

**Community Relations
Uniform Complaint Procedures****Compliance Officer**

The Governing Board designates the following compliance officer(s) to receive and investigate complaints and to ensure Charter School compliance with law:

Principal, Mark West School
4600 Lavell Road, Santa Rosa, CA 95403
(707) 524-2990

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

Notifications

The Director or designee shall meet the notification requirements of 5 CCR [4622](#), including the annual dissemination of Charter School 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. The Director or designee shall ensure that complainants understand that they may pursue other remedies, including actions before civil courts or other public agencies.

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. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR [4632](#).

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 by the Charter 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. (5 CCR [4630](#))

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 other disabilities, Charter School staff shall help him/her to file the complaint. (5 CCR [4600](#))

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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 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 School's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (5 CCR [4631](#))

Step 3: Investigation of Complaint

The compliance officer is encouraged to 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 and the Charter School's representatives shall also have an opportunity to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses. (5 CCR [4631](#))

Step 4: Response

Within 30 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the Charter School's investigation and decision, as described in Step #5 below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five days, file his/her complaint in writing with the Board.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet 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 compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 days of the Charter School's initially receiving the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR [4631](#))

Step 5: Final Written Decision

The report of the Charter School's decision shall be in writing and sent to the complainant. (5 CCR [4631](#))

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 Charter School shall arrange a meeting at which a community member will interpret it for the complainant.

This report shall include:

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1. The findings and disposition of the complaint, including corrective actions, if any (5 CCR [4631](#))
2. The rationale for the above disposition (5 CCR [4631](#))
3. Notice of the complainant's right to appeal the decision within 15 days to the California Department of Education, and procedures to be followed for initiating such an appeal (5 CCR [4631](#), [4652](#))
4. For discrimination complaints, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies (5 CCR [4631](#); Education Code [262.3](#))
5. A detailed statement of all specific issues that were brought up during the investigation and the extent to which these issues were resolved

If an employee is disciplined as a result of the complaint, this report shall simply state that effective action was taken and that the employee was informed of Charter School 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 Charter School's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the Charter School's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. (5 CCR [4652](#))

When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the Charter School's decision and must include a copy of the locally filed complaint and the Charter School's decision. (5 CCR [4652](#))

The California Department of Education may directly intervene in the complaint without waiting for action by the Charter School when one of the conditions listed in 5 CCR [4650](#) exists. In addition, the California Department of Education may also intervene in those cases where the Charter School has not taken action within 60 calendar days of the date the complaint was filed with the Charter School.

Civil Law Remedies

A complainant may pursue available civil law remedies outside of 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 discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief

and 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 5 CCR [4622](#).