

Alaka'i O Kaua'i Public Charter School Complaint Procedure Policy

The Board of Directors of Alaka'i O Kaua'i Public Charter School recognizes that Alaka'i O Kaua'i is responsible for complying with applicable state and federal laws and regulations governing educational programs.

This document contains rules and instructions about the filing, investigation and resolution of complaint regarding an alleged violation by a local educational agency of federal or state laws or regulations governing educational programs, including allegations of unlawful discrimination, harassment, intimidation, bullying and noncompliance with laws relating to pupil fees.

This document presents information about how Alaka'i O Kaua'i processes complaints concerning particular programs or activities in which we receive state or federal funding. A complaint is a written and signed statement by a complainant alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation, bullying and charging pupil fees for participation in an educational activity. A complainant is any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination, harassment, intimidation, bullying and noncompliance with laws relating to pupil fees. If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, Alaka'i O Kaua'i shall assist the complainant in the filing of the complaint.

A pupil fee is a fee, deposit, or other charge imposed on pupils, or a pupil's parents or guardians, in violation of state codes and constitutional provisions which require educational activities to be provided free of charge to all pupils without regard to their families' ability or willingness to pay fees or request special waivers. Educational activities are those offered by a school, school district or charter school that constitute a fundamental part of education, including, but not limited to, curricular and extracurricular activities. A pupil fee includes, but is not limited to, all of the following:

1. A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.
2. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
3. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

This document also applies to the filing of complaints which allege unlawful discrimination, harassment, intimidation, and bullying against any protected group as identified in the Education Code and the Government Code, including those with actual or perceived characteristics such as age, ancestry, color, ethnic group identification, gender expression, gender identity, gender, disability, nationality, national origin, race or ethnicity, religion, sex, sexual orientation, 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 a local agency, which is funded directly by,

or that receives or benefits from any state financial assistance.

The following complaints shall be referred to other agencies for appropriate resolution and are not subject to our complaint procedure process set forth in this document unless these procedures are made applicable by separate interagency agreements:

1. Allegations of child abuse shall be referred to Child Welfare Services of the Hawaii Department of Human Services or appropriate law enforcement agency.
2. Employment discrimination complaints shall be sent to the appropriate division at the Hawaii Department of Labor and Industrial Relations.
3. Allegations of fraud shall be referred to the Hawaii State Public Charter School Commission.

The Responsibilities of Alaka'i O Kaua'i

Alaka'i O Kaua'i has the primary responsibility to ensure compliance with applicable state and federal laws and regulations. We shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination, harassment, intimidation, bullying and charging pupil fees for participation in an educational activity and seek to resolve those complaints in accordance with our complaint procedures.

With regard to complaints of noncompliance with laws relating to pupil fees, if Alaka'i O Kaua'i finds merit in a complaint a remedy will be provided to all affected learners, parents and guardians, that, where applicable, will include reasonable efforts by Alaka'i O Kaua'i to ensure full reimbursement to all affected learners, parents and guardians.

Our complaint policies shall ensure that complainants are protected from retaliation and that the identity of a complainant alleging discrimination, harassment, intimidation, and bullying remain confidential as appropriate.

The person responsible for receiving and investigating complaints and ensuring our compliance with state and federal laws and regulations is:

The School Director, Denise Trentham

We ensure that the person above, who is responsible for compliance and/or investigations, is knowledgeable about the laws/programs that he/she is assigned to investigate.

We shall annually notify in writing our learners, employees, parents or guardians of our pupils, the Public Charter School Commission, and other interested parties of our complaint process regarding an alleged violation by a local agency of federal or state law or regulations governing educational programs, including allegations of unlawful discrimination, harassment, intimidation, bullying and noncompliance with laws relating to pupil fees. The Complaint Procedure will be disseminated to all required groups each year and will include information on how to appeal to the Public Charter School Commission. An appeal is a request made in writing to a level higher than the original reviewing level by an aggrieved party requesting reconsideration or a reinvestigation of the lower adjudicating body's decision. A copy of this complaint policy and procedures document shall be available free of charge.

Filing a complaint with Alaka'i O Kaua'i Governing Board

For emergency or urgent facilities conditions that pose a threat to the health or safety of learners or staff, and facilitator vacancies or mis-assignments, and complaints that allege discrimination, harassment, intimidation, and bullying, any individual, public agency or organization may file a written complaint with our school director or his or her designee alleging a matter which, if true, would constitute a violation by our school of federal or state law or regulation governing a program. A complaint of noncompliance with laws relating to learner fees may be filed with the school director and may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with laws relating to learner fees.

