



# MAGNOLIA PUBLIC SCHOOLS

Board Of Directors

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Board Agenda Item #	II B
Date:	April 21, 2016
To:	Magnolia Board of Directors
From:	Caprice Young, Ed.D., CEO & Superintendent
Staff Lead:	David Yilmaz, Deputy CAO/Director of Accountability
RE:	Approval of revisions to the Uniform Complaint Policy and Procedures

## Proposed Board Recommendation

I move that the board approve revisions to the Uniform Complaint Policy and Procedures.

## Background

We had our Uniform Complaint Policy and Procedures reviewed by our legal counsel. Revisions have been made to comply with the current law. All revisions can be seen in the attached redline version of the policy. Some major revisions include the following:

- The updated list of all applicable state or federal laws and regulations
- Pupil fee complaints
- Annual notice requirements

## Budget Implications

There are no budget implications.

## Name of Staff Originator:

David Yilmaz, Deputy CAO/Director of Accountability

## Attachments

- Board Governance Policies – Uniform Complaint Policy and Procedures (REVISED COPY)
- Board Governance Policies – Uniform Complaint Policy and Procedures (SPA) (Spanish version of the REVISED COPY)
- Board Governance Policies – Internal Complaint Policies and Procedures UCP redline 022116 (JAR) (OLD POLICY REDLINED TO SHOW REVISIONS)

## UNIFORM COMPLAINT POLICY AND PROCEDURES

**Scope**

The School's policy is to comply with applicable federal and state laws and regulations. The School is the local agency primarily responsible for compliance with federal and state laws and regulations governing educational programs. Pursuant to this policy, persons responsible for conducting investigations shall be knowledgeable about the laws and programs which they are assigned to investigate. This complaint procedure is adopted to provide a uniform system of complaint processing for the following types of complaints:

- 1) Complaints of unlawful discrimination, harassment, intimidation or bullying against any protected group including actual or perceived, including discrimination on the basis of the actual or perceived characteristics age, ancestry, color, disability, ethnic group identification, gender expression, gender identity, gender, genetic information, nationality, national origin, race or ethnicity, religion, sex, or 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 School program or activity; and
- 2) Complaints of violations of state or federal law and regulations governing the following programs including but not limited to: Adult Education Programs, After School Education and Safety Programs, Agricultural Vocational Education Programs, American Indian Education Centers and Early Child Education Program Assessments, Consolidated Categorical Aid Programs, Career Technical and Technical Education and Career Technical and Technical Training Programs, Child Care and Development Programs, Child Nutrition Programs, Foster and Homeless Youth Services, Migrant Education Programs, No Child Left Behind Act (2001) Programs (Titles I-VII), including improving academic achievement, compensatory education, limited English proficiency, and migrant education, Regional Occupational Centers and Programs, Special Education Programs, State Preschool, and Tobacco-Use Prevention Education.
- 3) A complaint may also be filed alleging that a pupil enrolled in a public school was required to pay a pupil fee for participation in an educational activity as those terms are defined below.
  - a. "Educational activity" means an activity offered by a school, school district, charter school or county office of education that constitutes an integral fundamental part of elementary and secondary education, including, but not limited to, curricular and extracurricular activities.
  - b. "Pupil fee" means a fee, deposit or other charge imposed on pupils, or a pupil's parents or guardians, in violation of Section 49011 of the Education Code and Section 5 of Article IX of the California Constitution, 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, as provided for in *Hartzell v. Connell* (1984) 35 Cal.3d 899. A pupil fee includes, but is not limited to, all of the following:
    - i. 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.
    - ii. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, uniform or other materials or equipment.

- iii. A purchase that a pupil is required to make to obtain materials, supplies, equipment or uniforms associated with an educational activity.
  - c. A pupil fees complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with laws relating to pupil fees.
  - d. If the Charter School finds merit in a pupil fees complaint the Charter School shall provide a remedy to all affected pupils, parents, and guardians that, where applicable, includes reasonable efforts by the Charter School to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.
  - e. Nothing in this section shall be interpreted to prohibit solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or school districts, school, and other entities from providing pupils prizes or other recognition for voluntarily participating in fundraising activities.
- 4) Complaints of noncompliance with the requirements governing the Local Control Funding Formula or Sections 47606.5 and 47607.3 of the Education Code, as applicable.
  - 5) Complaints of noncompliance with the requirements of Education Code Section 222 regarding the rights of lactating pupils on a school campus. If the Charter School finds merit in a complaint, or if the Superintendent finds merit in an appeal, the Charter School shall provide a remedy to the affected pupil.

The School acknowledges and respects every individual's rights to privacy. Unlawful discrimination, harassment, intimidation or bullying complaints shall be investigated in a manner that protects [to the greatest extent reasonably possible] the confidentiality of the parties and the integrity of the process. While the School cannot guarantee anonymity of the complainant, this includes keeping the identity of the complainant confidential, as appropriate and except to the extent necessary to carry out the investigation or proceedings, as determined by the CEO or designee on a case-by-case basis.

The School prohibits any form of retaliation against any complainant in the complaint process, including but not limited to a complainant's filing of a complaint or the reporting of instances of unlawful discrimination, harassment, intimidation or bullying. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

### **Compliance Officers**

MPS Board of Directors designates the following compliance officer(s) to receive and investigate complaints and to ensure the School's compliance with law:

Chief Executive Officer  
Magnolia Public Schools  
13950 Milton Ave. Ste 200B  
Westminster, CA 92683  
(714) 892-5066

Should a complaint be filed against the Chief Executive Officer ("CEO"), the Board of Directors will either hire an outside, independent investigator or identify one or more members to serve as the compliance officer(s).

The CEO or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the CEO or designee.

### **Notifications**

The CEO or designee shall annually provide written notification of the School's uniform complaint procedures to students, employees, parents and/or guardians, advisory committees, the Board of Directors, appropriate private school officials or representatives, and other interested parties (e.g. Adult Education).

The annual notice shall be in English, and when necessary, in the primary language, pursuant to section 48985 of the Education Code if fifteen (15) percent or more of the pupils enrolled in the Charter School speak a single primary language other than English.

The CEO or designee shall make available copies of the School's uniform complaint procedures free of charge.

The annual notice shall include the following:

- (a) A statement that the Charter School is primarily responsible for compliance with federal and state laws and regulations.
- (b) A statement that a pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.
- (c) A statement identifying the responsible staff member, position, or unit designated to receive complaints.
- (d) A statement that the complainant has a right to appeal the Charter School's decision to the CDE by filing a written appeal within 15 days of receiving the Charter School's decision.
- (e) A statement advising the complainant of any civil law remedies that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable, and of the appeal pursuant to Education Code § 262.3.
- (f) A statement that copies of the local educational agency complaint procedures shall be available free of charge.

