

Uniform Complaint Policy and Procedure

The Envision Board recognizes that Envision Schools is responsible for complying with applicable state and federal laws and regulations governing educational programs.

Envision Schools shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination based on group identification, religion, age, gender, color, or physical or mental disability in any program or activity that receives or benefits from state financial assistance. Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education, consolidated categorical aid programs, migrant education, vocational education, child care and development programs, child nutrition programs and special education programs.

The Envision Board encourages the early, informal resolution of complaints at the school level whenever possible.

The Envision Board acknowledges and respects student and employee rights to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. This includes keeping the identity of the complainant confidential except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee on a case-by-case basis.

The Envision Board prohibits retaliation in any form for the participation in complaint procedures, including but not limited to the 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.

The Board recognizes that a neutral mediator can often suggest an early compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving their problem through mediation, the Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulations.

What is a complaint?

As authorized by California Code of Regulations, Title 5, sections 4600 – 4687

- ◆ A complaint is a written statement alleging discrimination, or a violation of a federal or state law within the following programs:
 - * Adult Education
 - * Career/Technical Education
 - * Child Development
 - * Consolidated Categorical Aid

- No Child Left Behind (NCLB)
 - State Compensatory Education
 - State Program for Students of Limited English Proficiency
 - School Improvement
 - Tenth-Grade Counseling
 - Tobacco-Use Prevention Education
 - Peer Assistance and Review
 - School Safety and Violence Prevention Act
 - * Migrant and Indian Education
 - * Nutrition Services
 - * Special Education
 - * Discrimination
 - * Harassment
 - * Civil Rights Guarantees
- ♦ Williams Settlement complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils, and teacher vacancy or mis-assignment may be filed anonymously. Schools shall have a complaint form available for these types of complaints. Schools will not reject a complaint if the form is not used as long as the complaint is submitted in writing.

Compliance Officers

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

Laura Robell, Chief Schools Officer
 111 Myrtle Street, Suite 203
 Oakland, CA 94603
 (510) 451-2415
 (510) 451-2768 fax

The Director 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 as determined by the Director or designee.

Notifications

The Director or designee shall meet the notification requirements of 5 CCR 4622, including the annual dissemination of Envision's complaint procedures and information about available appeals, civil law remedies and conditions under which a complaint may be taken directly to the California Department of Education. The Superintendent or designee shall ensure that complainants understand that they may pursue other remedies, including actions before civil courts or other public agencies.

Procedures

The following procedures shall be used to address all complaints that allege that Envision has violated federal or state laws or regulations governing educational programs.

Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4632.

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 Envision.

Complaints alleging unlawful discrimination 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 must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination. (5 CCR 4630)

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, Envision staff shall help him/her file the complaint. (5 CCR 4600)

Step 2: Mediation

Within five 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 all 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 the legal timeline for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (5 CCR 4631)

Step 3: Investigation of Complaint

The compliance officer is encouraged to hold an investigative meeting within ten 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 and Envision's representatives shall also have an opportunity to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses. (5 CCR 4631)

Step 4: Response

Within 60 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the Envision investigation and decision, as described in Step #5 below. (5 CCR 4631)

Step 5: Final Written Decision

The report of the Envision decision shall be in writing and sent to the complainant. (5 CCR 4631) The report of the Envision decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, Envision shall arrange a meeting at which a community member will interpret it for the complainant.

This report shall include:

1. The findings and disposition of the complaint, including corrective actions, if any. (5 CCR 4631)
2. The rationale for the above disposition. (5 CCR 4631)
3. Notice of the complainant's right to appeal the decision within 15 days to the California Department of Education, and procedures to be followed for initiating such an appeal. (5 CCR 4631, 4652)
4. For discrimination complaints, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies (5 CCR 4631; Education Code 262.3)
5. A detailed statement of all specific issues that were brought up during the investigation and the extent to which these issues were resolved.

Appeals to the California Department of Education

If dissatisfied with the Envision decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the Envision decision. For good cause, the Superintendent of Public Instruction may grant an extension of filing appeals. (5 CCR 4652)

When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the Envision decision and must include a copy of the locally filed complaint and the Envision decision. (5 CCR 4652)

The California Department of Education may directly intervene in the complaint without waiting for action by Envision when one of the conditions listed in 5 CCR 4650 exists. In addition, the California Department of Education may also intervene in those cases where Envision has not taken action within 60 calendar days of the date the complaint was filed with Envision.