



## INNOVATIVE, SOCIALLY AWARE, NETWORK OF ACHIEVERS

*ISANA Academies - A Network of Tuition-Free Public Charter Schools*

### UNIFORM COMPLAINT PROCEDURE

The Governing Board (“Board”) of ISANA (“Charter School”) is committed to compliance with applicable state and federal 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 one of us. 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.

The Charter School developed this UCP pursuant to Title 5, California Code of Regulations, § 4600 *et seq.* and consistent with policies and procedures adopted by our Board. This UCP shall apply only to those complaints that fall within the scope of the UCP and are applicable to charter schools. Charter School shall refer complaints outside of the jurisdiction of UCP pursuant to Title 5, California Code of Regulations, § 4611.

The Charter School shall have the primary responsibility to ensure compliance with applicable state and federal laws and regulations. We shall investigate and seek to resolve, in accordance with our approved UCP process, complaints alleging failure to comply with applicable state and federal laws and regulations including, but not limited to, allegations of discrimination, harassment, intimidation, or bullying or noncompliance with laws relating to all programs and activities we implement that are subject to the UCP.

The Charter School will use the formal complaint procedure to provide a uniform system of complaint processing for the following types of complaints:

(1) Any complaints alleging unlawful 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 or on the basis or a person’s association with a person or group with one or more of these actual or perceived characteristics in any program or activity conducted by the Charter School, which is funded directly by, or that receives or benefits from any state financial assistance.

The protected groups identified in the statutes above include: actual or perceived race or ethnicity, color, ancestry, national origin, nationality, ethnic group identification, age, religion, marital or parental status, mental or physical disability, sex or sexual orientation, immigration status, gender, gender identity, or gender expression; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.



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(2) Any complaints regarding the Charter's failure to comply with state or federal laws and regulations governing the following programs (only some of which are applicable to Charter School): Accommodations for Pregnant and Parenting Pupils; Adult Education; After School Education and Safety; Agricultural Career Technical Education; Career technical and technical education and career technical and technical training programs; Child Care and Development program; Compensatory Education; Consolidated Categorical Aid Programs; Course Periods without Educational Content; Discrimination, harassment, intimidation, or bullying against any protected group as identified under Education Code (EC) sections 200 and 220 and Government Code Section 11135, including any actual or perceived characteristic as set forth in Penal Code Section 422.55, 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 program or activity conducted by an educational institution, as defined in EC Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance; Educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families and pupils formerly in Juvenile Court now enrolled in a school district; Every Student Succeeds Act; Local Control and Accountability Plans (LCAP); Migrant Education; Physical Education Instructional Minutes; Pupil Fees; Reasonable Accommodations to a Lactating Pupil; Regional Occupational Centers and Programs; School Plans for Student Achievement; School Safety Plans; Schoolsite Councils; State Preschool; State Preschool Health and Safety Issues in LEAs Exempt from Licensing; and any other state or federal educational program the State Superintendent of Public Instruction (SSPI) of the California Department of Education (CDE) or designee deems appropriate.

(3) Any complaints of noncompliance with the requirements governing the Local Control Funding Formula or Local Control and Accountability Plan (Sections 47606.5 and 47607.3 of the Education Code).

(4) Complaints Charter School has violated Education Code §§ 49010 through 49013 concerning pupil fees are subject to this UCP, may be filed with the Compliance Officer, Principal, and Chief Executive Officer or designee, and will be investigated by Charter School. A pupil shall not be required to pay a pupil fee for participation in an educational activity, unless the charge for such a fee is specifically authorized by law and does not violate Education Code § 49011. A "pupil fee" is a fee, deposit, or other charge imposed on pupils, or a pupil's parents or guardians, in violation of state codes and constitutional provisions which require educational activities to be provided free of charge to all pupils without regard to their families' ability or willingness to pay fees or request special waivers. "Educational activities" are those offered by a school, school district, charter school, or county office of education that constitute a fundamental part of education, including, but not limited to, curricular and extracurricular activities. A pupil fee includes, but is not limited to, all of the following:



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- a. A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.
- b. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
- c. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

Any Charter School personnel who witness an act of discrimination, harassment, intimidation or bullying, shall take immediate steps to intervene when safe to do so as required by Education Code § 234.1.

The Board prohibits any form of retaliation against any complainant in the complaint process. Participation in the complaint process shall not in any way affect the status, grades or work assignments of any student. All complainants are protected from retaliation.

