

Uniform Complaint Policy and Procedure – 5 CCR 4622, EC 234.1, 32289, and 49013

The Governing School Board recognizes that the school has a primary responsibility for insuring that it complies with federal and state laws and regulations and that the school shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination, and seek to resolve those complaints in accordance with the procedures set out in sections 4600-4687 of the Title 5 Regulations and in accordance with the policies and procedures of the Governing Board. The Governing School Board designates the following compliance officer to receive and investigate complaints and ensure school compliance with law:

Los Angeles International Charter High School
Executive Director
625 Coleman Ave., Los Angeles, CA, 90042 (323) 257-1499

The Board prohibits retaliation in any form for the filing of a complaint, the reporting of instances of discrimination, or for participation in complaint procedures. Any discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts.

Step 1: Filing of Complaint

Any individual, public agency, or organization may file a written complaint of alleged noncompliance by the School. Complaints may be made using the standard form available at the school site or the school office. Complaints may be anonymous. If the complainant requests a response and provides contact information, the school shall provide a response in writing to the mailing address of the complainant indicated on the complaint. If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other handicaps, school staff shall help him/her file the complaint.

Complaints alleging unlawful discrimination, harassment, intimidation, or bullying may be filed by a person who alleges that he/she personally suffered unlawful act or by a person who believes that an individual or any specific class of individuals has been subjected to the unlawful act. The complaint must be initiated no later than six months from the date when the alleged discrimination, harassment, intimidation, or bullying occurred or when the complainant first obtained knowledge of the facts of the alleged act. All complaints shall be investigated and resolved within 60 calendar days of the School's receipt of the complaint. However, upon written request by the complainant, the Superintendent or designee may extend the filing period for up to 90 calendar days. Complaints should be filed with the appropriate compliance officer depending on the nature and scope of the complaint. The complaint shall be presented to the compliance officer who shall maintain a log of complaint received, providing each with a code number and a date stamp.

Step 2: Mediation of Complaint

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

Before initiating the mediation of a complaint alleging discrimination, harassment, intimidation, or bullying, 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 precede with his/her investigation of the complaint.

The use of mediation shall not extend the School's timelines for investigation and resolving the complaint unless the complainant agrees in writing to such an extension of time.

Step 3: Investigation of Complaint

Within 10 calendar days of receiving the complaint, the compliance officer shall provide the complainant and/or his/her representative an opportunity to present the complaint and any evidence, or information leading to evidence, to support the allegations in the complaint. The compliance officer also shall collect all documents and interview all witnesses with information pertinent to the complaint.

A complainant's refusal to provide the School's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of lack of evidence to support the allegation.

In accordance with law, the School shall provide the investigator with access to records and information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure/refusal of the School to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and a remedy in favor of the complainant.

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Step 4: Response

Unless extended by written agreement with the complainant, 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, within 60 calendar days of the School's receipt of the complaint.

Step 5: Final Written Decision

The School's decision shall be in writing and sent to the complainant. The 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 the evidence gathered;
2. The conclusion(s) of law;
3. The disposition of the complaint;
4. The rationale for such disposition;
5. Corrective actions, if any are warranted;
6. Notice of the complainant's right to appeal the decision to the California Department of Education (CDE) within 15 calendar

days, and procedures to be followed for initiating such an appeal;

In addition, any decision concerning a discrimination, harassment, intimidation, or bullying complaint based on state law shall include a notice that the complainant must wait until 60 calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies.

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

If a complaint alleging noncompliance with laws regarding student fees, deposits, and other charges is found to have merit, the School shall provide a remedy to all affected students and parents/guardians, which, where applicable, shall include reasonable efforts to ensure full reimbursement to them.

Appeals to the California Department of Education

If the complainant is dissatisfied with the school's decision, the complainant may appeal in writing to the CDE 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 to the CDE:

- (1) A copy of the original complaint;
- (2) A copy of the School's decision;
- (3) A summary of the nature and extent of the investigation conducted by the school, if not covered in the School's decision;
- (4) A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator;
- (4) A report of any action taken to resolve the complaint;
- (5) A copy of the School's complaint procedures; and
- (6) Such other relevant information as 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 5 CCR 4650 exists. In addition, the CDE may also intervene in those cases where the school has not taken action within 60 calendar 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 complaints alleging discrimination, harassment, intimidation, or bullying based on state law, a complainant shall wait until 60 calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies, provided 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. The moratorium does not apply to injunctive relief or to discrimination complaints based on federal law.