

***Approved by the EPIC Charter School Board on February 17, 2017***

The Epic Charter School board is committed to complying with applicable state and federal laws and regulations governing educational programs. Most issues are best handled informally and proactively, and the board strongly encourages the early resolution of complaints by direct communication between the family and the school leadership whenever possible. If you have a concern, you can always talk to a staff member or school leadership. If you find that this informal resolution is not adequate to address your concerns related to the items described in Paragraphs 1 and/or 2 below, please follow our Uniform Complaint Procedure set out in this document.

The board prohibits any form of retaliation against any person for making a complaint. Additionally, participation in the complaint process shall not in any way affect the status, grades or work assignments of any student. In investigating complaints, the school will protect the confidentiality of the parties involved to the extent that the investigation of the complaint is not obstructed, or as otherwise permitted by law. Finally, the school will investigate all complaints in a timely manner.

Complaints related to the issues described below should be filed using the Uniform Complaint Policy and Procedure:

1. Any complaints alleging unlawful discrimination, harassment, intimidation or bullying in the school's programs and/or activities based on:
  - a. 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, gender, gender identity, or gender expression;
  - b. the perception of one or more of such characteristics; or
  - c. association with a person or group with one or more of these actual or perceived characteristics.
  
2. Any complaints regarding the school's failure to comply with:
  - a. the prohibition against requiring students to pay fees, deposits or other charges for participation in educational activities;
  - b. any requirements for the development and adoption of a school safety plan;
  - c. the requirements for the development and adoption of a Local Control and Accountability Plan, Annual Update, or other Plan compliance requirements.
  - d. the McKinney Vento Act regarding homeless students;
  - e. applicable consolidated categorical aid programs,
  - f. migrant education,
  - g. applicable career technical and technical education training programs,
  - h. special education programs;
  - i. federally funded programs such as Title I;
  - j. student free speech and
  - k. other legal requirements for charter schools.



**Procedural Requirements for the Uniform Complaint Procedures**

Complaints must be in writing and should be directed to the school's Executive Director, listed below:

Epic Charter School  
Executive Director  
100 S. Anaheim Blvd.  
#150  
Anaheim, CA 92805

The Executive Director will receive and investigate complaints and ensure the school's compliance with laws applicable to the complaint(s). The Executive Director, or designee, will ensure that any employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible; these employees may also have access to legal counsel as determined appropriate by the Executive Director or designee.

If the complaint alleges wrongdoing by the Executive Director, the Executive Director will immediately notify the Board President to appoint a substitute person to investigate the complaint. The person filing the complaint may, alternatively, submit their complaint to a member of the school board.

**Notifications**

The Executive Director or designee will provide annual written notification of the school's Uniform Complaint Procedures to students, employees, parents/guardians, any applicable advisory committees, and other interested parties by posting it on the school's public web site. If 15% (fifteen percent) or more of the students enrolled at the school speak a single primary language other than English, this policy and the notice will be translated into that language.

The uniform complaint procedure notice will:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints;
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 that may be 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;
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; and
6. Include statements that:
  - a. The school is primarily responsible to ensure compliance with applicable state and federal laws and regulations governing education programs;

- 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. A complaint alleging unlawful discrimination, harassment, intimidation or bullying must be filed not later than six months from the date it occurred or six months from the date the complainant first obtains knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying;
- d. The complainant has a right to appeal the school's decision to the CDE by filing a written appeal within 15 calendar days of receiving the school's decision;
- e. The appeal to the CDE must include a copy of the complaint filed with the school and a copy of the schools' decision; and
- f. Copies of the school's uniform complaint procedures are available free of charge.

### **Procedures**

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

The Executive Director or designee will maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in the allegations will be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

### **Uniform Complaint Procedures**

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

Any individual, public agency, or organization may file a written complaint of alleged noncompliance by the school.

A complaint alleging unlawful discrimination, harassment, intimidation or bullying may be filed by a person who alleges that he/she personally suffered unlawful discrimination, harassment, intimidation or bullying; or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination, harassment, intimidation, or bullying. The complaint shall be initiated no later than six (6) months from the date when the alleged discrimination, harassment, intimidation or bullying occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying. Upon written request by the complainant, the Executive Director or designee may choose to extend the filing period for up to ninety (90) calendar days.

