

# Uniform Complaint Procedure

**For employees, pupils, parents and/or guardians, advisory committees, private school officials, & other interested Parties**

## GOAL

It is the responsibility of the Ocean Grove Charter School ('School') to ensure compliance with applicable state and federal laws and regulations. The School has adopted policies and procedures for the investigation and resolution of complaints alleging failure to comply with applicable state and federal law. The School ensures annual dissemination of a written notice of the local complaint procedures to pupils, employees, parents or guardians of its pupils, school and district advisory committees, appropriate private school officials or representatives, and other interested parties.

## SCOPE OF COMPLAINT PROCEDURES

The Uniform Complaint Procedures apply to the following programs administered by the California Department of Education:

- Adult Basic Education
- Consolidated Categorical Aid Programs
- Career/Technical Education
- Child Care and Development Programs
- Child Nutrition Programs
- Special Education Programs
- Williams Court Case settlement
- Valenzuela Court Case settlement

as well as to complaints, which allege unlawful discrimination on the basis of age, actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, religion, national origin, color, physical or mental disability, 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 or sponsored by the District.

## RESPONSIBILITY FOR UNIFORM COMPLAINT PROCEDURES

The School's Human Resources Department will monitor compliance with the provisions outlined in the School's Uniform Complaint Procedure process. Complaints or allegations regarding non-compliance with applicable state and federal law and/or unlawful discrimination should be submitted in writing to the School's Human Resources Department. The School ensures the person(s) assigned to investigate complaints is knowledgeable of the laws and programs that he/she is assigned to investigate.

## WHO MAY FILE A COMPLAINT?

A complaint may be filed by an individual, including a person's duly authorized representative, or any interested third party, public agency, or organization. Individuals who may file complaints include School

pupils, employees, and parents or guardians. The School provides assurances regarding protection against retaliation and provisions of confidentiality. Complaints may be filed anonymously.

The following procedures shall be used to address all complaints that allege School violations of federal or state laws or regulations governing educational programs. All parties involved in allegations shall be notified when a complaint meeting or hearing is scheduled and when a decision or ruling is made.

### **Filing of Complaint**

- Any individual, public agency, or organization may file a written complaint of alleged noncompliance by the School.
- Complaints alleging unlawful discrimination 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.
- The complaint shall be presented to the School's Human Resources Department. If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, School staff will help him/her file the complaint.

### **Investigation of Complaint**

The School's Human Resources Director, or his/her designee, shall hold an investigative meeting within fifteen (15) working days of receiving the complaint. The complainant shall have an opportunity to present information relevant to the complaint. Parties involved in the dispute may discuss the complaint and question each other or each other's witnesses.

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 engage 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.

Refusal by the School to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage 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.

### **Mediation**

The compliance officer may informally discuss with the complainant the possibility of using a trained mediator (third party involved to hear and judge confidential information about the complaint) within three days of receiving the complaint. The compliance officer shall make all arrangements. If the mediation does not resolve the problem within a reasonable amount of time as required by law, the compliance officer shall proceed with his/her investigation of the complaint.

### **Response**

The School's Human Resources Department shall prepare and send to the complainant a written report of the School's investigation and decision within sixty (60) calendar days of receiving the complaint.

### **Final Written Decision**

The report of the District's decision shall be written and sent to the complainant. This report shall include:

- The findings of fact based on the evidence gathered and disposition of the complaint, including corrective actions, if any;
- The rationale for the above disposition;
- Notice of the complainant's right to appeal the decision within fifteen (15) days to the California Department of Education, and procedures to be followed for initiating such an appeal;
- Notice that the complainant involved in discrimination complaints must wait until sixty (60) days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies; and,
- A detailed statement of all specific issues that were brought up during the investigation and the extent to which these issues were resolved.

### **APPEALS TO THE CALIFORNIA DEPARTMENT OF EDUCATION**

Any complainant may appeal a School decision to the California Department of Education by filing a written appeal with the California Department of Education within fifteen (15) days of receiving the School's decision. The appeal shall include a copy of the complaint and the School's decision.

A complaint may be filed directly to the California Department of Education if the complainant is dissatisfied with the school's decision. The California Department of Education may accept a complaint directly without first exhausting the School's Uniform Complaint Procedure, 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 and its local rules and regulations, including, but not limited to, the failure or refusal of the local educational agency to cooperate with the investigation or to otherwise prevent the complainant from presenting evidence to support the allegations of the complaint; 2) the complaint relates to an agency that is not a local education agency funded through the Child Development or Child Nutrition Programs; and 3) the complainant requests anonymity because he or she would be in danger of retaliation with the local education agency, and would suffer immediate and irreparable harm if he or she filed a complaint with the School (Title 5 California Code of Regulations Section 4650). For more information regarding the right to direct state intervention, please contact the School's Human Resources Department.

A copy of the School's Policy regarding the Uniform Complaint Procedure may be obtained free of charge at the school site, or at the office of the School's Administrator.

### **CIVIL LAW REMEDIES**

A complainant may pursue available civil law remedies outside of the 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 unlawful discrimination complaints, however, a complainant must wait until sixty (60) days have elapsed from the filing of an appeal with the California Department of Education.