### **Procedures**

The following procedures shall be used to address all complaints which allege that the School has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint and subsequent related actions. All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

#### **Step 1: Filing of Complaint**

Any individual, public agency, or organization may file a written complaint of alleged noncompliance by the School.

A complaint alleging unlawful discrimination, harassment, intimidation or bullying shall be initiated no later than six months from the date when the alleged unlawful discrimination, harassment, intimidation or bullying occurred, or six (6) months from the date when the complainant first obtained knowledge of the

facts of the alleged unlawful discrimination, harassment, intimidation or bullying. A complaint may be filed by a person who alleges that he/she personally suffered unlawful discrimination, harassment, intimidation or bullying or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination, harassment, intimidation or bullying.

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and date stamp.

If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, School staff shall assist him/her in the filing of the complaint.

### **Step 2: Mediation**

Within three (3) days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make arrangements for this process.

Before initiating the mediation of an unlawful discrimination, harassment, intimidation or bullying 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.

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

### **Step 3: Investigation of Complaint**

The compliance officer is encouraged to hold an investigative meeting within five (5) days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

The complainant and/or his/her representative shall have an opportunity to present the complaint and evidence or information leading to evidence to support the allegations in the complaint.

A complainant's refusal to provide the 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.

The School's refusal to provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement 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.

### **Step 4: Response**

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report of the School's investigation and decision, as described in Step #5 below, within sixty (60) days of the School's receipt of the complaint.

**Step 5: Final Written Decision**

The School's decision shall be in writing and sent to the complainant. The School's decision shall be written in English and in the language of the complainant whenever feasible or as required by law.

The decision shall include:

1. The findings of fact based on evidence gathered.
2. The conclusion(s) of law.
3. Disposition of the complaint.
4. Rationale for such disposition.
5. Corrective actions, if any are warranted.
6. Notice of the complainant's right to appeal the School's decision within fifteen (15) days to the CDE and procedures to be followed for initiating such an appeal.
7. For unlawful discrimination, harassment, intimidation or bullying complaints arising under state law, notice that the complainant must wait until sixty (60) days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies.
8. For unlawful discrimination, harassment, intimidation or bullying complaints arising under federal law such complaint may be made at any time to the U.S. Department of Education, Office for Civil Rights.

If an employee is disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the employee was informed of the School's expectations. The report shall not give any further information as to the nature of the disciplinary action.

**Appeals to the California Department of Education**

If dissatisfied with the School's decision, the complainant may appeal in writing to the CDE within fifteen (15) days of receiving the School's decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the School's decision.

Upon notification by the CDE that the complainant has appealed the School's decision, the CEO or designee shall forward the following documents to the CDE:

1. A copy of the original complaint.
2. A copy of the decision.
3. A summary of the nature and extent of the investigation conducted by the School, if not covered by the decision.
4. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by all parties and gathered by the investigator.
5. A report of any action taken to resolve the complaint.

6. A copy of the School's complaint procedures.
7. Other relevant information requested by the CDE.

The CDE may directly intervene in the complaint without waiting for action by the School when one of the conditions listed in Title 5, California Code of Regulations, Section 4650 exists, including cases in which the School has not taken action within 60 days of the date the complaint was filed with the School.

### **Civil Law Remedies**

A complainant may pursue available civil law remedies outside of the School's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For unlawful discrimination, harassment, intimidation or bullying complaints arising under state law, however, a complainant must wait until sixty (60) days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the School has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622. For discrimination complaints arising under federal law, a complainant may file a civil suit at any time.

## UNIFORM COMPLAINT PROCEDURES FORM

**Person filing complaint:**

Last Name: _____	First Name/MI: _____
Student Name (if applicable): _____	Date of Birth: _____ Grade: _____
Street Address/Apt. #: _____	
City: _____	State: _____ Zip Code: _____
Phone #: _____	Email: _____
School/Office of Alleged Violation: _____	

**For allegation(s) of noncompliance, please check the program or activity referred to in your complaint, if applicable:**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Adult Education            | <input type="checkbox"/> After School Education and Safety | <input type="checkbox"/> Agricultural Vocational Education |
| <input type="checkbox"/> American Indian Education  | <input type="checkbox"/> Consolidated Categorical Aid      | <input type="checkbox"/> Career/Technical Education        |
| <input type="checkbox"/> Child Development Programs | <input type="checkbox"/> Child Nutrition                   | <input type="checkbox"/> Foster/Homeless Youth             |
| <input type="checkbox"/> Migrant Education          | <input type="checkbox"/> No Child Left Behind Programs     | <input type="checkbox"/> Regional Occupational Programs    |
| <input type="checkbox"/> Special Education          | <input type="checkbox"/> State Preschool                   | <input type="checkbox"/> Tobacco-Use Prevention Education  |
| <input type="checkbox"/> Pupil Fees                 | <input type="checkbox"/> Local Control Funding Formula     | <input type="checkbox"/> Lactating Pupils                  |

**For allegation(s) of unlawful discrimination, harassment, intimidation or bullying, please check the basis of the unlawful discrimination, harassment, intimidation or bullying described in your complaint, if applicable:**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Age                             | <input type="checkbox"/> Gender / Gender Expression / Gender Identity | <input type="checkbox"/> Sex (Actual or Perceived)   |
| <input type="checkbox"/> Ancestry                        | <input type="checkbox"/> Genetic Information                          | <input type="checkbox"/> Sexual Orientation (Actual or Perceived)  |
| <input type="checkbox"/> Color                           | <input type="checkbox"/> National Origin                              | <input type="checkbox"/> Based on association with a person or group with one or more of these actual or perceived characteristics |
| <input type="checkbox"/> Disability (Mental or Physical) | <input type="checkbox"/> Race or Ethnicity                            |  |
| <input type="checkbox"/> Ethnic Group Identification     | <input type="checkbox"/> Religion                                     |  |



1. Please give facts about the complaint and attach any relevant documents if available. 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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2. Have you discussed your complaint or brought your complaint to any Charter School personnel? If you have, to whom did you take the complaint, and what was the result?