In investigating complaints, the confidentiality of the parties involved and the integrity of the process shall be protected. Charter School ensures that the complaint procedures contain confidentiality safeguards for immigration status information. As appropriate, the Compliance Officer or his/her designee may keep the identity of a complainant confidential to the extent that the investigation of the complaint is not obstructed, or as otherwise permitted by law.

### **PROCEDURAL REQUIREMENTS**

#### **Compliance Officer(s)**

The following Compliance Officer(s) shall receive and investigate complaints and shall ensure the Charter School's compliance with applicable law:

**Robert Thrash, Director of Pupil Services**  
**ISANA**  
**3580 Wilshire Blvd. Suite 1130 Los Angeles, CA 90010**  
**Phone: 323-291-1211 Fax: 323-402-1683**

The Compliance Officer may designate another representative of Charter School to serve in this role, who for the purposes of this UCP, shall be included within the definition of "Compliance Officer." The Compliance Officer shall promptly notify the complainant and respondent, if applicable, if another employee has been designated to handle the complaint.



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In no instance shall the Compliance Officer be assigned to a complaint in which he or she has a bias or conflict of interest that would prohibit him or her from fairly investigating or responding to the complaint. Any complaint against Compliance Officer or that raises a concern about Compliance Officer's ability to investigate the complaint fairly and without bias shall be filed with the Chief Executive Officer or designee, or other appropriate Charter School official, who shall determine how the complaint will be investigated.

The Compliance Officer 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.

### **Notifications**

The Compliance Officer or designee shall annually provide written notification of the Charter School's uniform complaint procedures to students, employees, parents/guardians, any applicable advisory committees, and other interested parties in accordance with 5 CCR § 4622. If 15 percent or more of the students enrolled at the Charter School speak a single primary language other than English, this policy and the notice shall be translated into that language pursuant to Education Code § 48985.

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints and include a statement that the Compliance Officer responsible for processing complaints is knowledgeable about the laws and programs that they are assigned to investigate;
2. Include information about complaints that may be related to pupil fees, pursuant to the requirements of Section 1, Article 5.5 of Title 2 of the Education Code;
3. Include information about complaints related to the Local Control and Accountability Plan, Annual Updates, or other Plan compliance requirements, pursuant to Education Code section 52075.
4. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable; and





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5. Advise the complainant of the appeal process, including the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies.

### **Procedures**

All complaints shall be investigated and resolved within 60 calendar days of the Charter School's receipt of the complaint.

The Compliance Officer or designee shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR §§ 4631 and 4633. The Compliance Officer who shall maintain a log of complaints received (e.g., providing each with a date stamp).

All parties involved in the 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.

### **6. Step 1: Filing of Complaint**

*Definition of Complaint* - A UCP complaint is a written and signed statement alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation or bullying. A signature may be handwritten, typed (including in an email) or electronically generated. Complaints may be filed anonymously.

If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, the Charter School shall assist the complainant in the filing of the complaint.

*Who May File a Complaint* - A complainant is any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination, harassment, intimidation or bullying in programs and activities funded directly by the state or receiving any financial assistance from the state.

Any individual (including an individual's duly authorized representative or an interested third party), public agency, or organization may file a written complaint of alleged noncompliance by Charter School to the Compliance Officer. A UCP complaint filed on behalf of an individual student may only be filed by that student or that student's duly authorized representative.



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*Complaint Timing* - All complaints, including pupil fee complaints, must be filed within one year from the date of the alleged violation, except this one-year timeline shall not apply to complaints regarding the educational rights of foster youth as specified in Education Code §§ 49069.5(e), 51225.1(a)-(k), and 51225.2(b)-(e). Complaints alleging unlawful discrimination, harassment, intimidation, or bullying shall be initiated no later than six (6) months from the date when the alleged unlawful discrimination, harassment, intimidation or bullying occurred, or six (6) months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination, harassment, intimidation, or bullying. Upon written request by the complainant, the Compliance Officer or designee may choose to extend the filing period for up to 90 calendar days. For complaints relating to the LCAP, the date of the alleged violation is the date when the reviewing authority approves the LCAP or annual update that we adopted.

*Anonymous Complaints* - Complaints may be filed anonymously. A pupil fees complaint and/or an LCAP complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

Complainants will not be required to provide any information related to immigration or citizenship status to make complaints under this process. Students who are victims of hate crimes have the right to report such crimes per this procedure.

