

**Internal Complaint Procedures for Complaints
Relating to Special Education**

It is the policy of Scholarship Prep (the “School”) to maintain a positive and productive educational environment. The School is primarily responsible to ensure that it is compliant with all applicable federal and state special education laws and regulations. There are some circumstances, however, when parents/guardians believe that a violation of federal or state special education law is occurring, or the student is suffering from discrimination, harassment, intimidation or bullying based upon a student’s actual or perceived disability. Parents/guardians/students who believe that a violation of law is occurring, such as, by way of example, whether procedural requirements have been followed for assessments, IEPs or records requests, whether LEA procedures are implemented appropriately and whether a student is receiving the services identified in his or her IEP, are encouraged to first address the issue with the person directly using conflict resolution skills without the intervention of a School administrator.

If, however, the parent/guardian/student does not feel comfortable with this approach, the parent/guardian/student must use the below-identified complaint procedure, with the exceptions noted below. The School will investigate complaints and seek to resolve them in compliance with this policy.

If, on the other hand, the parent/guardian/student has a complaint relating to 1) a proposal to initiate or change the identification, assessment or educational placement of the child or the provision of a free appropriate public education (“FAPE”); 2) a refusal to initiate or change the identification, assessment or educational placement of the child or the provision of FAPE; 3) the parent/guardian refuses to consent to an assessment of the child; 4) the availability of a program appropriate for the child, including the question of financial responsibility, the parent/guardian/student should attempt to resolve the issue informally with the School’s administration. In addition, the parent may contact the El Dorado Charter SELPA ((800) 524-8100) to request Alternative Dispute Resolution. If that does not resolve the issue, the parent/guardian/student has the right to initiate a due process hearing in accordance with Education Code section 56501.

If the parent/guardian/student has a complaint relating to an evaluation or plan under section 504 of the Rehabilitation Act of 1973 (“section 504 plan”), the parent/guardian/student may complain to the School’s administration. If that does not resolve the issue, the parent/guardian/student may make a formal complaint to the School’s section 504 designee or contact El Dorado Charter SELPA (800) 524-8100 to request Alternative Dispute Resolution.

Filing a Complaint:

If the parent/guardian/student believes that a violation of state or federal special education laws or regulations, or discrimination/harassment based upon an actual or perceived disability, has occurred, or is occurring, and the issue is not resolved informally, the parent/guardian/student may file a written complaint with the Director of Special Education.. 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 is made. If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or a disability, the school staff will assist the person with filing the complaint.

Mediation:

A neutral mediator can often suggest a compromise that is agreeable to the parties involved in a dispute. Within three days of receiving a complaint, the **Director of Special Education may** informally contact the complainant to discuss the potential resolution of the issue through mediation. If the School and the complaining party agree in writing to attempt to resolve the dispute through mediation, the Executive Director, or his/her designee, will initiate mediation by identifying three proposed mediators. If the mediation does not resolve the problem or the parties do not mutually agree to resolve the matter through mediation, the **Director of Special Education will** proceed with investigating the complaint.

The use of mediation does not extend the timelines (articulated below) for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time.

Making a Complaint: The parent/guardian/student should file a complaint with the Director of Special Education should he/she become aware of any conduct that may constitute a violation of state or federal special education laws, or discrimination, harassment, intimidation or bullying based upon an actual or perceived disability. Immediate action will be taken to address and remediate such conduct.

If the complainant is not comfortable contacting the Director of Special Education or if that individual is not available, the employee or student should contact **the Executive Director**. An Unlawful Conduct Complaint Form may be obtained from the School Office Manager. In cases where the complaint is regarding the conduct of the Director of Special Education, all procedures will be performed by the Executive Director or designee.

The Director of Special Education will conduct a prompt investigation and take appropriate corrective action where warranted. Complaints will be handled as discreetly as possible, consistent with the need to investigate effectively and promptly resolve the matter. **Director of Special Education** will be knowledgeable of the laws/programs that he/she is assigned to investigate.

Complaints relating to discrimination must be filed within six months of the alleged discrimination or when the complainant first obtained knowledge of the alleged discrimination, unless an extension has been obtained from the Director of Special Education or his/her

designee. Such extension by the Director of Special Education or his/her designee shall be made in writing. The period for filing may be extended by the Executive Director or his/her designee for good cause for a period not to exceed 90 days following the expiration of the six month time period. The Executive Director shall respond immediately upon a receipt for extension.