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

I have attached supporting documents:  Yes  No

**I acknowledge that I have read and that I understand the above statements. I hereby authorize the School to disclose the information I have provided as it finds necessary in pursuing its investigation. I hereby certify that the information I have provided in this complaint is true and correct and complete to the best of my knowledge and belief.**

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

Mail complaint and any relevant documents to:

Chief Executive Officer  
Magnolia Public Schools  
13950 Milton Ave. Ste 200B  
Westminster, CA 92683  
Phone: (714) 892-5066

## POLÍTICA Y PROCEDIMIENTOS PARA DENUNCIAS UNIFORMES

### **Alcance**

La política de la escuela es cumplir con las leyes y reglamentos federales y estatales aplicables. La escuela es la agencia local principalmente responsable del cumplimiento de las leyes y reglamentos federales y estatales que gobiernan los programas educativos. De conformidad con esta política, las personas encargadas de realizar las investigaciones deberán estar bien informadas sobre las leyes y programas que hayan sido asignados a investigar. Se adoptó este procedimiento para proporcionar un sistema uniforme de procesamiento de denuncias para los siguientes tipos:

- 1) Las denuncias de discriminación ilegal, acoso o intimidación en contra de cualquier grupo protegido incluyendo la discriminación real o percibida basándose en las características reales o percibidas de edad, ascendencia, color, discapacidad, grupo étnico, expresión del género, identidad del género, género, información genética, nacionalidad, origen nacional, raza u origen étnico, religión, sexo u orientación sexual o basándose en la asociación de una persona con otra persona o grupo que incluyan una o más de estas características reales o percibidas en cualquier programa de la escuela o actividad; y
- 2) Las denuncias sobre violaciones de la ley estatal o federal y reglamentos que rigen los siguientes programas, que incluyen, pero no se limita a: Programas de educación para adultos, educación después de clases y programas de seguridad, programas de formación profesional agrícola, centros de educación amerindia y evaluaciones del programa de educación en la primera infancia, programas consolidados de ayuda categórica, carrera técnica y educación técnica y programas de carreras técnicas y formación técnica, cuidado infantil y programas de desarrollo, programas de nutrición infantil, servicios de jóvenes sin techo y crianza temporal, programa de educación al inmigrante, programa de la ley "Que ningún niño se quede atrás" (2001) (Títulos I- VII), incluyendo la mejora del rendimiento académico, educación compensatoria, dominio del inglés limitado y educación al inmigrante, programas y centros ocupacionales regionales, programas de educación especial, preescolar estatal y educación preventiva sobre el uso del tabaco.
- 3) También se puede presentar una denuncia alegando que un alumno inscrito en una escuela pública lo obligan a pagar una cuota para participar en una actividad educativa, como en los siguientes términos que se definen a continuación:
  - a. La "actividad educativa" significa que una actividad ofrecida por una oficina de la escuela, distrito escolar, escuela autónoma o educación del condado que constituya una parte fundamental integral de la educación primaria y secundaria, incluyendo, pero no se limita a, actividades curriculares y extracurriculares.
  - b. La "cuota del alumno" se refiere a una cuota, depósito u otra carga impuesta a los alumnos o a los padres o tutores del alumno, que viola la Sección 49011 del Código y la Sección 5 del Artículo IX de la Constitución de California, las cuales requieren que las acciones educativas se ofrezcan de forma gratuita a todos los alumnos sin tener en cuenta la capacidad o voluntad de sus familias de pagar los honorarios ni tampoco solicitar exenciones especiales, según lo previsto en Hartzell v. Connell (1984) 35 Cal.3d 899. Existe un cargo por alumno que incluyen, pero no se limita a, todos los siguientes:

- i. Un cargo que se cobra a un alumno como condición para inscribirse en la escuela o clases, o como condición para su participación en una clase o una actividad extracurricular, independientemente de si la clase o actividad es optativa u obligatoria o es para el crédito.
    - ii. Un depósito de seguridad u otro pago pedido a un alumno para obtener un seguro, casillero, libros, aparatos de clase, instrumento musical, uniformes u otros materiales o equipo.
    - iii. Una compra solicitada al alumno para obtener materiales, suministros, equipos o uniformes asociados a una actividad educativa.
  - c. La denuncia por cuotas al alumno puede ser presentada de forma anónima si la denuncia provee evidencia o información conducente a evidencia que apoye una acusación de incumplimiento de las leyes relativas a las cuotas de los alumnos.
  - d. Si la escuela Chárter encuentra mérito en una denuncia de cuotas a los alumnos, deberá proporcionar una solución para todos los alumnos afectados, padres y tutores que, en su caso, incluyan los esfuerzos razonables de la escuela Chárter en asegurar el reembolso total a todos los alumnos afectados, padres, y tutores, sujetos a los procedimientos establecidos mediante reglamentación adoptada por la junta estatal.
  - e. Nada en esta sección será interpretada como una prohibición de solicitud de donaciones voluntarias de fondos o bienes, de participación voluntaria en actividades de recaudación de fondos o la prohibición a distritos escolares, la escuela y otras entidades de proporcionar premios u otro reconocimiento a los alumnos por participar voluntariamente en actividades de recaudación de fondos.
4. Las denuncias que no cumplan con los requisitos que regulan la fórmula de financiamiento de control local o Secciones 47606.5 y la 47607.3 del Código de Educación, según sea el caso.
  5. Las denuncias por el incumplimiento de los requisitos del Código de Educación, Sección 222 con respecto a los derechos de los alumnos en período de lactancia en el campus de la escuela. Si la escuela Chárter encuentra mérito en una denuncia o si el superintendente encuentra mérito en una apelación, la escuela Chárter proporcionará una solución al estudiante afectado.

La Escuela reconoce y respeta los derechos de cada individuo a la privacidad. Las denuncias por discriminación ilegal, acoso, intimidación o *bullying* deben ser investigadas de manera que se proteja [en la medida más razonablemente posible] la confidencialidad de las partes y la integridad del proceso. Mientras que la Escuela no puede garantizar el anonimato del autor, este último incluye mantener la identidad del demandante de manera confidencial, según proceda y salvo en la medida necesaria para llevar a cabo la investigación o procedimientos, según lo determinado por el CEO o su designado en un caso por caso.

La escuela prohíbe cualquier forma de represalia en contra de cualquier demandante durante el proceso de denuncias, incluyendo, pero sin limitarse a, la presentación de una denuncia por parte de un demandante o reportar casos de discriminación ilegal, acoso o intimidación. Tal participación no afectará de ninguna manera el estatus, las calificaciones o asignaciones de trabajo del demandante.

### **Funcionarios de cumplimiento**

La Junta de directores MPS designa al siguiente funcionario o funcionarios para recibir e investigar las denuncias y asegurar el cumplimiento de la Escuela con la ley:

Consejero delegado  
Magnolia Public Schools  
13950 Milton Ave. Ste 200B  
Westminster, CA 92683  
(714) 892-5066

Si se presenta una denuncia contra el funcionario ejecutivo principal ("CEO"), el Consejo de directores podrán contratar a un investigador independiente externo o identificará a uno o más miembros para servir como agente o agentes de cumplimiento.

El CEO o su designado deberán garantizar que los empleados designados que investiguen las denuncias tengan conocimiento de las leyes y programas bajo su responsabilidad. Los empleados designados pueden tener acceso a un abogado según lo determinado por el CEO o su designado.

### **Notificaciones**

El CEO o su designado enviará una notificación anualmente sobre los procedimientos de denuncia de la escuela para los estudiantes, empleados, padres y/o tutores, comités asesores, el consejo de directores, funcionarios apropiados de escuelas privadas o representantes y otras partes interesadas por medio escrito (por ejemplo: educación de adultos).

