



XIV. Element 14 -- Dispute Resolution Process

"The procedures to be followed by the charter school and the chartering authority to resolve disputes relating to provisions of the charter."

Education Code Section 47605(c)(5)(N)

A. Intent

The intent of this dispute resolution process is to 1) resolve disputes within the school pursuant to the school's policies, 2) minimize the oversight burden on the County Office of Education, 3) ensure a fair and timely resolution to disputes, and 4) frame a charter oversight and renewal process and timeline so as to avoid disputes regarding oversight and renewal matters.

B. Internal Disputes

The Council of Directors adopts an internal dispute resolution procedure that is binding on students, parents, volunteers, YES CHARTER ACADEMY personnel, and Council of Directors members. The Charter School shall have an internal dispute resolution process to be used for all internal disputes related to the Charter School's operations. The Charter School shall also maintain a Uniform Complaint Policy and Procedures as required by state law. Parents, students, board members, volunteers, and staff at YES CHARTER ACADEMY are provided with a copy of YES CHARTER ACADEMY's policies and dispute resolution process, at minimum, via the Charter School's website, and via the Parent-Student Handbook, and agree to work within it. The County Office of Education and Council of Directors agree to refer all complaints regarding YES CHARTER ACADEMY's operations, policies and procedures to YES CHARTER ACADEMY's Principal for resolution in accord with YES CHARTER ACADEMY's adopted policies. In the event that YES CHARTER ACADEMY's Principal fails to resolve the dispute, it may be referred to YES CHARTER ACADEMY's Council of Directors. The Board of Yuba County Office of Education agrees not to intervene in the dispute without the consent of the Council of Directors unless the matter directly relates to one of the reasons specified in law for which a charter may be revoked.

The Council of Directors has authority to make final determinations regarding all internal disputes. The Yuba County Office of Education has no authority or involvement in YES CHARTER ACADEMY internal disputes.

C. Disputes Between YES CHARTER ACADEMY and the County Office of Education



The staff and Council of Directors of YES CHARTER ACADEMY and YCOE agree to attempt to resolve all disputes regarding this charter pursuant to the terms of this section. Both refrain from public commentary regarding any disputes until the matter has progressed through the dispute resolution process.

YES CHARTER ACADEMY works with the County Office of Education in good faith to informally resolve any disputes that may arise between them. Should informal resolution of such disputes fail, the following Dispute Resolution Process prevails.

In the event of a dispute between the Charter School and the County Office of Education, Charter School staff, employees and Council members of the Charter School and the County Office of Education agree to first frame the issue in written format (dispute statement) and to refer the issue to the County Office of Education Superintendent and Principal of the Charter School. In the event that the County Office of Education Board of Trustees believes that the dispute relates to an issue that could lead to revocation of the charter in accordance with Education Code Section 47607, the Charter School requests that this is noted in the written dispute statement, although it recognizes it cannot legally bind the County Office of Education to do so. However, participation in the dispute resolution procedures outlined in this section is not be interpreted to impede or act as a pre-requisite to the County Office of Education's ability to proceed with revocation in accordance with Education Code Section 47607.

The Principal and Superintendent informally meet and confer in a timely fashion to attempt to resolve the dispute, not later than five business days from receipt of the dispute statement. In the event that this informal meeting fails to resolve the dispute, both parties identify two Board/Council members from their respective boards who jointly meet with the Superintendent and the Principal of the Charter School and attempt to resolve the dispute within 15 business days from receipt of the dispute statement.

If this joint meeting fails to resolve the dispute, the Superintendent and the Principal meet to jointly identify a neutral third party mediator to engage the Parties in a mediation session designed to facilitate resolution of the dispute. The format of the mediation session is developed jointly by the Superintendent and the Principal. Mediation is held within sixty business days of receipt of the dispute statement. The costs of the mediator are split equally between the County Office of Education and the Charter School. If mediation does not resolve the dispute either party may pursue any other remedy available under the law. All timelines and procedures in this section may be revised upon mutual written agreement of the County Office of Education and the Charter School.