

CHARTER SCHOOLS

Complaint Procedures for Charter Schools Sponsored by the Board of Education

Complaints concerning charter schools sponsored by the Board of Education shall be filed in a manner that is consistent with the procedure outlined in the charter school petition. In the event a particular charter is silent as to the procedure for handling complaints, then one of the following policies shall apply:

- *Policy 1312.1 – Complaints Concerning School Personnel
- *Policy 1312.2 – Complaints Concerning Instructional Materials
- *Policy 1312.3 – Complaints Concerning Special Education Programs/
Due Process
- *Policy 1312.4 – Uniform Complaint Procedures

Persons desiring to file a complaint against a county-sponsored charter are encouraged to seek specific information from the office of the Superintendent regarding which board policy is most applicable to the nature of the complaint.

Complaint Procedures for Charter Schools Sponsored by a Local School District

1. Pursuant to E.C. 47604.4, parents or guardians of children enrolled in a charter school may file written complaints concerning a charter school operating within the jurisdiction of the Board of Education. Such complaints shall be processed in the following manner:
 - A. A parent complainant shall prepare and submit his/her complaint in writing to the County Superintendent of Schools, or designee. A parent who may be illiterate or disabled and, therefore, unable to prepare a written complaint shall be referred to the Superintendent's designee who will assist the parent in preparing a written complaint.
 - B. Should a written complaint be submitted to the Superintendent, or designee, the complainant will be advised within 14 days whether or not a formal investigation of the complaint will be initiated. If a formal investigation is initiated, the charter school will be notified as soon as reasonably possible.
 - C. In most circumstances, before a formal investigation is initiated by the Superintendent, the complainant shall be required to demonstrate that he/she has attempted to resolve the complaint with the charter school official/s or with the school board or entity that approved the school's original charter and has exhausted all local remedies, if any, without obtaining a satisfactory resolution.
 - D. Should the Superintendent, or designee, determine that the complaint will be formally investigated, a finding, or set of findings, will be communicated to the complainant and charter school within 60 days.

Governance

Administrative Regulation 0420.4.3(b)

If circumstances warrant, this formal investigation period may be extended up to an additional 30 days. This communication will serve as the conclusion of the complaint process by the County Superintendent of Schools.

2. All other individuals who may wish to file a complaint may also do so using the procedures described in Section A above providing that any and all local remedies for processing grievances have been exhausted within the charter school and charter granting agency. Exception: Those employees of the charter school seeking protection as "whistleblowers" as defined in the California Whistleblower Protection Act (Government Code Sections 8547 - 8547.12) may file their written complaint directly and confidentially to the County Superintendent of Schools.

Legal Reference:

EDUCATION CODE

41365 Charter school revolving loan fund
44237 Criminal record summary
44830.1 Certificated employees, conviction of a violent or serious felony
45122.1 Classified employees, conviction of a violent or serious felony
47600-47616.5 Charter Schools Act of 1992
48000 Minimum age of admission (kindergarten)
48010 Minimum age of admission (first grade)
48011 Minimum age of admission from kindergarten or other school
51747.3 Apportionments for independent study
54032 Limited English or low-achieving pupils
56145-56146 Special education services in charter schools
60605 Academic content and performance standards; assessments
60640-60647 Standardized Testing and Reporting Program

GOVERNMENT CODE

54950-54962 The Ralph M. Brown Act
8547-8547.12 Government Code

PENAL CODE

667.5 Definition of violent felony
1192.7 Definition of serious felony
CODE OF REGULATIONS, TITLE 5
11960 Regular average daily attendance for charter schools
11967 Appeals on charter petitions that have been denied

COURT DECISIONS

Evensen v. Vicki L. Barber et al, (1996) No. PV 94-0465, Superior Ct., County of El Dorado
Desert Sands Unified School District and Washington Charter School v. Public Employment Relations Board and California School Employees Association and its Desert Sands Chapter #106, No. BC126357, Superior Ct., County of Los Angeles

ATTORNEY GENERAL OPINIONS

80 Ops.Cal.Atty.Gen. 52 (1997)
78 Ops.Cal.Atty.Gen. 253 (1995)
78 Ops.Cal.Atty.Gen. 297 (1995)

Management Resources:

WEB SITES

California Department of Education: <http://www.cde.ca.gov>
Education Commission of the States: <http://www.ecs.org>
National School Boards Association: <http://www.nsba.org>

Regulation

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HUMBOLDT COUNTY OFFICE OF EDUCATION

Eureka, California