



CHARACTER ● EQUALITY ● EXCELLENCE

RESPONSIBILITY ● TEACHABILITY

Uniform Complaint Procedures  
2021-2022 School Year  
Board Approved August 4, 2021

## **Crete Academy Charter School Dispute Resolution Procedures**

The Board of Directors of Crete Academy have adopted policies and processes for airing and resolving internal and external disputes. Dispute resolution policies and procedures are printed in the Parent Student Handbook as well as Crete Academy Employee Handbook. The purpose of these policies and procedures is to have school community members resolve issues in-house in an amicable and fair manner whenever possible and to avoid contacting the Board of Education and the District unnecessarily. School community members include students, teachers, staff, parents, members of the Board of Directors, volunteers, partners, parties contracted for services, and collaborators. The grievance process is outlined as follows:

1. The parties involved will first discuss and attempt to resolve the issue before proceeding further.
2. If the conflict cannot be resolved with discussion, the parties involved will ask a peer to help resolve the dispute.
3. If peer conflict mediation does not resolve the situation, the parties involved will ask one of the following persons to serve as mediator, or, if mutually agreeable, as arbitrator:
  - a. Students ask a teacher or administrator
  - b. Teachers ask another teacher or an administrator
  - c. Administrative staff asks a teacher, another administrator, or the chair of the Board of Directors
  - d. Clerical or other staff ask an administrator
  - e. Parents ask another parent, the chair of the Parent Advisory Council, or the Executive Director
4. All Crete Academy faculty, staff, administrators, parents, and Board of Directors are made aware of this dispute process via the appropriate handbooks.

Crete Academy compliance officer is the school appointed person responsible to receive and direct the investigation of complaints, maintain records of complaints and subsequent related actions, and ensure school compliance with the law.

Crete Academy shall annually notify in writing its students, employees, parents and guardians, and other interested parties of these procedures and the person responsible for processing complaints.

### **UNIFORM COMPLAINT PROCEDURES (UCP)**

The Governing Board recognizes that Crete Academy complies with all applicable state and federal laws and regulations governing educational programs. The Board shall investigate and seek to resolve complaints at the school level. The Board shall abide by the following uniform complaint procedures when addressing complaints alleging unlawful discrimination or failure to comply with the law in Accommodations for Pregnant and Parenting Pupils, Adult Education, After School Education and Safety, Agricultural Career Technical Education, Career Technical and Technical Education, Career Technical and Technical Training Programs, Child Care and Child Development Programs, Compensatory Education, Consolidated Categorical Aid Programs, Course Periods without Educational Content, Discrimination, harassment, intimidation, or bullying against any protected group as identified under Sections 200 and 220 and Section 11135 of the Government Code, including any actual or perceived characteristic as set forth in Section 422.55 of the Penal Code, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by an education institution, as defined in Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance, Educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families and pupils formerly in Juvenile Court now enrolled in a school district, Every Student Succeeds Act, Local Control and Accountability Plans (LCAP), Physical Education Instructional Minutes, Pupil Fees, Reasonable Accommodations to a Lactating Pupil, Regional Occupational Centers and Programs, School Plans for Student Achievement, School Safety Plans, Schoolsite Councils, State Preschool, State Preschool Health and Safety Issues in LEA's Exempt from Licensing, And any other state or federal educational program the State Superintendent of Public Instruction (SSPI) or designee deems appropriate, Indian Education, Migrant Education, Nutrition Services, Special Education and laws regarding unlawful discrimination on the basis of race, sex, sex orientation, race ethnic group orientation, color, ancestry, national origin, age, gender identity, religion, mental and physical disability. Complainants must be aware that matters listed

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under "Referring Complaint to Appropriate Agencies" are not issues covered by these procedures. All complainants are protected from retaliation and have the right to pursue civil laws under state or federal discrimination, harassment, intimidation or bullying laws.

### **Compliance Officer**

Crete Academy has the primary responsibility to ensure compliance with applicable state and federal laws and regulations. Crete Academy's compliance officer will receive and direct the investigation of complaints, maintain records of complaints and subsequent related actions, and ensure Crete Academy's compliance with the law. In the case where a complaint pertains to the Executive Director, the Board designates the Board President/Chair to receive and investigate the complaint. Crete Academy's current compliance officer is Brett Mitchell.