La notificación anual será en inglés, y cuando sea necesario, en el idioma principal, de conformidad con la sección 48985 del Código de Educación, si el quince (15) por ciento o más de los alumnos matriculados de la escuela Chárter hablan un solo idioma primario que no sea inglés.

El CEO o persona designada deberá hacer llegar ejemplares de los procedimientos de denuncia de la escuela de forma gratuita.

La notificación anual incluirá lo siguiente:

- (a) Una declaración de que la escuela Chárter es la principal responsable del cumplimiento de las leyes y reglamentos federales y estatales.
- (b) Una declaración de que un alumno inscrito en una escuela pública no estará obligado a pagar una cuota para participar en una actividad educativa.
- (c) Una declaración que identifique al miembro responsable del personal, la posición o la unidad designada para recibir denuncias.
- (d) Una declaración de que el demandante tiene el derecho a apelar la decisión de la escuela Chárter al CDE presentando una apelación por escrito dentro de los 15 días después de haber recibido la decisión por parte de la escuela Chárter.
- (e) Una declaración que asesore al demandante de cualquier ley civil correctiva que pueda estar disponibles bajo las leyes estatales o federales ante la discriminación, acoso, intimidación o *bullying*, en caso que aplique, y del recurso previsto en el Código de Educación § 262.3.
- (f) Una declaración de que las copias de los procedimientos de la agencia de denuncias educativas locales estarán disponibles de forma gratuita.

## **Procedimientos**

Los siguientes procedimientos se pueden usar para tratar todas las denuncias que aleguen que la escuela ha violado leyes o reglamentos federales o estatales que gobiernan los programas educativos. Los funcionarios de cumplimiento deberán mantener un registro de cada denuncia y de las acciones subsiguientes. Todas las partes involucradas en las acusaciones serán notificadas cuando se presente una denuncia, cuando se planifique una reunión de denuncia o una audiencia, y cuando se tome una decisión o se presente un fallo.

### **Paso 1: Presentación de la demanda**

Cualquier individuo, agencia pública u organización puede presentar una denuncia por escrito alegando el incumplimiento por parte de la Escuela.

Una denuncia que alegue discriminación ilegal, acoso o intimidación se iniciará a más tardar seis meses a partir de la fecha en que haya ocurrido la presunta discriminación ilegal, acoso o intimidación, o seis (6) meses siguientes a la fecha en que el demandante haya tenido conocimiento de los hechos de la presunta discriminación ilegal, acoso o intimidación. Una denuncia puede ser presentada por una persona que alega que él o ella hayan sufrido personalmente una discriminación ilegal, un acoso o intimidación o por una persona que cree que un individuo o una clase específica de individuos hayan sido sujetos a la discriminación ilegal, acoso, intimidación o *bullying*.

La denuncia será presentada al funcionario de cumplimiento quien mantendrá un registro de las denuncias recibidas, proporcionando a cada uno un número de código y sello de la fecha.

Si el demandante no puede presentar una denuncia por escrito debido a condiciones, tales como: discapacidad o analfabetismo, el personal de la escuela deberá ayudar a él o ella en la presentación de la demanda.

### **Paso 2: Mediación**

Dentro de los tres (3) días de recibir la denuncia, el funcionario de cumplimiento puede discutir informalmente con el demandante la posibilidad de usar mediación. Si el demandante no está de acuerdo con la mediación, el funcionario de cumplimiento hará arreglos para este proceso.

Antes de iniciar la mediación de una denuncia de discriminación ilegal, acoso o intimidación, el funcionario de cumplimiento deberá asegurarse de que todas las partes estén de acuerdo con que el mediador sepa la información confidencial relacionada.

Si el proceso de mediación no resuelve el problema dentro de los parámetros de la ley, el funcionario de cumplimiento procederá con la investigación de la denuncia.

El uso de mediación no extenderá el tiempo de la escuela para investigar y resolver la denuncia a menos que el demandante esté de acuerdo por escrito de una extensión del tiempo.

### **Paso 3: Investigación de la denuncia**

Se alienta al funcionario de cumplimiento a realizar una reunión de investigación dentro de los cinco (5) días después de haber recibido la denuncia o después de un intento fallido de mediar la denuncia. Esta reunión

proporcionará una oportunidad para el demandante y/o su/sus representante(s) de repetir la denuncia oralmente.

El demandante y/o su/sus representante(s) tendrán la oportunidad de presentar la denuncia y evidencia o información que conduzca a la evidencia para apoyar las acusaciones de la denuncia.

La negativa del demandante en proporcionar al investigador de la escuela documentos u otra evidencia relacionada a las acusaciones de la denuncia o su/sus fallo(s) o la negativa a cooperar en la investigación o su/sus participación(es) en cualquier otra obstrucción de la investigación, puede dar lugar al rechazo de la demanda debido a la falta de evidencia para apoyar la acusación.

La negativa de la Escuela en proporcionar al investigador el acceso a los registros y/o cualquier otra información relacionada con la acusación de la denuncia, o su omisión o negativa a cooperar en la investigación o su participación en cualquier otra obstrucción de la investigación, puede llegar a la conclusión, basándose en la evidencia recolectada, de que se ha producido una violación y puede dar lugar a la imposición de una solución a favor del demandante.

#### **Paso 4: Respuesta**

A menos que se extienda por un acuerdo escrito con el demandante, el funcionario de cumplimiento preparará y enviará al demandante un informe escrito de la investigación y de la decisión de la escuela, tal como se describe en el paso núm. 5 de abajo, dentro de los sesenta (60) días siguientes a la recepción de la denuncia por parte de la Escuela.

#### **Paso 5: Decisión final por escrito**

La decisión de la escuela deberá ser por escrito y enviada al demandante. La decisión de la escuela deberá ser escrita en inglés y en el idioma del demandante cuando sea posible o como lo requiera la ley.

La decisión incluirá:

1. La determinación de los hechos basándose en las pruebas reunidas.
2. La conclusión o conclusiones de la ley.
3. La disposición de la denuncia.
4. La justificación de tal disposición.
5. Las acciones correctivas, en caso que apliquen, están garantizadas.
6. La notificación del derecho del demandante de apelar la decisión de la escuela dentro de los quince (15) días al CDE y los procedimientos a seguir para iniciar tal apelación.
7. Para las denuncias de discriminación ilegal, acoso, intimidación o *bullying* que surjan bajo la ley del estado, tenga en cuenta que el demandante debe esperar hasta sesenta (60) días transcurridos desde la presentación de una apelación con el CDE antes de buscar soluciones con la ley civil.
8. Las denuncias de discriminación, acoso, intimidación o *bullying* que surjan bajo la ley federal, se pueden hacer en cualquier momento ante el Departamento de Educación de EE. UU., en la Oficina de Derechos Civiles.

Si un empleado es disciplinado como resultado de la denuncia, la decisión simplemente indicará que se tomó una acción efectiva y que el empleado fue informado de las expectativas de la escuela. El informe no dará más información en cuanto a la naturaleza de la acción disciplinaria.

