



UNIFORM COMPLAINT POLICY

Compliance Officers

The Governing Board designates the following administrative designee to serve as compliance officer to receive and investigate complaints relative to programs contained in this policy and ensure Charter compliance with the law:

Dr. Javier Vaca, Director of Human Resources, Uniform Complaint Officer
Health Sciences High School and Middle College Charter
3910 University Avenue, San Diego, 92105
619-528-9070

Notifications

The Director or her/his designee shall meet the notification requirements of the Code of Regulations, Title 5, Section 4622, including the annual dissemination to students, employees, parents or guardians, Charter/school advisory committees, and interested parties of Charter 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).

Procedures

The following procedures shall be used to address all complaints which allege that the Charter has violated Federal or State laws or regulations governing educational programs. The administrative designee 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 will use its uniform complaint procedures when addressing all complaints regarding gender equity.

Complaints alleging discrimination related to the use or prohibited use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library may be brought under the district's uniform complaint procedures

Investigations of discrimination complaints shall be conducted in a manner that protects confidentiality of the parties and the facts (Title 5, Section 4630).

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 with the appropriate compliance officer designated above.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other handicaps, Charter staff shall help him/her to file the complaint (Title 5, Section 4600).

The complaint shall be presented to the Director or designee, who will then give it to the appropriate compliance officer. The Director or designee will maintain a log of complaints received, providing each with a code number and a date stamp.

Complaints alleging unlawful discrimination or gender bias may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination.

The complaint must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination (Title 5, Section 4630).

Step 2: Mediation

Within five days of receiving the complaint, the compliance officer shall informally discuss with the complainant the possibility of using mediation.

If all parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a discrimination complaint, the compliance officer 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 shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the Charter's time lines 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 shall hold an investigative meeting within five days of receiving the complaint or attempting to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative and the Charter's representatives to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses (Title 5, Section 4631).

To ensure that all pertinent facts are made available, the compliance officer and the complainant may ask other individuals to attend this meeting and provide additional information.

Step 4: Response

Within 20 days of receiving the complaint, the compliance officer shall prepare and send to the complainant, and upon request, to the CDE and disposition of the complainant, a written report of the Charter's findings as described in Step 5 below.

Step 5: Final Written Decision

The report of the Charter'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 Charter will arrange a meeting at which a community member will interpret it for the complainant.

This report shall include:

1. The findings and disposition of the complaint, including corrective actions, if any.
2. The rationale for the above disposition.
3. Notice of the complainant's right to appeal the decision to the California Department of Education and procedures to be followed for initiating such an appeal.

Appeal to the Governing Board

If a complainant is dissatisfied with the administrative designee's decision he/she may, within five days, file his/her complaint in writing with the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the decision of the compliance officer shall be the Charter's final written decision. If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the Charter's initially receiving the complaint or within an extended time period that has been specified in a written agreement with the complainant.

Appeals to the California Department of Education

If a complainant is dissatisfied with the Charter's decision, the complainant will be given notice regarding his/her right to appeal in writing to the California Department of Education within 15 days of receiving the Charter's decision. For good cause, the State Superintendent of Public Instruction may grant an extension of filing appeals. When appealing the California Department of Education, the complainant must specify the reason(s) for appealing the Charter's decision and must include a copy of the locally filed complaint and the Charter's

decision (Title 5, Section 4652). If dissatisfied with the California Department of Education's resolution of a complaint regarding a Title 1 program, the complainant may request its review by the U.S. Secretary of Education (34 Code of Federal Regulations).