### **Notifications**

The Board shall annually notify in writing students, employees, parents and guardians, advisory committees, and other interested parties of these procedures and the person responsible for processing complaints. Complainants are hereby notified that they may have alternative civil law remedies via governmental administrative agencies, such as (federal) Office for Civil Rights, (state) Department of Fair Employment and Housing (DFEH), (federal) Equal Employment Opportunity Commission (EEOC), local bar associations, law schools, the Superintendent, or mediation services.

### **Filing a Complaint**

A written complaint of alleged noncompliance with a federal or state law or regulation governing education programs must be filed with the compliance officer of the school. When the subject matter of a complaint is not covered by this policy, the complainant shall be advised.

Individuals who allege that they personally suffered unlawful discrimination, harassment, intimidation or bullying may file complaints. The complaint must be filed no later than six (6) months from the date of the alleged discrimination or when the complainant first obtained knowledge of the facts of the alleged discrimination. For good cause, the State Superintendent of Public Instruction may grant an extension of up to ninety (90) days upon written request of the complainant. If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other handicaps, school personnel shall assist in filing the complaint. The Complaint Procedure Forms are available upon request.

All UCP complaints shall be filed not later than one year from the date the alleged violation occurred.

A pupil fees complaint may be filed with the principal of a school or the LEA superintendent or his or her designee:

A pupil fees complaint may be filed anonymously, that is, without an identifying signature, if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

For complaints relating to Local Control and Accountability Plans (LCAP), the date of the alleged violation is the date when the reviewing authority approves the LCAP or annual update that was adopted by the LEA.

An LCAP complaint may be filed anonymously, that is, without an identifying signature, if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

### **Mediation of Complaint**

At the discretion of the compliance designee and with the consent of the parties, the compliance designee may undertake a resolution of the dispute via mediation. This step is optional. If the complainant agrees to mediation, the compliance officer shall make 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.

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The use of mediation shall not extend the Charter School's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time.

### Investigation of Complaint

Crete Academy will investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group. Upon receipt of the complaint, the compliance designee will give the complaint to the appropriate person who will hold investigative meetings, when necessary. Complainants and/or representatives and the school representatives may present relevant information. To ensure that all pertinent facts are made available, the compliance designee and the complainant may request other individuals to provide additional information. Complainants are protected by law from retaliation regarding participation in the complaint investigation process. Complainants are advised that while the school will make an effort to protect his/her privacy and confidentiality, investigation of his/her complaint may require disclosure of certain information to others. By filing a complaint, complainant authorizes the school to investigate and make disclosures as may be reasonably necessary to the investigation and resolution of the complaint.

A complainant's refusal to provide the Charter School's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Likewise, refusal by Crete Academy to provide the investigator with access to records and/or other information related to the allegation 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 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.

### Written Decision

Within sixty (60) days of receiving the complaint, unless the complainant agrees in writing to an extension of time, the compliance designee shall prepare and send to the complainant a written report of the school's investigative findings, corrective action (if any) suggested resolution(s), and a rationale for the findings, along with any supporting documentation. This investigative report shall be written in English and in the language of the complainant whenever feasible or required by law.

The written report will contain the following elements:

- i. The findings of fact based on the evidence gathered;
- ii. a conclusion that provides a clear determination for each allegation as to whether the LEA is in compliance with the relevant law;
- iii. corrective actions if the LEA finds merit in a complaint:
  1. pertaining to complaints of Pupil Fees; LCAP; Physical Education Instructional Minutes, or Course Periods without Educational Content, the remedy shall go to all affected pupils, parents, and guardians;
  2. for all other complaints within the scope of the Uniform Complaint Procedures, the remedy shall go to the affected pupil;
  3. with respect to a pupil fees complaint, corrective actions shall include a remedy where in good faith, by engaging in reasonable efforts, an attempt to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint;
- iv. a notice of the complainant's right to appeal the LEA Investigation Report to the CDE; and

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v. the procedures to be followed for initiating an appeal to the CDE.