The complaint will be presented to the Executive Director, who will maintain a log of complaints received, and who will stamp each complaint with a date stamp. Complaints related to pupil fees for participation in educational activities may also be presented to the school's Principal, if that person is

not the Executive Director. Complaints related to pupil fees for participation in educational activities may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the requirements of Education Code sections 49010 et seq. (Pupil Fees).

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, school staff shall assist him/her with filing the complaint.

Anonymous complaints related to Local Control and Accountability Plan compliance are acceptable so long as such complaints provide evidence or information leading to evidence to support an allegation of noncompliance with the requirements of Article 4.5 of Title 2 of the Education Code.

## 2. Step 2: Mediation

Within fourteen (14) days of receiving the complaint, the Executive Director may informally discuss with all the parties the possibility of using mediation. If the parties agree to mediation, the Executive Director will make all arrangements for this process.

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

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

## 3. Step 3: Investigation of Complaint

Within fourteen (14) days of receiving the complaint, the Executive Director will provide the complainant and/or his/her representative an opportunity to present the complaint and any evidence, or information leading to evidence, orally, to support the allegations in the complaint. The Executive Director also will 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 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. Note, however, that complaints permissibly made anonymously will be investigated by the school to the extent possible without participation by the complainant. In accordance with law, the school will provide the investigator with access to records and other information related to the allegation in the complaint and will 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.

#### 4. Step 4: Response

Within thirty (30) days of receiving the complaint, the Executive Director will prepare and send to the complainant a written response of the school's investigation and decision, as described in Step #5 below. If the complainant is dissatisfied with the Executive Director's decision, he/she may, within five (5) 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 sixty (60) calendar day total time limit within which the complaint must be answered. The Board may also decide not to hear the complaint, in which case the Executive Director's decision will be final.

If the Board hears the complaint, the Executive Director will send the Board's decision to the complainant within sixty (60) calendar days of the school initially receiving the complaint, or within the time period that has been specified in a written agreement with the complainant.

#### 5. Step 5: Final Written Decision

The school's decision will be in writing and sent to the complainant within sixty (60) days of receipt of a complaint.

The school's decision will be written in English and in the primary language of the complainant whenever required by law.

For all complaints, the decision will include:

1. The findings of fact based on the evidence gathered;
2. Any legal analysis;
3. The school's decision about the complaint;
4. The reason for the decision;
5. Corrective actions, if any are warranted; and
6. Notice of the complainant's right to appeal the school's decision within fifteen (15) calendar days to the California Department of Education (CDE), and procedures to be followed for initiating such an appeal.

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

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.

If a complaint alleging noncompliance with the 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.

If a complaint alleging noncompliance with the laws regarding Local Control and Accountability Plans is found to have merit, the school shall provide a remedy to all affected students and parents/guardians.

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

If the complainant is dissatisfied with the school's decision, s/he may appeal in writing to the California Department of Education (CDE). The complainant shall file his/her appeal within fifteen (15) calendar days of receiving the school's decision; the appeal shall specify the basis for the appeal of the school's decision and whether the complainant believes 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 the school's decision.

Upon notification by the CDE that the complainant has appealed the school's decision, the Executive 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 the 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 the parties and gathered by the investigator;
5. A report of any action taken to resolve the complaint;
6. A copy of the school's complaint procedures; and
7. Other relevant information requested by 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, including when the school has not taken action within sixty (60) calendar days of the date the complaint was filed with the 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.

An individual filing an appeal related to Local Control and Accountability Plan compliance requirements shall receive a written appeal decision within 60 days of receipt of the appeal. If the appeal is found to have merit, the CDE shall provide a remedy to all affected students and parents/guardians.

#### 7. Civil Law Remedies

A complainant may pursue available civil law remedies outside 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.



## **Epic Charter School Uniform Complaint Procedure (UCP)**

---

For complaints alleging unlawful discrimination, harassment, intimidation, or bullying based on state law, a complainant shall wait until sixty (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 and to discrimination based on federal law.