### **7. Step 2: Mediation (Optional)**

Within 10 days of receiving the complaint, the Compliance Officer may informally discuss with all the parties 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 proceed with his/her investigation of the complaint.

The use of mediation does not extend the Charter School's 60-day timeline for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time.

### **8. Step 3: Investigation of Complaint**



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In order to investigate the complaint, the Compliance Officer shall have access to applicable Charter School records and/or information related to the complaint allegations. As part of his or her investigation, the Compliance Officer shall do all of the following, in no specific order:

- Provide an opportunity for the complainant and/or complainant's representative and Charter School's representative to present information relevant to the complaint or investigative process.
- Obtain statements from individuals/witnesses who can provide relevant information concerning the alleged violation.
- Review documents that may provide information relevant to the allegation.
- When necessary, seek clarification on specific complaint issues.

A complainant's refusal to provide the Charter School's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation or engaging in any other obstruction of the investigation may result in the dismissal of the complaint because of lack of evidence to support the allegation; provided, however, that complaints permissibly made anonymously shall be investigated by the Charter School to the extent possible without participation by the complainant.

In accordance with law, the Charter School shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal to cooperate in 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.

### **9. Step 4: Final Written Decision (Investigation Report)**

The Charter School's decision shall be in writing and sent to the complainant ("Investigation Report") within sixty (60) days of Charter School's receipt of the complaint, unless extended by written agreement with the complainant.

The Charter School's decision shall be written in English and in the primary language of the complainant whenever required by law.

The Investigation Report shall include:

1. The finding(s) of fact based on the evidence gathered;
2. The conclusion(s) of law that provides a clear determination for each allegation as to whether Charter School complied with the relevant law;



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3. Corrective action, if any are warranted, including, with respect to a pupil fee complaint, a remedy that comports with Education Code § 49013(d) and Title 5, California Code of Regulations, § 4600(t);
  - a. If Charter School finds merit in a complaint regarding Pupil Fees, Course Periods without Educational Content, Physical Education Instructional Minutes, or LCAP, the remedy shall go to all affected pupils and parents/guardians. For all other complaints within scope of UCP, the remedy shall go to the affected pupil. Charter School, in good faith, will engage in reasonable efforts to identify and fully reimburse all pupils, parents and guardians who paid an unlawful pupil fee within one (1) year prior to the filing of the complaint.
4. Notice of the complainant's right to appeal Charter School's decision to the California Department of Education ("CDE"); and
5. Procedures to be followed for initiating an appeal to the CDE.

If the investigation of a complaint results in discipline to a student or an employee, the decision shall simply state that effective action was taken and that the student or employee was informed of appropriate expectations. The report shall not give any further information as to the nature of the disciplinary action.

### **10. Appeals to the California Department of Education**

To appeal Charter School's decision in the Investigation Report, the complainant must file a written appeal within thirty (30) calendar days of receiving Charter School's decision to the CDE. In order to request an appeal, the complainant must specify and explain the basis for the appeal, including at least one of the following:

- Charter School failed to follow its complaint procedures, and/or
- The Investigation Report lacks material findings of fact necessary to reach a conclusion of law, and/or
- the material findings of fact in the Investigation Report are not supported by substantial evidence, and/or
- the legal conclusion in the Investigation Report is inconsistent with the law, and/or
- in a case in which Charter School was found in noncompliance, the corrective actions fail to provide a proper remedy.





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The appeal must be sent to CDE with: (1) a copy of the original locally filed complaint; and (2) a copy of Charter School's Investigation Report. The appeal may be sent to:

California Department of Education  
1430 N Street  
Sacramento, CA 95814

Upon notification by the CDE that the complainant has appealed the Charter School's decision, the Compliance Officer or designee shall comply with CDE's requests for materials, which may include:

1. A copy of the original complaint;
2. A copy of the Investigation Report;
3. A summary of the nature and extent of the investigation conducted by the Charter School, if not covered by the Investigation Report;
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;
5. A report of any action taken to resolve the complaint; and
6. A copy of the Charter School's complaint procedures.

The CDE 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, including when the Charter School has not taken action within 60 calendar days of the date the complaint was filed with the Charter School. A direct complaint to the CDE must identify the basis for direct filing of the complaint, which must include clear and convincing evidence that supports such a basis.

### **11. Civil Law Remedies**

A complainant may pursue available civil law remedies outside 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 complaints alleging unlawful 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 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. The moratorium does not apply to injunctive relief and to discrimination based on federal law.