolution service.

A copy of the charter school's policy and complaint procedures may be obtained free of charge through the charter school office.

Compliance Officer

School Director

714 F Street, Eureka CA 95501

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