An investigation of alleged unlawful discrimination, harassment, intimidation, and bullying shall be initiated by filing a complaint no later than six months from the date the alleged discrimination, harassment, intimidation, or bullying occurred, or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, and bullying.

The complaint shall be filed by one who alleges that he or she has personally suffered unlawful discrimination, harassment intimidation, and bullying or by one who believes an individual or any specific class of individuals has been subjected to discrimination, harassment, intimidation, and bullying prohibited by this part.

An investigation of a discrimination, harassment, intimidation, and bullying complaint shall be conducted in a manner that protects confidentiality of the parties and maintains the integrity of the process.

Within 60 calendar days from the date of the receipt of the complaint, we shall conduct and complete an investigation of the complaint in accordance with our complaint policies and procedures and prepare a written Decision, also known as a final report. This time period may be extended by written agreement of the complainant.

The investigation shall include an opportunity for the complainant, or the complainant's representative, or both, to present the complaint(s) and evidence or information leading to evidence to support the allegations of non-compliance with state and federal laws and/or regulations.

Refusal by the complainant to provide the investigator 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 a lack of evidence to support the allegations.

Refusal by Alaka'i O Kaua'i 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.

We shall issue a Decision based on the evidence. The Decision shall be in writing and sent to the complainant within 60 calendar days from receipt of the complaint by the school. The Decision should contain:

- (i) the findings of fact based on the evidence gathered,
- (ii) conclusion of law,

- (iii) disposition of the complaint,
- (iv) the rationale for such disposition,
- (v) corrective actions, if any are warranted,
- (vi) notice of the complainant's right to appeal our Decision to the Public Charter School Commission and
- (vii) procedures to be followed for initiating an appeal to the Public Charter School Commission.

Nothing in this document shall prohibit anyone involved in the complaint from utilizing alternative methods to resolve the allegations, such as mediation; nor are we prohibited from resolving complaints prior to the formal filing of a written complaint. Mediation is a problem-solving activity whereby a third party assists the parties to the dispute in resolving the complaint.

Alaka'i O Kaua'i reserves the right to modify locations for receipt of forms as necessary.

We believe that clear communication and an assumption of good intentions are paramount to the smooth operation of a school. We believe that most problems can be resolved through active listening and respectful discourse. When a concern arises, the following procedures should be followed:

All complaints shall begin at the level closest to the concern.

- Complaints concerning classroom issues shall be addressed to the facilitator first. If the problem is not resolved to the satisfaction of all parties, complaint may be addressed to the school director or designee. If the problem is not resolved to the satisfaction of all parties, complaint may be addressed to the governing board. If the problem is not resolved to the satisfaction of all parties, complaint may be addressed to the Public Charter School Commission.
- Complaints concerning school-wide policies or issues shall be addressed to school director or designee. If the problem is not resolved to the satisfaction of all parties, complaint may be addressed to the governing board. If the problem is not resolved to the satisfaction of all parties, complaint may be addressed to the Public Charter School Commission.
- Complaints concerning employees or their actions shall be addressed the employee first. If the problem is not resolved to the satisfaction of all parties, complaint may be addressed to the school director or designee. If the problem is not resolved to the satisfaction of all parties, complaint may be addressed to the governing board. If the problem is not resolved to the satisfaction of all parties, complaint may be addressed to the Public Charter School Commission.
- Complaints concerning the school director shall be addressed with the school director first. If the problem is not resolved to the satisfaction of all parties, complaint may be addressed to the governing board. If the problem is not resolved to the satisfaction of all parties, complaint may be addressed to the Public Charter School Commission.

Adopted by Governing Board: April 11, 2018
Under review by the Attorney General

COMMUNITY COMPLAINT FORM

Name _____

Address _____

Telephone _____

1 School site and person you are filing a complaint against:

2 Has this been discussed with him/her? Y _____ N _____ Date: _____

3 Has the complaint been discussed with the school director or supervisor? Y ___ N ___ Date: _____

Description of Complaint: Please include all important information such as location, names, dates, who was present, and to whom it was reported. Please use additional paper if more space is needed.

What remedy or action do you suggest?

Signature:

Date received by Alaka'i O Kaua'i Office : _____