If the complaint alleges wrongdoing involving discrimination or claims of failure to comply with state or federal laws or regulations relating to special education as identified above, within 60 days of receipt of the complaint, the Director of Special Education will complete an investigation (and prepare and deliver a written decision as identified below) where the complainant, his/her representative or both, have the opportunity to present the complaint and evidence or information leading to evidence to support the allegations of discrimination or non-compliance with state or federal laws and/or regulations. The 60 day timeframe may be extended by the written consent of the complainant.

Refusal by the complainant to provide the investigator, at any level of the investigation, with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of lack of evidence to support the allegations.

The Director of Special Education shall prepare a written decision, which decision shall contain the following: 1) findings of fact based on the evidence gathered; 2) conclusions of law; 3) disposition of the complaint; 4) the rationale for such disposition; 5) the corrective actions, if any are warranted; 6) notice of the complainant's right to appeal the School's decision to the California Department of Education; and 7) the procedures to be followed for initiating an appeal to the Department of Education. Within 60 days of receipt of the complaint, the **Director of Special Education** will send a copy of the written decision to the complainant.

Appeal of School's Decision

If formal special education complaint is made, the Executive Director will make the Board aware of all formal special education complaints, or office of administrative hearing mediation or legal actions.

Except for complaints regarding instructional materials and teacher vacancies or misassignments, a complainant may appeal a decision to the California Department of Education ("CDE") by filing a written appeal within 15 days of receiving the decision. The complainant shall specify the basis for the appeal and whether the facts are incorrect and/or the law is misapplied. The appeal should be accompanied by a copy of the locally filed complaint and a copy of the School's decision. If the CDE determines the appeal raises issues not contained in the local complaint, the CDE will refer those now issues back to the School for resolution. If the CDE determines that the decision failed to address an issue raised by the complaint, the CDE will refer the matter to the School to make the necessary findings and conclusions on any issue not addressed. The School will have 20 days to make those findings.

Any employee found to have participated in improper harassment or discrimination will be subject to disciplinary action, up to and including possible dismissal. Students found to have participated in improper harassment, discrimination, intimidation or bully will be subject to disciplinary action, up to and including possible suspension or expulsion.

Dissemination

The School will send to students, employees, parents or guardians of its students, school advisory committees, and other interested parties a notice of rights under this policy on an annual basis. Upon request, a copy of this policy will be made available free of charge and is also available on the School's website.

Procedural Safeguards

Parents or guardians of students with IEP's at Scholarship Prep must give written consent for the evaluation and placement of their child, be included in the decision-making process when change in placement is under consideration, and be invited, along with teachers, to conferences and meetings to develop their child's IEP.

Any concerns or disagreements raised by parents will be acknowledged by the school within five days, after which a meeting between the parent and school will be scheduled to seek resolution of the disagreement. If a disagreement or concern persists, parents or guardians have the right to initiate a due process hearing to challenge a decision regarding the identification, evaluation, or educational placement of their child.

The school will provide the parent with a written Notice of Procedural Safeguards, which will include information on the procedure to initiate both formal and informal dispute resolutions, at least once per year. Scholarship Prep will utilize the Notice of Procedural Safeguards used by the OUSD or SELPA in which it is a member.

Dispute Resolution

Scholarship Prep, as the LEA, shall be ultimately responsible for responding to concerns or complaints, as well as handling disputes as they arise. Scholarship Prep reserves the right to make alternate arrangements for legal representation in and resolution of legal disputes pertaining to special education. In the event that a parent/guardian files a request for a due process hearing or request for mediation, Scholarship Prep, as the LEA, shall defend the case. Scholarship Prep shall comply with any resulting decision.

Scholarship Prep shall have sole discretion to settle any matter in mediation or due process, or take other legal action involving any student necessary to protect its rights.

Complaint Procedures

Scholarship Prep shall instruct parents/guardians to raise concerns regarding special education services, related services and rights to Scholarship Prep. Scholarship Prep shall investigate as necessary, respond to, and address the parent/guardian concern or complaint.

Scholarship Prep, as the LEA, shall be ultimately responsible for responding to parent concerns or complaints. Scholarship Prep shall timely respond to any complaint to or investigation by the California Department of Education, the United States Department of Education, or any other agency, and Scholarship Prep shall comply with any resulting decision.

Scholarship Prep

Adopted: October 23, 2018

Revised: