



Uniform Complaint Policy and Procedures

Revision Date: 11/22/2017
Board-Approved Date: 11/27/2017

Scope

Environmental Charter Schools’ (“ECS”) policy is to comply with applicable federal and state laws and regulations. ECS is a 501(c)(3) public benefit corporation operating three local education agencies (Environmental Charter High School, Environmental Charter Middle School Gardena and Environmental Charter Middle School Inglewood) and is the primary entity responsible for compliance with federal and state laws and regulations governing educational programs.

Most issues are best handled informally and the Board encourages the early resolution of complaints at the site level whenever possible. If you have a concern, you can always come and talk to an administrator at your ECS school. If you find that for some reason this informal resolution is not adequate, you can follow our formal complaint policy and procedure set out herein.

Pursuant to this policy, persons responsible for conducting investigations shall be knowledgeable about the laws and programs which they are assigned to investigate. This complaint procedure is adopted to provide a uniform system of complaint processing as ECS investigates and seeks to resolve the following types of complaints:

1. Complaints of discrimination, harassment, intimidation, or bullying against any protected group as identified in California Education Code (EC) sections 200 and 220 and Government Code section 11135 including any actual or perceived characteristics as set forth in Penal Code section 422.55, on the basis of age, sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, 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 ECS program or activity.; and
2. Complaints of violations of state or federal law and regulations governing the following programs including but not limited to:
 - a. Special Education,
 - b. Title II,
 - c. Section 504 of the Rehabilitation Act,

- d. Consolidated Categorical Aid,
- e. No Child Left Behind,
- f. After School Education and Safety,
- g. English Learner Programs
- h. Local Control and Accountability Plans (LCAP)
- i. School Safety Plans
- j. Child Nutrition
- k. Compensatory Education
- l. Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district
- m. Pupil Fees
- n. Reasonable Accommodations to a Lactating Pupil

Uniform Complaint Procedures shall also be used to address any complaint alleging ECS' noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities. ECS will attempt in good faith to engage in reasonable efforts to identify and fully reimburse all pupils, parents, and guardians who paid a pupil fee within one year prior to the filing of the complaint. (5 CCR [4600\(u\)](#)) A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred. (5 CCR [4630\(c\)](#) (2))

Uniform Complaint Procedures shall also be used to address any complaint alleging that ECS has not complied with legal requirements related to the implementation of the Local Control and Accountability Plan.

In addition, the UCP may resolve complaints of noncompliance with laws related to accommodations for lactating students, educational rights of foster youth and homeless students, assignment of students to courses without educational content, as specified below:

1. Any complaint alleging ECS noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student.)

2. Any complaint, by or on behalf of any student who is a foster youth, alleging ECS noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the ECS educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the grant of an exemption from ECS Board-imposed graduation requirements.

3. Any complaint, by or on behalf of a homeless student as defined in 42 USC [11434a](#), alleging ECS noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from ECS Board-imposed graduation requirements.

4. Any complaint, by or on behalf of a former juvenile court school student who transfers into ECS after his/her second year of high school, alleging ECS noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in the juvenile court school or the grant of an exemption from ECS Board-imposed graduation requirements

5. Any complaint alleging ECS noncompliance with the requirements of Education Code [51228.1](#) and [51228.2](#) that prohibit the assignment of a student to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions.

ECS acknowledges and respects every individual's rights to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process. This includes keeping the identity of the complainant confidential, as appropriate and except to the extent necessary to carry out the investigation or proceedings, as determined by the HR Department or designee on a case-by-case basis.

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

Compliance Officers

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

Human Resources Department:

1. Human Resources Director
 - Nikki Dashti
2. Human Resources Manager
 - Marcela Pak

Office Address and Contact Information:

Environmental Charter Schools
2625 Manhattan Beach Blvd, Suite 100
Redondo Beach, CA 90278
Phone: 310-214-3400
Fax: 424-456-7439
Email: info@ecsonline.org

The HR Department, or designee, shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible.

Designated employees may have access to legal counsel as determined by the HR Department or designee.

Notifications

The Executive Director in concert with each school site's Principal or designee shall annually provide written notification of ECS's uniform complaint procedures to students, employees, parents/guardians, the Governing Board, appropriate private officials or representatives, and other interested parties that includes information regarding allegations about discrimination, harassment, intimidation, or bullying. The Executive Director in concert with each school site's Principal or designee shall make available copies of ECS' uniform complaint procedures available free of charge.

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints.
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable.
3. Advise the complainant of the appeal process pursuant to Education Code 262.3, including the complainant's right to take the complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies.
4. Include statements that:
 - a. ECS is primarily responsible for compliance with state and federal laws and regulations;
 - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline;
 - c. An unlawful discrimination complaint must be filed not later than six months from the date the alleged discrimination occurs, or six months from the date the complainant first obtains knowledge of the facts of the alleged discrimination;
 - d. The complainant has a right to appeal ECS' decision to the CDE by filing a written appeal within 15 days of receiving ECS' decision; and
 - e. The appeal to the CDE must include a copy of the complaint filed with ECS and a copy of ECS' decision.

Procedures

The following procedures shall be used to address all complaints that allege ECS 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 noncompliance by ECS.

A complaint alleging unlawful discrimination shall be initiated no later than six months from the date when the alleged discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination. A complaint 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 shall be presented to the compliance officer 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, ECS staff shall assist him/her in the filing of 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 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 ECS' 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 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 ECS' 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.

ECS' 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

OPTION 1:-- Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report of ECS' investigation and decision, as described in Step #5 below, within 60 days of ECS' receipt of the complaint.

OPTION 2:-- Within 30 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of ECS' 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 ECS' 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

ECS' decision shall be in writing and sent to the complainant. ECS' decision shall be written in English and in the language of the complainant whenever feasible or as required by law. The decision shall include:

- The findings of fact based on evidence gathered.
- The conclusion(s) of law.
- Disposition of the complaint.
- Rationale for such disposition.
- Corrective actions, if any are warranted.
- Notice of the complainant's right to appeal ECS' decision within fifteen (15) days to the CDE and procedures to be followed for initiating such an appeal.
- For discrimination complaints arising under State law, the complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education (CDE) before pursuing civil law remedies.
- For discrimination 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 ECS' 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 ECS' decision, the complainant may appeal in writing to the CDE within fifteen (15) days of receiving ECS' 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 ECS' decision.

Upon notification by the CDE that the complainant has appealed ECS' decision, the Executive Director or designee shall forward the following documents to the CDE:

- A copy of the original complaint.
- A copy of the decision.
- A summary of the nature and extent of the investigation conducted by ECS, if not covered by the decision.
- 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.
- A report of any action taken to resolve the complaint.
- A copy of ECS' complaint procedures.
- Other relevant information requested by the CDE.

The CDE may directly intervene in the complaint without waiting for action by ECS when one of the conditions listed in Title 5, California Code of Regulations, Section 4650.5 CCR 4650 exists, including cases in which ECS has not taken action within 60 days of the date the complaint was filed with ECS.

Civil Law Remedies

A complainant may pursue available civil law remedies outside of ECS' 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 arising under state law, however, a complainant must wait until 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 ECS has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.