### **Apelaciones al Departamento de Educación de California**

Si no está satisfecho con la decisión de la Escuela, el demandante puede apelar por escrito ante el CDE dentro de los quince (15) días después de haber recibido la decisión de la escuela. Al apelar al CDE, el demandante debe especificar en qué se basa la apelación de la decisión y si los hechos son incorrectos y/o la ley ha sido mal aplicada. La apelación deberá ir acompañada de una copia de la denuncia presentada localmente y una copia de la decisión de la escuela.

Tras la notificación de que el demandante ha apelado la decisión de la escuela ante el CDE, el CEO o la persona designada deberá remitir los siguientes documentos al CDE:

1. Una copia de la denuncia original.
2. Una copia de la decisión.
3. Un resumen de la naturaleza y el alcance de la investigación llevada a cabo por la Escuela, si no está presente en la decisión.
4. Una copia del expediente de la investigación, incluyendo, pero sin limitarse, a todas las notas, entrevistas y documentos presentados por todas las partes y recogidos por el investigador.
5. Un informe de cualquier acción tomada para resolver la denuncia.
6. Una copia del procedimiento de denuncias de la Escuela.
7. Otra información relevante solicitada por el CDE.

El CDE puede intervenir directamente en la denuncia sin tener que esperar una acción por parte de la Escuela cuando exista una de las condiciones que figuran en el Título 5, del Código de Regulaciones de California, Sección 4650, incluyendo los casos en los que la Escuela no haya tomado acción dentro de los 60 días siguientes a la fecha de la presentación de la denuncia en la Escuela.

### **Correcciones de la Ley civil**

Un demandante puede seguir las correcciones disponibles de la ley civil fuera de los procedimientos de denuncia de la Escuela. Los demandantes pueden buscar ayuda de centros de mediación o abogados de interés público/privado. Las correcciones de la ley civil que pueden ser impuestas por una corte incluyen, pero no se limitan a, mandatos y órdenes de restricción. Para las denuncias de discriminación, acoso, intimidación o bullying ilegales que surjan bajo la ley estatal, sin embargo, un demandante debe esperar hasta sesenta (60) días desde la presentación de una apelación con el CDE antes de buscar correcciones con la ley civil. La moratoria no se aplica a una medida cautelar y es aplicable solamente si la escuela ha informado, adecuadamente y de manera oportuna, al demandante de su/sus derecho(s) a presentar una denuncia, de acuerdo con el 5 CCR 4622. Para denuncias de discriminación que surjan bajo la ley federal, un demandante puede presentar una demanda civil en cualquier momento.

## POLÍTICA Y PROCEDIMIENTOS PARA DENUNCIAS UNIFORMES

**Persona que presenta la denuncia:**

Apellido: _____	Nombre/Inicial 2.º nombre: _____
Nombre del estudiante (si aplica): _____	Fecha de nacimiento: _____ Grado: _____
Dirección/Apt. núm.: _____	
Ciudad: _____	Estado: _____ Código postal: _____
Núm. De teléfono: _____	Correo electrónico: _____
Escuela/Oficina de la presunta violación: _____	

**Para las acusaciones de incumplimiento, por favor, marque el programa o actividad contemplada en su denuncia, en caso que aplique:**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Educación para Adultos           | <input type="checkbox"/> Educación después de Clases y seguridad    | <input type="checkbox"/> Educación Vocacional Agrícola                |
| <input type="checkbox"/> Educación amerindia              | <input type="checkbox"/> Programas consolidados de ayuda categórica | <input type="checkbox"/> Carrera/Educación Técnica                    |
| <input type="checkbox"/> Programas de Desarrollo Infantil | <input type="checkbox"/> Nutrición infantil                         | <input type="checkbox"/> Crianza temporal/Jóvenes sin techo           |
| <input type="checkbox"/> Educación al inmigrante          | <input type="checkbox"/> Programa "Que ningún niño se quede atrás"  | <input type="checkbox"/> Programas Regionales Ocupacionales           |
| <input type="checkbox"/> Educación especial               | <input type="checkbox"/> Preescolar estatal                         | <input type="checkbox"/> Educación preventiva sobre el uso del tabaco |
| <input type="checkbox"/> Cuotas del estudiante            | <input type="checkbox"/> Fórmula de financiamiento de control local | <input type="checkbox"/> Estudiantes lactantes                        |

**Para acusaciones de discriminación ilegal, acoso o intimidación, por favor, marque en qué se basa la discriminación ilegal, acoso o intimidación que describe en su denuncia, en caso que aplique:**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Edad                            | <input type="checkbox"/> Género / Expresión del género / Identidad del género | <input type="checkbox"/> Sexo (Real o percibida)   |
| <input type="checkbox"/> Ascendencia                     | <input type="checkbox"/> Información genética                                 | <input type="checkbox"/> Orientación sexual (Real o percibida)   |
| <input type="checkbox"/> Color                           | <input type="checkbox"/> Origen nacional                                      | <input type="checkbox"/> Se basa en la asociación de una persona o grupo que incluyan una o más de estas características reales o percibidas |
| <input type="checkbox"/> Discapacidad (Mental or Física) | <input type="checkbox"/> Raza o etnia   |  |
| <input type="checkbox"/> Identificación del grupo étnico | <input type="checkbox"/> Religión   |  |



1. Por favor, indique los hechos de la denuncia y adjunte los documentos pertinentes, si están disponibles. Proporcione detalles, tales como los nombres de las personas involucradas, fechas, si los testigos estaban presentes, etc., estos pueden ser de utilidad para el investigador de la denuncia.

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2. ¿Ha discutido su denuncia o llevado su denuncia a cualquier personal de la escuela Chárter? Si es así, ¿a quién le llevó la denuncia y cuál fue el resultado?

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3. Por favor, proporcione copias de todos los documentos escritos que puedan ser relevantes o sirvan de apoyo para su denuncia. He adjuntado los documentos de apoyo:  Sí  No

**Reconozco que he leído y que entiendo las declaraciones anteriores. Mediante la presente autorizo a la Escuela para revelar la información que he proporcionado según considere necesario para el desarrollo de su investigación. Por la presente, certifico que la información que he proporcionado en esta denuncia es verdadera y correcta y completa de mi conocimiento y creencia.**

Firma: \_\_\_\_\_ Fecha: \_\_\_\_\_

Enviar denuncia y cualquier documento relevante por correo a:

Consejero delegado  
Magnolia Public Schools  
13950 Milton Ave. Ste 200B  
Westminster, CA 92683  
Teléfono: (714) 892-5066

INTERNAL COMPLAINT POLICIES AND PROCEDURES

It is the policy of the Magnolia Public Schools (MPS) (the “School”) to maintain a positive and productive working and educational environment where the charter school is compliant with all applicable federal and state laws and regulations. There are some circumstances, however, when employees may take issue with other employees or supervisors or employees or students believe that a violation of federal or state law is occurring in certain educational programs. Employees that have complaints against other employees or supervisors that do not involve complaints of discrimination or harassment or violations of law, are encouraged to first address the issue with the person directly using conflict resolution skills without the intervention of a supervisor or other School administrator. If, however, the employee does not feel comfortable with this approach or the complaint is made by a student and/or involves harassment, discrimination or other violation of state or federal law under the programs listed in 5 C.C.R. § 4610(b), the employee or student must use the below identified complaint procedures.