LEA policies and procedures contain the following statements regarding the appeal of the LEA Investigation Report of UCP complaints:

(a) The procedures to be followed for initiating an appeal to the CDE including the following statements:

(b) The complainant may appeal an LEA Investigation Report for a UCP complaint to the CDE by filing a written appeal within 30 days of the date of the LEA Investigation Report. In order to request an appeal, the complainant must specify and explain the basis for the appeal, including at least one of the following:

1. The LEA failed to follow its complaint procedures, and/or
2. the LEA Investigation Report lacks material findings of fact necessary to reach a conclusion of law, and/or
3. the material findings of fact in the LEA Investigation Report are not supported by substantial evidence, and/or
4. the legal conclusion in the LEA Investigation Report is inconsistent with the law, and/or
5. in a case in which the LEA found noncompliance, the corrective actions fail to provide a proper remedy.

(c) The appeal shall be sent with: (1) a copy of the locally filed complaint; and (2) a copy of the LEA Investigation Report.

(d) All complaints and responses are public records.

### **Complaints Not Under the Jurisdiction of the District's Uniform Complaint Procedures Process**

In accordance with Section 4611 of Title 5 of the California Code of Regulations the following complaints shall be referred to the specified agencies for appropriate resolution and are not subject to these complaint procedures: Allegations of suspected child abuse shall be referred to the Los Angeles County Department of Family Children Services (DCFS) or the appropriate city police department or Los Angeles County Sheriff's Department, as applicable.

### **Referring Complaint Issues to Appropriate Agencies**

The following complaints shall be referred to the specified agencies below for appropriate resolution and are not subject to these complaint procedures.

#### ***Allegations of child abuse:***

Los Angeles County Department of Children and Family Services, 3075 West Wilshire Blvd., Los Angeles, CA. 90010 and/or Child Abuse Unit of the appropriate local law enforcement agency.

#### ***Health and Safety complaints regarding a child development program:***

California State Department of Social Services, Community Care and Licensing, 6167 Bristol Parkway, Room 400, Culver City, CA 90230

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### **Discrimination issues involving child nutrition programs:**

U.S. Department of Agriculture, Food and Nutrition Service, Child Nutrition Division 3101 Park Center Drive, Alexandria, VA 22302

### **Employment discrimination complaints:**

Department of Fair Employment and Housing (DFEH), 611 W. 6th Street, Los Angeles, CA 90017

### ***Allegations of fraud:***

Shall be referred to the responsible State or Federal Department Division Director and its legal office; California Department of Education, P.O. Box 944272, Sacramento, CA 94244-2720

Depending on the nature of the complaint, the complainant may also have available civil law remedies and may consult his/her attorney. Appeal and review procedures are available. See *Appeals to the California Department of Education*.

### **Appeals of Executive Director's Decision to Crete Academy Executive Board of Directors:**

Persons or organizations disagreeing with Crete Academy's Executive Director/Principal's decision, have 15 days after receipt of the report of findings (decision) to file an appeal with Crete Academy Academy's Executive Board. The appeal must be in writing and include a copy of the original complaint, as well as a copy of the Executive Director's decision and specific reasons for appealing Crete Academy Academy's decision.

The appeal should be sent to:

***Crete Academy Board President  
Sergio Martus  
6103 Crenshaw Blvd  
Los Angeles, CA 90043***

### **Appeals to the California Department of Education**

If a complainant is dissatisfied with the Board's decision, the complainant may appeal in writing to the California Department of Education within fifteen (15) days of receiving the Board's decision. The appeal must be in writing and must include a copy of the original complaint, as well as a copy of the local site decision provided to them. The appeal should be sent to:

**State of California Department of Education  
State Superintendent of Public Instruction  
P.O. Box 944272  
Sacramento, CA 94244-2720**

# Crete Academy Charter School Dispute Resolution Procedures

## Crete Academy Charter School Uniform Complaint Procedures Form

Last, First Name: \_\_\_\_\_ Student's Name: \_\_\_\_\_ Grade: \_\_\_\_\_

Street Address: \_\_\_\_\_ City, State, Zip-code \_\_\_\_\_

**For Allegation(s) of non-compliance, please check the program, activity or group your complaint refers to:**

General Education     Special Education     Teaching Staff     Administrative Staff     Other

