

## **Uniform Complaint Procedures**

The Uniform Complaint Procedures Regarding Non-Discrimination in programs and activities is a system of processing complaints of unlawful discrimination and alleged violations of federal or state laws. A separate process exists for addressing complaints regarding facilities, instructional materials, pupil retention, special education services and programs. These procedures apply to the filing, investigation, and resolution of a complaint alleging that TFSCS has engaged in violations of federal and state laws or regulations governing charter schools, including unlawful discrimination on the basis of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, age, homelessness, and/or mental or physical disability in any program or activity conducted by TFSCS that receives federal or state assistance.

Investigation of discrimination complaints shall be conducted in a manner that protects the confidentiality of the parties and the facts. 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.

TFSCS prohibits retaliation in any form for the filing of a complaint, the reporting of instances of discrimination, or participation in the complaint procedures. Prior to initiating these Uniform Complaint Procedures, affected parties are encouraged to resolve the complaint informally.

### **Uniform Complaint Procedures**

Any individual, public agency or organization may file a complaint pursuant to this procedure. Complaint forms may be obtained in the school office. The complaint shall be filed with the School Administrator/Designee. The complaint should be directed to the School Administrator, Today's Fresh Start Charter School, 4514 South Crenshaw BL, Los Angeles, CA 90043, 323-293-9826.

Within five (5) days of receipt of the complaint, the School Administrator/Designee shall begin processing the complaint, except that a complaint regarding child abuse shall be immediately referred to a designee for immediate reporting to the Department of Public Social Services.

If the complaint alleges discrimination, the School Administrator/Designee will determine whether the complaint has been filed within 180 days (six months) of the alleged violation that is the basis of the complaint. The School Administrator/Designee shall:

1. Refer the complainant to the proper agency for filing a complaint that is not covered by this procedure, including a referral to the State Superintendent of Public Instruction or Department of Education of any complaints that should properly be filed at that level.
2. Informally discuss with the complainant the possibility of using mediation. If all parties voluntarily agree to participate in an optional mediation to resolve the complaint prior to a formal investigation, as reflected in a written agreement, the School Administrator/Designee will make arrangements for the mediation.
3. Deny the complaint if the complaint has not been timely filed, and notify the complainant of his/her right to appeal to the State Superintendent of Public Instruction for an extension.

*Favorite Quote by Jeanette Grattan Parker, Superintendent*

*"If at first a task begun, never leave it 'til it's done, be the labor great or small, do it well or not at all."*

## Uniform Complaint Procedures

1. Provide the complainant with a copy of TFSCS Parent Handbook containing information regarding complaint and appeal advising complainant of those instances when a complaint can be filed directly with the State Superintendent of Public Instruction, or to LACOE.
2. Proceed with the investigation of the complaint if it was timely filed.
3. To the extent legally possible, ensure confidentiality of the complainant, including protection from retaliation in instances where disclosure or bringing forth a complaint could cause retaliation against the complainant. A complainant who makes a verbal complaint shall be referred to the Site Administrator or other Superintendent's designee who will arrange assistance for any person who is illiterate or otherwise unable to prepare a written complaint.

Each complaint shall be processed by the School Administrator/Designee who shall:

1. Provide an opportunity for the complainant and/or complainant's representative and involved TFSCS staff members to present information relevant to the complaint either orally or by way of written documents, taking care to document any oral communication.
2. Obtain statements from witnesses to the alleged violation or those who can provide relevant information concerning the alleged violation.
3. Review documents that may provide information relevant to the alleged violation.
4. Prepare a proposed written decision in the complainant's primary language (when feasible) containing the following:
  - a. Findings and disposition of the complaint
  - b. Corrective action (s), if any.
  - c. Rationale for the disposition of the complaint.
  - d. Notice of complainant's right to appeal the decision to the California Department of Education within fifteen (15) days of receiving the written decision
  - e. Notice of the procedures to initiate an appeal
  - f. For discrimination complaints, notice of the right to seek civil law remedies no sooner than sixty (60) days after filing an appeal with the California Department of Education. This timeline does not apply to the pursuit of injunctive relief before a court of law.
5. Within sixty (60) days of receiving notice of the complaint, provide a copy of the written decision to the complainant. This time period may be extended by written agreement signed by the complainant.
6. Respond to any questions the complainant may have regarding the decision
7. Advise the complainant of his/her right to discuss the decision with the TFSCS Board of Directors, LACOE, or appeal the decision to the California Department of Education.

***Favorite Quote of TFSCS Board Member Clifford Taitt, Firefighter***  
***"Education is what remains after one has forgotten what one has learned in school..."***  
***By Muhammad Ali***

## Uniform Complaint Procedures

### Continued

If the complainant is dissatisfied with the written decision, the complainant may request a review by Board of Directors of TFSCS who may:

- a) Adopt the proposed decision
- b) Reject the proposed decision and direct other corrective action
- c) Reject the proposed decision and direct further mediation as requested by the complainant or his/her representative.
- d) Advise the complainant in writing of his/her right to appeal the decision to the County Superintendent of Schools or to the State Superintendent of Public Instruction within fifteen (15) days of receiving the decision from TFSCS and that the appeal should include a copy of the original complaint and Today's Fresh Start's written decision.

An appeal of the decision should be directed to:

TFSCS Board of Directors

323-293-9826

### **Special Education Complaints**

The School Administrator shall ensure that individuals, agencies and organization are notified of their right to file complaints as follows:

- ◆ Alleged violations of law involving unlawful discrimination shall follow the Uniform Complaint Procedure.
- ◆ Individual Education Program (IEP) team disagreements regarding the eligibility, program, placement and/or assessment shall follow the Due Process Hearing process. This information is provided in the Parent's Rights and Responsibilities form developed by the Southwest SELPA and presented at least annually. A hearing request may be submitted as provided by the California Department of Education. A copy of the Due Process Hearing process shall be provided to the claimant by the SELPA Director/Designee.

### **Child Abuse Complaints**

A parent/guardian of a student has the right to file a child abuse complaint against an employee of TFSCS or other person that he/she suspects has engaged in abuse of a child at a school site.

In addition, if the child is also disabled and enrolled in special education, a separate complaint may be filed with the California Department of Education under the California Code of Regulations, Title 5 section 4650(a)(viii)(C). This section requires the Department to investigate allegations that the child may be in immediate danger or that the health, safety, or welfare of the child is threatened.

Providing the above information to parents/guardians does not relieve TFSCS from its duty as being a mandated reporter of suspected child abuse with the appropriate child protective agency. When a complaint alleges (or involves allegations of) child abuse by a TFSCS employee, the provisions of this regulation shall be implemented only after the child abuse reporting requirements as specified by the law, have been completed.

### **Favorite Quote from Maury Wills, Legendary Major League Baseball Player, Dodgers**

"The true measure of success might not be so much, how far we went, as it might be, from how far we came" !!!!!

student will be referred to the Student Success Team (SST) for further disposition. If the parent disagrees with the SST recommendations, they may appeal to the TFSCS Board of Directors. The decision of the Board of Directors is final.

### **Promotion/Retention Complaints**

Parents/Guardians of students recommended for promotion or retention, may submit their complaints in writing to the Site Administrator or/Designee. Upon receipt of the complaint, the Co-Principal will schedule a conference with the parent/guardian to review student progress or lack thereof. TFSCS does not retain students unless they have exhausted the SST process and all applied interventions have not assisted the student with mastering grade level standards. At this time, an individualized learning plan (ILP) or Section 504 plan will be developed addressing the deficient academic areas. If the parent/guardian disagrees with the ILP they may state their disagreement on the plan itself. Further complaints may be submitted to the School Administrator for review. If the Administrator agrees with the recommendations of the ILP the parent will be notified. If the School Administrator agrees with the parent/guardian, the student's educational placement will be changed. If the School Administrator disagrees with the parent, the parent may file a complaint with the TFSCS Board of Directors. It is the policy of TFSCS to work with parents on any issues which effect your child's learning. The decision of the TFSCS Board of Directors is final.

### **National School Lunch Program/Child and Adult Care Food Program Complaints**

Today's Fresh Start Charter Schools provide the Child Nutrition Program benefits to all eligible individuals without discrimination on the bases of race, color, national origin, sexual origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

All staff are trained on how to recognize and document a civil rights complaint. Complaints can be received verbally, in writing, or anonymously.

If you feel in any way that your child has been discriminated against while participating in the Child Nutrition Program, including during the serving of meals to him/her, please follow these procedures in voicing your complaint:

1. Please fill out the Discrimination Complaint Form at our Central Office, located at 4514 Crenshaw Blvd., Los Angeles, CA 90043.
2. Take your form to the Child Nutrition Director, Miranda Gumbs (323-293-2105). All written and verbal complaints will be accepted by the school and forwarded to the Food and Nutrition Division, California Department of Education.

### **Transcribing a Complaint**

Staff will make every effort to ensure the following information is documented:

- Name, address, and telephone number of the complainant.
- The specific location and name of the entity delivering benefits
- The nature of the incident or action that led to the complaint to feel discrimination

was a factor.

- The basis of which the complainant believes discrimination exists.
- The names, telephone numbers, titles, and business or personal addresses of person who may have knowledge of the alleged discriminatory action.
- The date(s) during which the alleged discriminatory action took place.

If the nature of the complaint alleges discrimination, the civil rights complaint coordinator shall also collect:

- The basis on which the complainant feels that discrimination occurred. In order to be considered a discrimination complaint, the complainant must feel discriminated against based on one or more of the protected classes
- The names, titles, and if known, addresses of persons who may have knowledge of the discriminatory action or situation
- The date(s) that the alleged discrimination occurred or the duration of such action Forward complaints of discrimination to the address in the nondiscrimination statement.

#### Forwarding a Complaint

Complaints are forwarded to the following agencies :

#### -State Department of Education School Nutrition Programs

- USDA Regional Office
- USDA Office of Civil Rights
- FNS Office of Civil Rights

Documents must be retained for three years beyond the closure of the complaint.

#### USDA NONDISCRIMINATION STATEMENT

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotope, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at:

USDA Program Discrimination Complaint Form, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

1) mail: U.S. Department of Agriculture

Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;

2) fax: (202) 690-7442; or

3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov)

This institution is an equal opportunity provider.