



**Last Reviewed**

10/1/2010

6/22/2017

8/19/2021

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## **Parent Complaint Policy**

Promontory School welcomes suggestions, comments and/or complaints from parents or other stakeholders of the school to improve policy and procedures. This document is to provide a clear process for parents to communicate their concerns, Promontory School's procedure for receiving and processing civil rights complaints about nutrition, as well as resources for making those complaints. We encourage all such communication to include not only grievances, but also alternative solutions. We have designed a complaint procedure with both due process and timeliness in mind.

At Town Meetings, held regularly, students, parents and community members will have the chance to meet and mingle at the school with the Governing Board. This will be an open forum for parents or other stakeholders to communicate any concerns or suggestions.

Complaints may also be heard during the public comment session of monthly Board meetings. These meetings are open to the public and well publicized. Parents, teachers, students, and members of the community are encouraged to attend and give comments. Families will also be encouraged to email Board members with comments if they desire.

Parents will have access to the Parent Liaison, a non-voting member of the Governing Board, who is nominated yearly by the POP Crew to represent parents at Board meetings. The Parent Liaison will have the dual role of communicating to parent crews the needs and desires of the Governing Board, as well as being available to work with parents who wish their own concerns to be heard at Board meetings. While all parents are invited to attend open Board meetings, it can be helpful for parents to have an advocate sitting on the Board as well.

Promontory School will track and log complaints. If a concern regarding the operation of the school remains unresolved, the following protocol shall be used in a timely and fair way:

1. Unresolved concerns should be made known to the Director first. This may be done by appointment in person or in writing. The Director will be able to address most concerns. The Director may defer to the Board if changes are required in policy. In cases where the safety or health of students or staff is involved, immediate action will be taken. The Director and Board Chair will determine an appropriate course of action in these cases.
2. If the concern remains unresolved, the parent may contact the Board Chair or Parent Liaison either in writing or in person. The issue may then be put on the agenda of the next board meeting at the discretion of the Board.

3. The Board will determine whether any action should be taken on the item and report back to the concerned party. Promontory School will make every effort to resolve concerns within two regularly scheduled Board meetings.

Promontory School follows all State laws and Federal law regarding complaints of parents of students served under Section 504 of Federal law or IDEA 2004 and seeks to align all school procedures to the mission of the school. Parents who have concerns regarding the treatment of a student with disabilities or a student suspected of having a disability may contact the school director.

The following four procedures briefly describe Utah's Dispute Resolution System available to parents of students with disabilities under IDEA:

1. Problem Solving Facilitation
2. Formal State Complaint
3. Mediation
4. Due Process Hearing

These procedures are not sequential. However, Problem Solving Facilitation CANNOT proceed if a Formal Complaint, Mediation, or Due Process Hearing request is filed. A Formal Complaint CANNOT proceed if a Due Process Hearing request is filed.

#### 1. Problem Solving Facilitation

- State early dispute resolution procedure available at any time, before a State Complaint, Mediation, or Due Process Hearing request is filed.
- Both parties must agree.
- Issues of disagreement must be specified, and how they violate IDEA described.
- No timeline.

#### 2. Formal State Complaint

- Filed with School Director and copied to Utah State Office of Education, and State Director of Special Education.
- State Complaint Form on website or may be a letter with required elements
- Describe alleged violations of IDEA with respect to individual students.
- Describe proposed solutions to the problems.
- Charter School has 30 days to investigate and write a decision.
- Parent may appeal decision to USOE within 10 days of Charter School decision if disagree.
- USOE completed an independent investigation before a total of 60 days unless parties agree to extend for some significant reason.

#### 3. Mediation

- Any party may request at any time during the IDEA process.
- Both parties must agree to mediate, or mediation will not occur.
- Filed with Charter School Director and copied to Utah State Office of Education, and State Director of Special Education.

- Describe the problem.
- Describe alleged violations of IDEA with respect to individual students.
- Describe proposed solutions to the problems.
- USOE assigns mediators and absorbs costs of the mediation sessions.
- Attorneys not usually present.
- Discussions during mediation are confidential.
- Mediation agreement is binding and may be enforced in court of law.
- No timeline.

#### 4. Due Process Hearing Request

- Filed with Charter School Director and copied to Utah State Office of Education and State Director of Special Education.
- Describe problems.
- Describe alleged violations of IDEA with respect to individual student.
- Describe proposed solutions to the problems.
- Mandatory Resolution Session initiated within 15 days; resolution completed within 30 days if resolution is possible.
- Hearing completed within 45 days; timeline starts after resolution session time is completed. Due Process Hearing is like court; rules of evidence, witnesses sworn in, procedures during hearing.
- It is advisable for both parties to have attorneys.
- Hearing Officer Decision binding upon both parties.

## Receiving and Processing Civil Rights Complaints about School Meals

These Civil Rights compliance guidelines apply to the following programs at Promontory School of Expeditionary Learning (PSEL):

- National School Lunch Program
- School Breakfast Program

PSEL shall accept all complaints of discrimination, whether written or verbal, relating to the Child Nutrition Programs (CNP).

### Civil Rights Overview - What is Discrimination?

Discrimination is defined as treatment that treats one person or a group of persons differently from others, intentionally, by neglect, or by the actions or lack of actions based on six protected classes in the Child Nutrition Programs: race, color, national origin, sex, age, or disability.

PSEL will keep a log of all discrimination complaints, with the same information as that forwarded to the USBE Child Nutrition Programs or USDA.