**For Allegation(s) of unlawful adult-to-student, student-to-student, or non-employee discrimination or harassment, please check the basis of the unlawful discrimination/harassment described in your complaint, if applicable.**

Age \_\_\_\_\_ Ancestry \_\_\_\_\_ Race \_\_\_\_\_

Religion \_\_\_\_\_ Gender \_\_\_\_\_ Color \_\_\_\_\_

Sexual Orientation (actual or perceived) \_\_\_\_\_ Disability (mental or physical) \_\_\_\_\_

Based on association with a person or group with one or more of these actual or perceived characteristics \_\_\_\_\_

**Please give facts about the complaint. Provide details such as the names of those involved, dates, whether witnesses were present, etc., that may be helpful to the complaint investigator.**

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# Crete Academy Charter School Dispute Resolution Procedures

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*Have you discussed your complaint or brought your complaint to any Crete Academy personnel? If you have, to whom did you take the complaint, and what was the result?*

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Please provide copies of any written documents that may be relevant or supportive of your complaint.

I have attached supporting documents.                       Yes                       No

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Mail complaint and any relevant documents to:

Mail appeal and any relevant documents to:

**Brett Mitchell**  
Crete Academy Charter School  
6103 Crenshaw Blvd  
Los Angeles, CA 90043

**Sergio Martus**  
Crete Academy Charter School  
6103 Crenshaw Blvd  
Los Angeles, CA 90043





# Crete Academy Charter School Dispute Resolution Procedures

## UCP Annual Notice

Crete Academy annually notifies its students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, appropriate private school officials, and other interested parties of Crete's UCP process.

Annual written notice of the complaint procedures shall be in English, and when necessary, in the primary language, pursuant to section 48985 of the *EC* or mode of communication of the recipient of the notice.

Crete Academy is primarily responsible for compliance with federal and state laws and regulations, including those related to unlawful discrimination, harassment, intimidation or bullying against any protected group, and all programs and activities that are subject to the UCP:

- Accommodations for Pregnant and Parenting Pupils
- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- Career Technical and Technical Education and Career Technical and Technical Training Programs
- Child Care and Development Programs
- Compensatory Education
- Consolidated Categorical Aid Programs
- Course Periods without Educational Content
- Discrimination, harassment, intimidation, or bullying against any protected group as identified under sections 200 and 220 and Section 11135 of the Government Code, including any actual or perceived characteristic as set forth in Section 422.55 of the Penal Code, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by an educational institution, as defined in Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance.
- Educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families and pupils formerly in Juvenile Court now enrolled in a school district
- Every Student Succeeds Act
- Local Control and Accountability Plans (LCAP)
- Migrant Education
- Physical Education Instructional Minutes

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- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- School Plans for Student Achievement
- School Safety Plans
- Schoolsite Councils
- State Preschool
- State Preschool Health and Safety Issues in LEAs Exempt from Licensing

And any other state or federal educational program the State Superintendent of Public Instruction (SSPI) or designee deems appropriate.

(c) Pupil fees or LCAP complaint may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint.

(d) A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.

(e) A UCP complaint shall be filed no later than one year from the date the alleged violation occurred.

(f) Crete Academy shall post a standardized notice with educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families and pupils formerly in Juvenile Court now enrolled in a school district (*EC* sections 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2) The notice shall include complaint process information, as applicable.

(g) In order to identify appropriate subjects of state preschool health and safety issues pursuant to Section 1596.7925 of the California *Health and Safety Code (HSC)* a notice shall be posted in each California state preschool program classroom in each school in the local educational agency notifying parents, guardians, pupils, and teachers of both of the following:

- i. The health and safety requirements under Title 5 of the California *Code of Regulations (5 CCR)* apply to California state preschool programs pursuant to *HSC* Section 1596.7925.
- ii. The form to file a complaint can be found in the Crete Academy office or can be found on the California Department of Education (CDE) website.

(h) Crete Academy Principal Brett Mitchell is the current complaint officer.

(i) The complainant has the opportunity to appeal Crete Academy's Investigation Report to the CDE of complaints regarding programs within the scope of the UCP.

