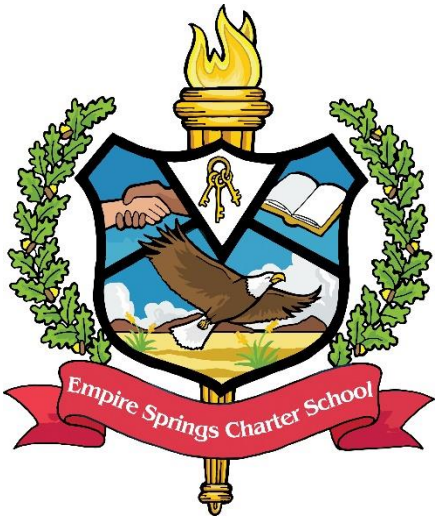


Subject: Uniform Complaint Policy and Procedures
Effective Date: May 24, 2013
Revised Date: June 12, 2014
Approved By: Board of Directors
Policy: 2001.1

The Empire Springs Charter School Board of Directors recognizes that the school is responsible for ensuring that it complies with state and federal laws and regulations governing educational programs. The school shall follow uniform complaint procedures when addressing the following types of complaints:

1- Complaints of unlawful discrimination, harassment, intimidation or bullying against any protected group, including actual or perceived discrimination, on the basis of age, ancestry, color, disability, ethnic group identification, gender expression, gender identity, gender, nationality, national origin, race or ethnicity, religion, sex, or sexual orientation, 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 Charter School program or activity.

2- Complaints of violations of state or federal law and regulations governing the following programs including but not limited to: Adult Education Programs, Consolidated Categorical Aid Programs, Migrant Education, Career Technical and Technical Education and Career Technical and Technical Training Programs, Child Care and Development Programs, Child Nutrition Programs, and Special Education Programs.

3- A complaint may also be filed alleging that a pupil enrolled in a public school was required to pay a pupil fee for participation in an educational activity as those terms are defined below.

   a. "Educational activity" means an activity offered by a school, school district, charter school or county office of education that constitutes an integral fundamental part of elementary and secondary education, including, but

not limited to, curricular and extracurricular activities.

b. "Pupil fee" means a fee, deposit or other charge imposed on pupils, or a pupil's parents or guardians, in violation of Section 49011 and Section 5 of Article IX of the California Constitution, which require educational activities to be provided free of charge to all pupils without regard to their families' ability or willingness to pay fees or request special waivers, as provided for in Hartzell v. Connell (1984) 35 Cal.3d 899. A pupil fee includes, but is not limited to, all of the following:

    i. 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 or compulsory, or is for credit.

    ii. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, uniform or other materials or equipment.

    iii. A purchase that a pupil is required to make to obtain materials, supplies, equipment or uniforms associated with an educational activity.

c. A pupil fees complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with laws relating to pupil fees.

d. If the Charter School finds merit in a pupil fees complaint the Charter School shall provide a remedy to all affected pupils, parents, and guardians that, where applicable, includes reasonable efforts by the Charter School to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.

e. Nothing in this section shall be interpreted to prohibit solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or school districts, school, and other entities from providing pupils prizes or other recognition for voluntarily participating in fundraising activities.

4- Complaints of noncompliance with the requirements governing the Local Control Funding Formula or Sections 47606.5 and 47607.3 of the Education Code, as applicable.

The Board acknowledges and respects an individual's rights to privacy. Unlawful discrimination, harassment, intimidation or bullying complaints shall be investigated in a manner that protects (to the greatest extent reasonably possible) the confidentiality of the parties and the integrity of the process. The school cannot guarantee anonymity of the complainant. 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 Superintendent or designee on a case-by-case basis.

The Board prohibits retaliation in any form against the complainant in the complaint process, including but not limited to a complainant's filing of a complaint or the reporting of instances of unlawful discrimination, harassment, intimidation or bullying. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

Compliance Officers

The Board of Directors designates the following compliance officers to receive and investigate complaints and ensure school compliance with law:

Kathleen Hermsmeyer, Ed.D., Superintendent
Empire Springs Charter School
43466 Business Park Drive / Temecula, CA 92590
(951) 252-8800

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Such designated employees may have access to legal counsel as determined by the Superintendent or designee.

If the complaint is regarding the Superintendent, the complaint should be directed to the Governing Board Chair via email: governing.board@riverspringscharter.org.

Notifications

The Superintendent or designee shall annually provide written notification of the school's uniform complaint procedures to employees, students, parents and/or guardians, advisory committees, private school officials and other interested parties (e.g., Adult Education).

The Superintendent or designee shall make available copies of the school's uniform complaint procedures free of charge.