1. Discrimination complaints from individuals will be handled by the Director.
2. Complaints of discrimination will contain the following information.
  - Name, address, telephone number, and any other means to contact the complainant (person issuing the complaint).
  - Specific name, location, and telephone number of the location where the alleged discrimination took place that caused the discrimination complaint.
  - Nature of the incident or action that led the complainant to feel discriminated against.
  - A list of which of the six listed protected classes were discriminated against with a description of the complaint. The six protected classes are race, color, national origin, sex, age, or disability.
  - Name(s), title(s), and addresses of people who may know of the alleged discrimination or action that caused the complaint (for example, teacher, cook, or director).
  - The date(s) the action(s) causing the discrimination complaint occurred and how long or how often it occurred.

NOTE: While an effort should be made to obtain this information to ensure the complaint is well recorded, missing information must not keep an institution from receiving and/or reporting complaints.

3. The person filing the complaint must do so within 180 days of the alleged discrimination. If submitted to the institution, it will be immediately forwarded to USBE Child Nutrition Programs or the USDA Office of the Assistant Secretary for Civil Rights. The sponsor or institution will handle anonymous complaints in the same manner as other non-anonymous complaints.

Utah State Board of Education, Director of Child  
Nutrition Programs  
250 East 500 South  
PO Box 144200  
Salt Lake City, Utah 84114-4200

OR USDA  
Office of the Assistant Secretary for  
Civil Rights  
1400 Independence Ave, SW, Stop  
9410  
Washington, D.C. 20250-9410

Civil Rights requirements for Child Nutrition Programs can be found in FNS Instruction 113.1

## **How are citizens' rights protected?**

The following laws have been passed designed to defend against discrimination.

- Title VI of the Civil Rights Act of 1964 - Race, Color, National origin
- Title IX of Education Amendments of 1972 – Sex
- Section 504 of Rehab. Act of 1973 – Disability
- Age Discrimination Act of 1975 – Age

Civil Rights Laws provide regulation that no person in the United States shall on the grounds of race, color, national origin, sex, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

## **Civil Rights Areas of Compliance**

- Public Notification System
- Limited English Proficiency
- Accommodations for those with Disabilities
- Data Collection
- Civil Rights Complaints
- Assurances

## **Collecting and Reporting Participant Data**

Schools participating in the USDA Child Nutrition Program receive federal funding and must have a system to collect racial and ethnic data of program participants in order to comply with FNS Instruction 113.1 and Federal Civil Rights Laws. Information collected is strictly for statistical reporting requirements and has no effect on determining eligibility for the free and reduced meal program or benefits. Any data collected is self-reported and kept on file for 3 years, plus the current year. Information is restricted to authorized school personnel on a need-to-know basis and will only be released to authorized state and federal personnel when requested.

PSEL collects this data on free and reduced meal applications. Applicants can choose to self-identify by checking one of two boxes regarding ethnicity.

- Hispanic or Latino
- Not Hispanic or Latino

Applicants may then check one or more boxes regarding race:

- American Indian or Alaskan Native
- Asian
- Black or African American
- Native Hawaiian or Other Pacific Islander
- White

Self-identification is the preferred method for obtaining this data. USDA regulations state “respect for individual dignity should guide the process and methods for collecting data on race and ethnicity”.

## **Public Notification Systems**

PSEL annually notifies the public of their participation in the program. Notification to applicants and participants includes information regarding program availability, program rights and responsibilities, the procedure for filing a complaint, and the policy of non-discrimination.

Public Release.

- Display the “And Justice for All” poster in a prominent place, in its correct size (11”x17”)
- Nondiscrimination Statement: all information materials used by schools to inform the public about the FNS programs will contain the nondiscrimination statement in its entirety. If the information material is too small to display the entire statement, “This institution is an equal opportunity provider” may be used.

## **What must be included in the nondiscrimination statement?**

The long nondiscrimination statement may be found at <https://www.fns.usda.gov/fns-nondiscrimination-statement>. Select the appropriate language and be sure to use the correct statement for FNS nutrition assistance programs.

## **Are there any additional requirements for providing public notification?**

Institutions have two additional responsibilities, as follows:

- Make program information available to the public upon request; and
- Must notify the community/grassroots organizations of program benefits at a minimum through an annual public release.

## **Preventing Overt Identification**

Overt identification is any action that may result in a child being recognized as potentially eligible to receive or be certified for free or reduced-price school meals. A child’s eligibility status is not disclosed at any point in the application process or during the service process while in the cafeteria or at school. The names of those eligible will not be published, posted, or announced.

## **Accommodations for those with Disabilities and Allergies**

Reasonable food substitutions or modifications are required for a student with a dietary disability if a medical statement is on file that is completed and signed by a licensed physician. The CDE Medical Statement form or a written medical statement (i.e.,

prescription) is required for each child that has a disability. This written medical statement must clearly identify the child's:

- Disability
- Major life activity or bodily function affected by the disability.
- Diet prescription
- Food or foods to be omitted from his/her diet.
- Reasonable food or choice of foods that must be substituted.

The USDA does not require meals for a child with a disability that involves dietary restrictions documented in the written medical statement to meet the current mandated meal patterns.

The school food authority (SFA) is not required to make food substitutions for children with non-severe food allergies or food intolerances who do not have a disability. The SFA may choose to make reasonable food substitutions at their discretion for students who are medically certified. Determinations are made on a case-by-case basis. Such accommodations must meet the mandated meal pattern.

In accordance with USDA regulations for students with lactose intolerance or a non-life-threatening milk allergy, no other beverage can be substituted for milk except a lactose-free beverage meeting the nutritional requirements of milk.

SFAs are not required to make food substitutions based on food choices or food preferences.

Reasonable accommodations also refer to ensuring that participants with a disability have physical access to programs and services, such as easily accessible entrances. Institutions shall make reasonable accommodation to persons with disabilities unless the accommodation would pose an undue hardship on the operation of its program or place of business.