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(j) The complainant may avail themselves of all applicable civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable.

(k) Copies of the local educational agency complaint procedures shall be available free of charge.

# Crete Academy Charter School Dispute Resolution Procedures

## Williams Uniform Complaint Form

### Textbooks and Instructional Materials, Teacher Vacancy or Misassignment, School Facilities

Crete Academy adopted the UCP process in accordance with Chapter 5.1 (commencing with *EC* Section 4680) of 5 *CCR*, to resolve Williams Complaints regarding alleged deficiencies related to instructional materials, the condition of a facility that is not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment. Crete is required to have local policies and procedures that enable Williams Complaints to be handled through its UCP process. These complaints regard alleged deficiencies related to instructional materials, the condition of a facility that is not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment.

All complaints and responses are public record. Complaints may be filed anonymously. If you would like a response, you must provide your name and address below:

Response requested?  Yes  No

Contact Information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Day: \_\_\_\_\_ Evening: \_\_\_\_\_

E-mail address, if any: \_\_\_\_\_

Location of the problem that is the subject of this complaint: \_\_\_\_\_

Course title/grade level and teacher name: \_\_\_\_\_

Room number/name of room/location of facility: \_\_\_\_\_

Date problem was observed: \_\_\_\_\_

**Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please use the appropriate district complaint procedure.**

Specific issue(s) of the complaint: (Please check all that apply. A complaint may contain more than one allegation.)

1. Textbooks and instructional materials: (Education Code 35186; 5 CCR 4681)

- A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
- A pupil does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each pupil.
- Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

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A pupil was provided photocopied sheets from only a portion of a textbook or instructional material to address a shortage of textbooks or instructional materials.

### 2. Teacher vacancy or misassignment: (Education Code 35186; 5 CCR 4681)

A semester begins, and a teacher vacancy exists. A *teacher vacancy* is a position to which a single designated certificated employee has not been assigned at the beginning of the school year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

A teacher lacking credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.

A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

### 3. Facility conditions: (Education Code 35186, 35292.5; 5 CCR 4683)

A condition exists that poses an emergency or urgent threat to the health or safety of pupils or staff including gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff; or structural damage creating a hazardous or uninhabitable condition.

A school restroom has not been cleaned or maintained regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.

The school has not kept all restrooms open during school hours when pupils are not in classes and has not kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when closing of the restroom is necessary for pupil safety or to make repairs.

### 4. High school exit exam intensive instruction and services: (Education Code 35186)

Pupils who have not passed the high school exit exam by the end of grade 12 were not provided the opportunity to receive intensive instruction and services pursuant to

Education Code 37254(d)(4) and (5) after the completion of grade 12.

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary to fully describe the situation. For complaints regarding facilities conditions, please describe the emergency or urgent facilities condition and how that condition poses a threat to the health or safety of pupils or staff.

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## Crete Academy Charter School Dispute Resolution Procedures

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Your complaint should be filed in Crete Academy’s office with the principal of the school or his/her designee. The principal or the designee, as applicable, shall make all reasonable efforts to investigate any problem within their authority. A complaint about problems beyond the authority of the school principal shall be forwarded in a timely manner, not to exceed 10 working days, to the Superintendent or designee for resolution. The response, if requested, and report shall be written in English and the primary language in which the complaint was filed. All valid complaints shall be remedied within a reasonable time period, not to exceed 30 working days. The response to the complainant shall be reported within 45 working days of the initial filing, if the complainant identifies themselves and request a response. The principal will also report the same information in the same timeframe to the district superintendent. If a complainant is not satisfied with the resolution of the principal has the right to describe the complaint to the governing board at the regularly scheduled board meeting.

A complainant who is not satisfied with the resolution proffered by the principal, or the district superintendent or his or her designee, involving a condition of a facility that poses an emergency or urgent threat, as defined in paragraph (1) of subdivision (c) of *EC* Section 17592.72, has the right to file an appeal to the SSPI within 15 calendar days of receiving the report. The complainant shall comply with the appeal requirements of 5 *CCR* Section 4632.

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

\_\_\_\_\_ (signature)

\_\_\_\_\_ (date)