MPS Internal Complaint Policies and Procedures include:

- A. Uniform Complaint Policy and Procedures
- B. Policy Prohibiting Unlawful Harassment
- C. Employee Internal Complaint Review
  - a. Complaints by Employees Against Employees
  - b. Complaints by Third Parties Against Employees
- D. Internal Complaint Procedure for All Other Complaints

Appendices:

Appendix A: Internal Complaint Procedures Form

**A. Uniform Complaint Policy and Procedures**

**Scope**

The School's policy is to comply with applicable federal and state laws and regulations. The School is the local agency primarily responsible for compliance with federal and state laws and regulations governing educational programs. Pursuant to this policy, persons responsible for conducting investigations shall be knowledgeable about the laws and programs which they are assigned to investigate. This complaint procedure is adopted to provide a uniform system of complaint processing for the following types of complaints:

- 1) Complaints of unlawful discrimination, harassment, intimidation or bullying against any protected group including actual or perceived, including discrimination on the basis of the actual or perceived characteristics age, ancestry, color, disability, ethnic group identification, gender expression, gender identity, gender, genetic information, nationality, national origin, race or ethnicity, religion, sex, or sexual orientation~~sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability~~, 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 School program or activity; and
- 2) Complaints of violations of state or federal law and regulations governing the following programs including but not limited to: special education, Title II, Section 504 of the Rehabilitation Act, consolidated categorical aid, No Child Left Behind, migrant education, career technical and technical education training programs, child care and development programs, child nutrition program, Adult Education Programs, After School Education and Safety Programs, Agricultural Vocational Education Programs, American Indian Education Centers and Early Child Education Program Assessments, Consolidated Categorical Aid Programs, Career Technical and Technical Education and Career Technical and Technical Training Programs, Child Care and Development Programs, Child Nutrition Programs, Foster and Homeless Youth Services, Migrant Education Programs, No Child Left Behind Act (2001) Programs (Titles I-VII), including improving academic achievement, compensatory education, limited English proficiency, and migrant education, Regional Occupational Centers and Programs, Special Education Programs, State Preschool, and Tobacco-Use Prevention Education.
- 3) A complaint may also be filed alleging that a pupil enrolled in a public school was required to pay a pupil fee for participation in an educational activity as those terms are defined below.
  - a. "Educational activity" means an activity offered by a school, school district, charter school or county office of education that constitutes an integral fundamental part of elementary and secondary education, including, but not limited to, curricular and extracurricular activities.
  - b. "Pupil fee" means a fee, deposit or other charge imposed on pupils, or a pupil's parents or guardians, in violation of Section 49011 of the Education Code and Section 5 of Article IX of the California Constitution, 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, as provided for in *Hartzell v. Connell* (1984) 35 Cal.3d 899. A pupil fee includes, but is not limited to, all of the following:

**Comment [BG1]:** We have updated this list to include all applicable state or federal laws and regulations.

If Magnolia does not participate in a particular program or provide a particular service, you may remove it from the list. We would be glad to have a brief conversation to narrow down, as necessary.

At a minimum, the legal requirements associated with the following programs apply to all charter schools, so you must leave them in the policy:

- Foster and Homeless Youth Services (EC 49069.5(j).)
- No Child Left Behind Programs (until fully phased out under new federal law)
- Special Education Programs

- i. 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.
  - ii. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, uniform or other materials or equipment.
  - iii. A purchase that a pupil is required to make to obtain materials, supplies, equipment or uniforms associated with an educational activity.
- c. A pupil fees complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with laws relating to pupil fees.
- d. If the Charter School finds merit in a pupil fees complaint the Charter School shall provide a remedy to all affected pupils, parents, and guardians that, where applicable, includes reasonable efforts by the Charter School to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.
- e. Nothing in this section shall be interpreted to prohibit solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or school districts, school, and other entities from providing pupils prizes or other recognition for voluntarily participating in fundraising activities.
- 4) Complaints of noncompliance with the requirements governing the Local Control Funding Formula or Sections 47606.5 and 47607.3 of the Education Code, as applicable.
- 5) Complaints of noncompliance with the requirements of Education Code Section 222 regarding the rights of lactating pupils on a school campus. If the Charter School finds merit in a complaint, or if the Superintendent finds merit in an appeal, the Charter School shall provide a remedy to the affected pupil.

The School acknowledges and respects every individual's rights to privacy. Unlawful Discrimination, harassment, intimidation or bullying complaints shall be investigated in a manner that protects [to the greatest extent reasonably possible] the confidentiality of the parties and the integrity of the process. While the School cannot guarantee anonymity of the complainant, this includes keeping the identity of the complainant confidential, as appropriate and except to the extent necessary to carry out the investigation or proceedings, as determined by the CEO or designee on a case-by-case basis.

The School prohibits any form of retaliation against any complainant in the complaint process, including but not limited to a complainant's filing of a complaint or the reporting of instances of unlawful discrimination, harassment, intimidation or bullying. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

#### **Compliance Officers**

MPS Board of Directors designates the following compliance officer(s) to receive and investigate complaints and to ensure the School's compliance with law:

Chief Executive Officer  
Magnolia Public Schools

13950 Milton Ave. Ste 200B  
Westminster, CA 92683  
(714) 892-5066

~~In the event it is alleged that the~~Should a complaint be filed against the Chief Executive Officer (“CEO”) ~~took discriminatory action,~~ the Board of Directors will either hire an outside, independent investigator ~~to conduct the investigation~~ or identify one or more members to serve as ~~an investigator~~the compliance officer(s).

The CEO or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the CEO or designee.

### **Notifications**

The CEO or designee shall annually provide written notification of the School’s uniform complaint procedures to students, employees, parents ~~/ and/or~~ guardians, advisory committees, the Board of Directors, appropriate private school officials or representatives, and other interested parties (e.g. Adult Education).

The annual notice shall be in English, and when necessary, in the primary language, pursuant to section 48985 of the Education Code if fifteen (15) percent or more of the pupils enrolled in the Charter School speak a single primary language other than English.

The CEO or designee shall make available copies of the School’s uniform complaint procedures free of charge.