Basis of Direct State Intervention

California Administrative Code, Title 5, Section 4650, provides for direct intervention into complaints by the California State Superintendent of Public Instruction, without waiting for local school Charter action if one or more of the following conditions exist:

1. The complaint includes an allegation, and the Department verifies, that a local educational agency failed to comply with the complaint procedures required by this policy.
2. Discrimination is alleged by the complainant and the facts alleged indicate that the complainant will suffer an immediate loss of some benefit such as employment or education if the Department does not intervene. However, nothing in this section gives the Department jurisdiction over employment discrimination claims.
3. The complaint relates to agencies other than local educational agencies funded through the Child Development and Child Nutrition Programs.
4. The complainant requests anonymity and presents clear and convincing evidence and the Department verifies that he/she would be in danger of retaliation if a complaint were filed locally, or has been retaliated against because of past or present complaints.
5. The complainant alleges that the local educational agency failed or refused to implement the final decision resulting from its local investigation or local mediation agreement
6. The local agency refuses to respond to the California State Superintendent's

request for information regarding a complaint.

7. The complainant alleges and the California Department of Education verifies, or the Department has information that no action has been taken by the local educational agency within 60 calendar days of the date the complaint was filed locally.

8. For complaints relating to Special Education, the following shall also be conditions for direct State intervention:

a. The complainant alleges that a public agency, other than a local educational agency, as specified in Government Code Section 7570 et seq. fails or refuses to comply with an applicable law or regulation relating to the provision of free appropriate public education to handicapped individuals.

b. The complainant alleges that the local educational agency or public agency fails or refuses to comply with the due process procedures established pursuant to Federal and State laws and regulations; or has failed or refused to implement a due process hearing order.

c. The complainant alleges facts that indicate that the child or group of children may be in immediate physical danger or that the health, safety, or welfare of a child or group of children is threatened.

d. The complainant alleges that a handicapped pupil is not receiving the Special Education or related services specified in his/her Individualized Educational Program (IEP).

e. The complaint involves a violation of Federal law governing Special Education, 20 U.S.C. Section 1400 et seq., or its implementing regulations. The complaint shall identify upon basis of the section that direct filing to the California Department of Education is being made. Referring Complaint Issues to Appropriate State or Federal Agencies California Administrative Code, Title 5, Section 4611, mandates that the complaints listed below shall be referred to the specified agencies for appropriate resolution and are not subject to the local and California Department of Education's complaint procedures as set forth in this policy unless these procedures are made applicable by separate interagency agreements:

1. Allegations of child abuse shall be referred to the applicable County Department of Social Services (DSS), Protective Services Division or appropriate law enforcement agency (CAC Section 4650).

2. Health and safety complaints regarding a Child Development Program shall

be referred to Department of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing exempt facilities.

3. Discrimination issues involving Child Nutrition Programs of Title IX of the Educational Amendments of 1972 shall be referred to the U.S. Office of Civil Rights (OCR). Title IX complainants will only be referred to the OCR if there is not State discrimination law or regulation at issue. Unless otherwise negotiated through a memorandum of understanding/agreement, a preliminary inquiry and/or investigation concerning these complaints will be conducted by OCR. The complainant shall be notified by certified mail if his/her complaint is transferred to OCR by the State Superintendent of Public Instruction.

4. Employment discrimination complaints shall be sent to the State Department of Fair Employment and Housing (DFEH) pursuant to Title 22, CCR, Section 98410. The complainant shall be notified by certified mail of any DFEH transferal.

5. Allegations of fraud shall be referred to the responsible Department Division Director and the Department's Legal Office.

TIMELINE CHART OF UNIFORM COMPLAINT PROCESS

Within 60 days:

1. LEA initiates an investigation or mediation process if agreeable to all parties. • Within five (5) calendar days of receiving complaint
2. Written decision is sent to complainant within twenty (20) calendar days by certified mail and includes:
 - Findings and disposition of complaint (any corrective actions)
 - Rationale for disposition
 - Right to appeal to Board and how to appeal
3. Appeal Compliance Officer's decision to Board in writing.
 - Within five (5) calendar days of receiving written decision.
 - Board decides:
 - A. NOT to hear appeal – decision stands
 - complainant may appeal to SDE
 - B. To hear appeal in closed session – responds in writing to complainant

Within 15 Days

4. Appeal to the State Department of Education (SDE) within fifteen (15) calendar days of receiving Charter's decision.

Within 60 Days

5. The SDE has sixty (60) calendar days to decide whether to uphold the Charter decision or proceed to a state level investigation.