The annual notice shall include the following:

1. A statement that the school is primarily responsible for compliance with federal and state laws and regulations.

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

3. A statement identifying the responsible staff member, position, or unit designated to receive complaints.

4. A statement that the complainant has a right to appeal the school's decision to the CDE by filing a written appeal within 15 days of receiving the school's decision.

5. A statement advising the complainant of any civil law remedies that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable, and of the appeal pursuant to Education Code § 262.3.

6. A statement that copies of the local educational agency complaint procedures shall be available free of charge.

Procedures

The following procedures shall be used to address all complaints which allege that the school has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint and subsequent related actions.

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 non-compliance by the school. 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. The complaint must be initiated no later than six months from the date when the alleged unlawful discrimination, harassment, intimidation, or bullying occurred or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying.

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp. If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or disability, school staff shall help him/her to file the complaint.

Step 2: Mediation

Within three days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of an unlawful discrimination, harassment, intimidation, or bullying 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 school's timelines 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 an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

The complainant and/or his/her representative shall also have an opportunity to present the complaint and evidence of information leading to evidence to support the allegations in the complaint.

A complainant's refusal to provide the school's 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.

The 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 4: Response

Unless extended by written agreement with the complainant, within 60 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the school's investigation and decision, as described in Step 5 below.

Step 5: Final Written Decision

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

The final written decision shall include:

1. The findings of fact based on evidence gathered.

2. The conclusion(s) of law.

3. Disposition of the complaint.

4. Rationale for such disposition.

5. Corrective actions, if any are warranted.

6. Notice of the complainant's right to appeal the school's decision within fifteen (15) days to the CDE and procedures to be followed for initiating such an appeal.

7. For unlawful discrimination, harassment, intimidation or bullying complaints arising under state law, notice that the complainant must wait until sixty (60) days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies.

8. For unlawful discrimination, harassment, intimidation or bullying complaints arising under federal law such complaint may be made at any time to the U.S. Department of Education, Office for Civil Rights.

If an employee is disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the employee was informed of the school's expectations. The report shall not give any further information as to the nature of the disciplinary action.

Appeals to the California Department of Education

If dissatisfied with the school's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the school's decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the school's decision.

Upon notification by the CDE that the complainant has appealed the school's decision, the Superintendent or designee shall forward the following documents to the CDE:

1. A copy of the original complaint.

2. A copy of the decision.
3. A summary of the nature and extent of the investigation conducted by the school, if not covered by the decision.
4. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by all parties and gathered by the investigator.
5. A report of any action taken to resolve the complaint.
6. A copy of the school's complaint procedures.
7. Other relevant information requested by the CDE.

The CDE may directly intervene in the complaint without waiting for action by the school when one of the conditions listed in Title 5, California Code of Regulations, Section 4650 exists, including cases in which the school has not taken action within sixty (60) days of the date the complaint was filed with the school.

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, harassment, intimidation or bullying complaints arising under state law, however, a complainant must wait until sixty (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 is applicable only if the school has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.

Uniform Complaint Procedure Form

Last Name: _____

First Name: _____ MI: _____

Student Name (if applicable): _____Grade: _____

Date of Birth: _____

StreetAddress/Apt.#_____

City: _____State:_____ZipCode:_____

Home Phone: _____Cell Phone: _____

Work Phone: _____

School/Office of Alleged Violation: _____

For allegation(s) of noncompliance, please check the program or activity referred to in your complaint, if applicable:

- ☐ Adult Education
- ☐ Career/Technical Education
- ☐ Child Development Programs
- ☐ Consolidated Categorical Programs
- ☐ Migrant and Indian Education
- ☐ Pupil Fees
- ☐ Nutrition Services
- ☐ Special Education
- ☐ Local Control Funding Formula

For allegation(s) of unlawful discrimination, harassment, intimidation or bullying, please check the basis of the unlawful discrimination, harassment, intimidation or bullying described in your complaint, if applicable:

- Age
- Ancestry
- Color
- Disability (Mental or Physical)
- Ethnic Group Identification
- Gender / Gender Expression / Gender Identity
- National Origin
- Race
- Religion

- Sex (Actual or Perceived)

- Sexual Orientation (Actual or Perceived)

- Based on association with a person or group with one or more of these actual or perceived characteristics

Please give facts about the complaint. Provide details such as the names of those involved, dates, whether witnesses were present, etc., that may be helpful to the complaint investigator.

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

Have you discussed your complaint or brought your complaint to any Charter School personnel? If you have, to whom did you take the complaint, and what was the result?

_____
_____
_____
_____
_____
_____
_____

Please provide copies of any written documents that may be relevant or supportive of your complaint.

I have attached supporting documents. ☐ Yes ☐ No

Signature: _____

Date: _____

Mail complaint and any relevant documents to:
Kathleen Hermsmeyer, Ed.D., Superintendent
Empire Springs Charter School
43466 Business Park Drive/Temecula, CA 92590
(951) 252-8800