The annual notice shall include the following:

- (a) A statement that the Charter School is primarily responsible for compliance with federal and state laws and regulations.
- (b) A statement that a pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.
- (c) A statement identifying the responsible staff member, position, or unit designated to receive complaints.
- (d) A statement that the complainant has a right to appeal the Charter School’s decision to the CDE by filing a written appeal within 15 days of receiving the Charter School’s decision.
- (e) A statement advising the complainant of any civil law remedies that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable, and of the appeal pursuant to Education Code § 262.3.
- (f) A statement that copies of the local educational agency complaint procedures shall be available free of charge.

- ~~1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints.~~
- ~~2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable.~~
- ~~3. Advise the complainant of the appeal process pursuant to Education Code Section 262.3, including the complainant’s right to take the complaint directly to the California Department of Education (“CDE”) or to pursue remedies before civil courts or other public agencies.~~

~~4. Include statements that:~~

- ~~a. The School is primarily responsible for compliance with state and federal laws and regulations;~~
- ~~b. The complaint review shall be completed within sixty (60) calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline;~~
- ~~c. An unlawful discrimination complaint must be filed not later than six (6) months from the date the alleged discrimination occurs, or six (6) months from the date the complainant first obtains knowledge of the facts of the alleged discrimination;~~
- ~~d. The complainant has a right to appeal the School's decision to the CDE by filing a written appeal within fifteen (15) days of receiving the School's decision; and~~
- ~~e. The appeal to the CDE must include a copy of the complaint filed with the School and a copy of the School's decision.~~

**Uniform Complaint Procedures**

The following procedures shall be used to address all complaints which allege that the School has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint and subsequent related actions. All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

**Step 1: Filing of Complaint**

Any individual, public agency, or organization may file a written complaint of alleged noncompliance by the School.

A complaint alleging unlawful discrimination, harassment, intimidation or bullying shall be initiated no later than six months from the date when the alleged unlawful discrimination, harassment, intimidation or bullying occurred, or six (6) months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination, harassment, intimidation or bullying. A complaint may be filed by a person who alleges that he/she personally suffered unlawful discrimination, harassment, intimidation or bullying or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination, harassment, intimidation or bullying.

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and date stamp.

If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, School staff shall assist him/her in the filing of the complaint.

**Step 2: Mediation**

Within three (3) days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make arrangements for this process.

Before initiating the mediation of an unlawful discrimination, harassment, intimidation or bullying 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.

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

### **Step 3: Investigation of Complaint**

The compliance officer is encouraged to hold an investigative meeting within five (5) days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

The complainant and/or his/her representative shall have an opportunity to present the complaint and evidence or information leading to evidence to support the allegations in the complaint.

A complainant's refusal to provide the 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.

The School's refusal to provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement 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.

### **Step 4: Response**

#### **OPTION 1:**

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report of the School's investigation and decision, as described in Step #5 below, within sixty (60) days of the School's receipt of the complaint.

#### **OPTION 2:**

~~Within thirty (30) days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the School's investigation and decision, as described in Step #5 below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five (5) days, file his/her complaint in writing with the Board.~~

~~The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the sixty (60) day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.~~

~~If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within sixty (60) days of the School's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant.~~

**Comment [JR2]:** David, we recommend against Option 2.

**Step 5: Final Written Decision**

The School's decision shall be in writing and sent to the complainant. The School's decision shall be written in English and in the language of the complainant whenever feasible or as required by law.

The decision shall include:

1. The findings of fact based on evidence gathered.
2. The conclusion(s) of law.
3. Disposition of the complaint.
4. Rationale for such disposition.
5. Corrective actions, if any are warranted.
6. Notice of the complainant's right to appeal the School's decision within fifteen (15) days to the CDE and procedures to be followed for initiating such an appeal.
7. For unlawful discrimination, harassment, intimidation or bullying complaints arising under state law, notice that the complainant must wait until sixty (60) days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies.
8. For unlawful discrimination, harassment, intimidation or bullying complaints arising under federal law such complaint may be made at any time to the U.S. Department of Education, Office for Civil Rights.

If an employee is disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the employee was informed of the School's expectations. The report shall not give any further information as to the nature of the disciplinary action.

**Appeals to the California Department of Education**

If dissatisfied with the School's decision, the complainant may appeal in writing to the CDE within fifteen (15) days of receiving the School's decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the School's decision.

Upon notification by the CDE that the complainant has appealed the School's decision, the CEO or designee shall forward the following documents to the CDE:

1. A copy of the original complaint.
2. A copy of the decision.
3. A summary of the nature and extent of the investigation conducted by the School, if not covered by the decision.
4. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by all parties and gathered by the investigator.
5. A report of any action taken to resolve the complaint.



6. A copy of the School's complaint procedures.
7. Other relevant information requested by the CDE.

The CDE may directly intervene in the complaint without waiting for action by the School when one of the conditions listed in Title 5, California Code of Regulations, Section 4650 exists, including cases in which the School has not taken action within 60 days of the date the complaint was filed with the School.

### **Civil Law Remedies**

A complainant may pursue available civil law remedies outside of the School's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For unlawful discrimination, harassment, intimidation or bullying complaints arising under state law, however, a complainant must wait until sixty (60) days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the School has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622. For discrimination complaints arising under federal law, a complainant may file a civil suit at any time.

### **Filing a Complaint with the DFEH**

~~Employees or job applicants who believe that they have experienced unlawful employment discrimination may file a complaint directly with the DFEH. The DFEH serves as a neutral fact finder and attempts to help the parties voluntarily resolve disputes. If the DFEH finds sufficient evidence to establish discrimination occurred and settlement efforts fail, the DFEH may file a formal accusation. The accusation will lead to either a public hearing before the Fair Employment and Housing Commission (the "Commission") or a lawsuit filed by the DFEH on behalf of the complaining party.~~

~~If the Commission finds that discrimination has occurred, it can order remedies including: fines or damages for emotional distress from each employer or person found to have violated the law; hiring or reinstatement; back pay or promotion; changes in the policies or practices of the involved employer.~~

~~Employees can also pursue the matter through a private lawsuit in civil court after a complaint has been filed with the DFEH and a Right to Sue Notice has been issued. For more information, contact the DFEH and Commission toll free at (800) 884-1684, in the Sacramento area and out of state at (916) 227-0551 or visit its website at www.dfeh.ca.gov. To contact the nearest field office of the Equal Employment Opportunity Commission ("EEOC"), call 1-800-669-4000. You should be aware that state and federal law provide time limits within which complaints must be filed. Contact the relevant agency to determine the applicable time limit.~~

### **Retaliation Policy**

~~It is in violation of the School's policy for the School or any employee to demote, suspend, reduce, fail to hire or consider for hire, fail to give equal consideration in making employment decisions, fail to treat impartially in the context of any recommendations for subsequent employment that the School may make, adversely affect working conditions or otherwise deny any employment benefit to an individual because that individual has opposed practices prohibited by law or has filed a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing conducted by the Commission or DFEH or their staff. Any employee retaliating against another employee, applicant or student will be disciplined, up to and including termination.~~

~~Examples of protected activities under the School's retaliation policy include seeking advice from the DFEH or Commission; filing a complaint with the DFEH or Commission, irrespective of whether the complaint is actually sustained; opposing employment practices the employee reasonably believes to exist and believes to be a violation of the law; participating in an activity that is perceived by the School as opposition to discrimination, whether or not so intended by the employee expressing the opposition; participating in the proceeding of a local human rights or civil rights agency on a legal basis.~~

~~Nothing in this policy shall be construed to prevent the School from enforcing reasonable disciplinary policies and practices, nor from demonstrating that the actions of an applicant or employee were either disruptive or otherwise detrimental to legitimate business interests so as to justify the denial of an employment benefit.~~

**Comment [JR3]:** These two items should not be mixed in with the UCP, as they will cause confusion for complainants. If needed, they should be addressed in the employment handbook. Have you had our office review that document recently?

