

OUSD Office of Charter Schools Complaint Procedures::

OUSD Charter Schools are authorized under the Charter Schools Act of 1992. This law specifies its intent to create schools that operate independent of the existing school district structure.

Education Code §47601 *It is the intent of the Legislature, in enacting this part, to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools **that operate independently from the existing school district structure,***

When charter petitions are approved by OUSD, the approved petition must contain reasonably comprehensive descriptions of the charter school's complaint procedures. Typically charter schools will then develop more detailed complaint procedures that they provide to families through their school handbook or other means.

BP 0420.4 *Any charter granted by the Board shall contain adequate processes and measures for holding the school accountable for fulfilling the terms of its charter. These shall include, but not be limited to, fiscal accountability systems, public governance systems, **resolution of parent complaint systems** and multiple measures for evaluating the educational program.*

The OUSD Office of Charter Schools ("Office") reviews each charter school's complaint procedures during a visit to each school in the fall of each year to ensure that the procedures and any appeals processes are clearly articulated and that they specify the parties within the school's governance structure responsible for responding to complaints.

AUTHORIZER INTERVENTION::

Charter law provides only one means of intervention by a charter authorizer if a charter school commits specific violations under the Charter School Act, which is revocation of the charter or closure. The authorizer does not hold the authority to hire or fire staff of the school, or manage the operation of the school. If a charter school is deemed to have committed a violation that could result in its closure the law requires that the school be provided notice of the violation and be provided a reasonable opportunity to resolve the violation. **Education Code §47607(c)**

Given the predisposition in charter law to ensure that the school is given an opportunity to resolve violations, and given the intent of charter law to create schools that operate independent of the existing school district structure, **charter schools are expected to be the primary recipient of complaints filed against them and are expected to be the first to respond to and attempt to bring resolution to, those complaints.**

STANDARD COMPLAINT PROCEDURES::

STEP ONE:

Prior to filing a complaint with the OUSD Office of Charter Schools, one must first exhaust all avenues provided in the school's uniform complaint procedures.

*** If a complaint involves a ***severe and imminent threat to student health and safety*** it should be brought to the immediate attention of the school's administration **first**; but may also be brought to the attention of the OUSD Office of Charter Schools who will in turn contact the school and seek to address and resolve the potential risk.

*** If a ***public school employee believes they have been discriminated***, under Title 5 of the California Code of Regulations they have the right to file a Uniform Complaint with the Governing Board of a charter school. Also, they may file a complaint with the California Department of Fair Employment and Housing (DFEH).

STEP TWO:

If not satisfied with the final response from the charter school governing board or ombudsperson, a complaint may be filed with the OUSD Office of Charter Schools. Complaints must be in writing and include supporting documentation that provides evidence that the complainant has followed all steps of the school's uniform complaint procedures. Complainants are encouraged to inform the charter school of his or her intent to file a complaint with the charter school's authorizer.

STEP THREE:

Upon receipt of a complaint that has satisfied STEP TWO, the Office will evaluate the following:

1. **Does the complaint pertain to an issue that involves one or more of the following? ***
 - a. A violation of any provision of law
 - b. A violation, material in nature, of terms of the school's charter
 - c. A school not pursuing or meeting a pupil outcome identified in their charter
 - d. A violation of generally accepted accounting principles or fiscal mismanagement

* EC 47607(c)

2. **Has the school not provided a response or resolution that satisfies the complaint?**

STEP FOUR:

The Office will determine if intervention by the authorizer is warranted using the following guidelines.

NON-INTERVENTION BY AUTHORIZER::

Reasons for non-intervention include the following:

- If a complaint does not pertain to one of the following: *(EC 47607(c))*
 - A violation of any provision of law
 - A violation, material in nature, of terms of the school’s charter
 - A school not pursuing or meeting a pupil outcome identified in their charter
 - A violation of generally accepted accounting principles or fiscal mismanagement

OR

- The complaint has been deemed to be sufficiently addressed by the charter school.

The Office of Charter Schools will provide notification of non-intervention to the complainant in writing within 15 calendar days following the conclusion of its evaluation.

INTERVENTION BY AUTHORIZER::

- If a complaint pertains to one of the following: *(EC 47607(c))*
 - A violation of any provision of law
 - A violation, material in nature, of terms of the school’s charter
 - A school not pursuing or meeting a pupil outcome identified in their charter
 - A violation of generally accepted accounting principles or fiscal mismanagement

AND

- The complaint has been deemed not to be sufficiently addressed by the charter school.

The Office of Charter Schools will contact the school and begin an investigation.

If the school is deemed to have committed a relevant violation, the Office of Charter Schools will initiate its **Intervention Protocol** in an attempt to bring resolution to the issue.

INTERVENTION PROTOCOL::
<ol style="list-style-type: none">1. NOTICE OF CONCERN: Communication in writing to the school outlining complaint and requesting evidence of corrective action or evidence that complaint is invalid2. NOTICE OF VIOLATION: Communication approved by the OUSD Board of Education presenting substantial evidence of a violation/s and a notice to remedy the violation/s within a specified timeframe or risk revocation of school’s charter3. NOTICE OF INTENT TO REVOKE CHARTER: Communication approved by OUSD Board of Education indicating that corrective action has not remedied the violation/s and the intent of the OUSD Board of Education to revoke the school’s charter.

* All complaints received by the Office, regardless of intervention by the authorizer, are communicated to the charter school/s identified in the complaint.