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Uniform Complaint Policy and Procedures

Adopted on 10/14/2005

Revised on 2/1/2008

Laurel Tree Charter School (LTCS) recognizes that they are responsible for ensuring that our school complies with state and federal laws and regulations governing school programs.

Laurel Tree Charter School shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination based on ethnic group identification, religion, age, gender, color, or physical or mental disability in any program or activity that receives or benefits from state financial assistance. LTCS shall also follow uniform complaint procedures when addressing complaints alleging failure to comply with state or federal law in adult basic education, consolidated categorical aid programs, migrant education, vocational education, child care and development programs, child nutrition programs, and special education programs.

(cf. 0410 – Nondiscrimination in District Programs and Activities)

(cf. 0420.1 – School-Based Coordinated Program)

(cf. 0420.2- School Improvement Program)

(cf. 0430 – Comprehensive Local Plan for Special Education)

(cf. 3553 – Free and reduced Price meals)

(cf. 5148 – Child Care and Development)

(cf. 6171 – Title I Programs)

(cf. 6174 – Education for English Language Learners)

(cf. 6175 – Migrant Education Program)

(cf. 6178 – Vocational Education)

Laurel Tree Charter School Board encourages the early, informal resolution of complaints at the site level whenever possible.

Upon receipt of a written complaint from an individual, public agency or organization, uniform complaint procedures shall be initiated. The Lead Teacher or his/her designee shall distribute full information about these procedures.

Laurel Tree School Board recognizes that a neutral mediator can often suggest an early compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving their problem through mediation, the Lead Teacher or his/her designee initiate a mediation process before beginning a formal compliance investigation. The Lead Teacher or his/her designee shall ensure that mediation results are consistent with state and federal laws and regulations.

Laurel Tree Charter School Board 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 or proceedings, as determined by the Lead Teacher or his/her designee on a case-by-case basis.

Legal Reference:

EDUCATION CODE

200-262.3 Prohibition of discrimination
8200-8498 Child care and development programs
8500-8538 Adult basic education
18100-18179 School libraries
35146 Closed sessions
35160 Authority of governing boards
48985 Notices in language other than English
49060-49079 Student records
49490-49560 child Nutrition programs
51513 – Personal Beliefs
52000-52049.1-School Improvement Programs
52160-52178- Bilingual education programs
52300-52483 Vocational Education
52500-52616.24 – Adult Schools
52800-52863 – School-based coordinated programs
54000-54041 Economic impact aid programs
54100-54145 Miller Unruh Basic Reading Act
54400-54425 Compensatory education programs
54440-54445 Migrant Education
54460-54529 Compensatory education programs
56000-56885 Special education programs
59000-59300 Special schools and centers
64000 Consolidated application process

GOVERNMENT CODE

54957-54957.8 Closed sessions

CODE OF REGULATIONS, TITLE 5

3080 Application of section 4600-4671
4600-4671 Uniform Complaint Procedures

UNITED STATES CODE, TITLE 20

1221-1232g General Education Provisions Act
1681-1688 Discrimination based on sex or blindness, Title 34

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination
(cf. 4119.23, 4219.2, 4319.23 Unauthorized Release of Confidential/Privileged information)
(cf. 5125 Student Records)
(cf. 9011 Disclosure of Confidential/Privileged Information)

Laurel Tree Charter School recognizing that the Governing Board prohibits retaliation in any form for the filing of a complaint, the reporting of instances of discrimination or participation in complaint procedures. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

(cf. 1312.1 Complaints Concerning District Employees)
(cf. 1312.2 Complaints Concerning Instructional Materials)
(cf. 4031 Complaints Concerning Discrimination in Employment)
(cf. 5141.4 Child Abuse Reporting Procedures)

Complaint Procedure:

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The following guidelines shall prescribe the manner in which complaints are handled:

1. A “complaint” shall be defined as an alleged misapplication of the Charter School’s policies, regulations, rules or procedures. Procedures for the resolution of employee complaints provide a route of appeal through administrative channels and to the School Board, if necessary. If the complaint is related to discrimination, the district’s procedure for complaints concerning discrimination should be used.

(cf. 4031 – Complaints Concerning Discrimination in Employment)

2. If a complaint involves sexual harassment, the initial complaint should be made directly to the offending employee’s immediate supervisor. An employee is not required to resolve sexual harassment complaints with the offending person.
3. So as not to interfere with school schedules, meetings related to a complaint shall be held before or after the complainant’s regular working hours.
4. All matters related to a complaint shall be kept confidential. Only those individuals directly involved in resolving the complaint shall be informed of the complaint.
5. All documents, communications and records dealing with the complaint shall be placed in a district complaint file. No such material shall be placed in an employee’s personnel file.
6. No reprisals shall be taken against any participant in a complaint procedure by reason of such participation.
7. Time limits specified in these procedures may be reduced or extended in any specific instance by written mutual agreement of the parties involved. If specified or adjusted time limits expire, the complaint may proceed to the next step.
8. Any complaint not taken to the next step within the prescribed time limits shall be considered settled on the basis of the answer given at the preceding step

Informal Complaints

Employees are encouraged to resolve complaints informally. Formal complaint procedures shall not be initiated unless informal efforts to resolve the complaint have been exhausted and complainant has provided a written description of such efforts.

Formal Complaint Procedure – Step 1

If a complaint has not been satisfactorily resolved by informal procedures, the complainant may file a written complaint with the immediate supervisor or site administrator within 60 days of the act or event which is the subject of the complaint.

Within five working days of receiving the complaint, the immediate supervisor or site administrator shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The immediate supervisor or site administrator shall present all concerned parties with a written answer to the complaint within 10 working days after the meeting.

Formal Complaint Procedure – Step 2

If a complaint has not been satisfactorily resolved at Step 1, the complainant may file the written complaint with the Superintendent or designee with five working days of receiving the answer at Step 1. All information presented at Step 1 shall be included with the complaint and the immediate supervisor or site administrator shall submit to the Superintendent or designee a report describing attempts to resolve the complaint at Step 1.

Within five working days of receiving the complaint, the Superintendent or designee shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The Superintendent or designee shall present all concerned parties with a written answer to the complaint within 10 working days after the meeting.

Formal Complaint Procedure – Step 3

If a complaint has not been satisfactorily resolved at Step 2, the complainant may file a written appeal to the School Board within five working days of receiving the answer at Step 2. All information presented at Steps 1 and 2 shall be included with the appeal, and the Superintendent or designee shall submit to the School Board a report describing attempts to resolve the complaint at Step 2.

An appeal hearing shall be held at the next regularly scheduled School Board meeting which falls at least 12 days after the appeal is filed. This hearing shall be held in closed session if the complaint relates to matters properly addressed in closed session.