

## UNIFORM COMPLAINT PROCEDURES

The Board of Directors of Bayshore Preparatory Charter School recognizes that, as a California public charter school, it is required to comply with laws and regulations that guarantee various rights to its students and parents. Therefore, Bayshore Preparatory Charter School has adopted the following procedures to allow students and parents to file complaints when they believe the Academy has not met its obligations.

This uniform complaint procedure applies to allegations regarding the following matters:

- Discrimination or harassment on the basis of actual or perceived characteristics such as age, ancestry, color, ethnic group identification, gender expression, gender identity, gender, disability, nationality, race or ethnicity, religion, sex, sexual orientation, or a person's association with a person or group perceived to have any of those characteristics. (Govt. Code sec. 11135; 5 Cal. Code of Regs. sec. 4900.)
- Charging an unlawful fee to a student for an education activity as set forth in the Bayshore Preparatory Charter School policy on student fees. (Educ. Code sec. 49011.)
- Failure to provide sufficient standards-aligned textbooks to allow each student in a class to have their own copy to use in school and take home. (Educ. Code sec. 35186(e)(1).)
- Failure to provide adequate numbers of teachers with appropriate certifications, including English learner certification, and subject matter competency or misassignment of teachers. (Educ. Code sec. 35186(e)(2).)
- Unsafe or unhealthy facilities conditions that pose an immediate and urgent risk of injury to students and staff. (Educ. Code sec. 35186(e)(3).)
- Failure to provide students, including English learners, with the intensive instruction and services needed to pass the California High School Exit Exam after a student has failed to pass either section of that exam. (Educ. Code sec. 37254(d) and 35186(e)(4).)
- 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.

## **Complaint Procedures**

The following procedures shall be used by parents, students, or other persons to address complaints which allege that Bayshore Preparatory Charter School has violated one or more of the legal requirements stated above. The principal of each school shall maintain a record of each complaint and subsequent related actions.

- **Step 1: Filing of Complaint**

Any individual, public agency or organization may file a written complaint of alleged noncompliance by Bayshore Preparatory Charter School with the school principal who shall maintain a log of complaints received, providing each with a code number and date stamp.

If a Complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, school staff shall assist him/her in the filing of the complaint.

A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of an unlawful fee.

- **Step 2: Mediation**

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

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

The use of mediation shall not extend Bayshore Preparatory Charter 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 Principal 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 shall have an opportunity to present the complaint and evidence or information leading to evidence to support the allegations in the complaint.

A Complainant's refusal to provide Bayshore Preparatory Charter 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.

Bayshore Preparatory Charter 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

Within 30 days of receiving the complaint, the Principal shall prepare and send to the Complainant a written report of Bayshore Preparatory Charter School's investigation and decision, as described in Step #5 below. If the Complainant is dissatisfied with the Principal'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 Principal's decision shall be final.

If the Board hears the complaint, the Principal shall send the Board's decision to the Complainant within 60 days of Bayshore Preparatory Charter School's initial receipt of the complaint or within the time period that has been specified in a written agreement with the Complainant.

- Step 5: Final Written Decision

Bayshore Preparatory Charter School's decision shall be in writing and sent to the Complainant. Bayshore Preparatory Charter School's decision shall be written in English and in the language of the Complainant whenever feasible or as required by law.

The 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 Bayshore Preparatory Charter School's decision within fifteen (15) days to the CDE and procedures to be followed for initiating such an appeal.

#### Appeals to the California Department of Education (CDE)

If dissatisfied with Bayshore Preparatory Charter School's decision on any matter except textbooks and teachers, the Complainant may appeal in writing to the CDE within fifteen (15) days of receiving Bayshore Preparatory Charter 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 Bayshore Preparatory Charter School's decision.

Upon notification by the CDE that the Complainant has appealed, the Director 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 Bayshore Preparatory Charter 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 Bayshore Preparatory Charter 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 Bayshore Preparatory Charter School's when one of the conditions listed in Title 5, California Code of Regulations, Section 4650 exists.

#### **Annual Notice to Parents/Guardians**

Notice of this complaint procedures will be sent annually to the parents or guardians of Bayshore Preparatory Charter School's students in the same manner as other annual notices that are required by law or the charter agreement.