**B. Policy Prohibiting Unlawful Harassment**

MPS is committed to providing a work and educational atmosphere that is free of unlawful harassment. MPS's policy prohibits sexual harassment and harassment based upon race, color, creed, gender (including gender identity and gender expression), religion, marital status, registered domestic partner status, age, national origin or ancestry, physical or mental disability, medical condition (including cancer and genetic characteristics), genetic information, sexual orientation, military or veteran status, or any other consideration made unlawful by federal, state, or local laws. MPS will not condone or tolerate harassment of any type by any student, employee, independent contractor or other person with which the School does business.

This policy applies to all employee actions and relationships, regardless of position or gender. Sexual harassment regulated by this policy pertains to behavior of a sexual nature while students are under the jurisdiction of the School.

Students may receive age-appropriate training and/or instruction on the prohibition of sexual harassment at the School. Copies of this policy, implementing administrative regulations containing rules and procedures for reporting charges of sexual harassment and for pursuing available remedies shall be available at the School's Administrative Office.

Any student who believes that he or she has been harassed or has witnessed sexual harassment is encouraged to immediately report such incident to his or her teacher or to the School's Sexual Harassment Investigator. The Investigator will promptly investigate all such incidents in a confidential manner.

MPS will promptly and thoroughly investigate any complaint of harassment and take appropriate corrective action, if warranted.

**Prohibited Unlawful Harassment:**

- Verbal conduct such as epithets, derogatory jokes or comments or slurs;
- Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work because of sex, race or any other protected basis;
- Retaliation for reporting or threatening to report harassment; or
- Deferential or preferential treatment based on any of the protected classes above.

**Prohibited Unlawful Sexual Harassment:*****Statement against Sexual Harassment***

- No toleration policy - Sexual harassment of or by any faculty, staff or student is illegal and will not be tolerated. The Governing Board prohibits sexual harassment, and harassment based on pregnancy, childbirth or related medical conditions, race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, or any other basis protected by federal, state or local law or ordinance or regulation.
- To whom the policy applies - This policy applies to all persons involved in the operation of the School and prohibits unlawful harassment by faculty, staff, and students.
- Discipline - The Governing Board considers sexual harassment to be a major offense and any individuals who violate this policy are subject to discipline up to and including dismissal, expulsion or other appropriate sanction.

- Prompt and Thorough Investigation - All claims of harassment will be taken seriously and will be investigated promptly and thoroughly.
- Confidentiality - Sexual harassment advisers and others responsible to implement this policy will respect the confidentiality and privacy of individuals reporting or accused of sexual harassment to the extent appropriate.
- No Retaliation - Retaliation against any employee or student who in good faith reports or provides information related to harassment in violation of this policy is against the law and will not be tolerated. Intentionally providing false information, however, is grounds for discipline.

In accordance with existing policy, discrimination on the basis of gender in education institutions is prohibited. All persons, regardless of the gender, are afforded equal rights and opportunities and freedom from unlawful discrimination in education programs or activities conducted by the School.

MPS is committed to provide a workplace free of sexual harassment and considers such harassment to be a major offense, which may result in disciplinary action, up to, and including dismissal, of the offending employee.

Sexual harassment consist of sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature, regardless of whether or not the conduct is motivated by sexual desire, when: (1) submission of the conduct is either made explicitly or implicitly a term or condition of an individual's employment; (2) an employment decision is based upon an individual's acceptance or rejection of that conduct; (3) that conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

It is also unlawful to retaliate in any way against an employee who has articulated a good faith concern about sexual harassment against him or her or against another individual.

All supervisors of staff will receive sexual harassment training within six (6) months of their assumption of a supervisory position and will receive further training once every two (2) years thereafter. All staff will receive sexual harassment training and/or instruction concerning sexual harassment in the workplace as required by law.

Each employee has the responsibility to maintain a workplace free from any form of sexual harassment. Consequently, should any individual, in particular those with supervisory responsibilities, become aware of any conduct that may constitute sexual harassment or other prohibited behavior, immediate action should be taken to address such conduct. Employees and students are expected to act in a positive and professional manner and to contribute to a productive School environment that is free from harassing or disruptive activity. Any employee who believes they have been sexually harassed or has witnessed sexual harassment is encouraged to immediately report such harassment to the School Principal (or CEO for MPSCO employees). See Appendix for the "Internal Complaint Procedures Form."

### ***Sexual Harassment Defined***

Sexual harassment may include, but is not limited to:

- Physical assaults of a sexual nature, such as:
  - Rape, sexual battery, molestation or attempts to commit these assaults and
  - Intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another's body, or poking another's body.
- Unwanted sexual advances, propositions or other sexual comments, such as:

- Sexually oriented gestures, notices, remarks, jokes, or comments about a person's sexuality or sexual experience.
- Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward or deferential treatment for rejecting sexual conduct.
- Subjecting or threats of subjecting an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of the employee's sex.
- Sexual or discriminatory displays or publications anywhere at the workplace by employees, such as:
  - Displaying pictures, cartoons, posters, calendars, graffiti, objections, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning or pornographic or bringing to work or possessing any such material to read, display or view at work.
  - Reading publicly or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic; and
  - Displaying signs or other materials purporting to segregate an employee by sex in an area of the workplace (other than restrooms or similar rooms).

The illustrations of harassment and sexual harassment above are not to be construed as an all-inclusive list of prohibited acts under this policy.

Complainants and witnesses under these policies will be protected from further harassment and will not be retaliated against in any aspect of their employment due to their participation, filing of a complaint or reporting sexual harassment.

MPS will investigate complaints promptly and provide a written report of the investigation and decision as soon as practicable. The investigation will be handled in as confidential a manner as possible consistent with a full, fair, and proper investigation.

While in most situations a personal relationship is a private matter, these relationships are not appropriate in a professional setting, particularly where one of the parties has management or supervisory responsibilities.

#### **Notification**

- A copy of the Policy Information Sheet shall be provided to all School students and employees at the beginning of the first semester of each school year with the disbursement of the first paycheck, noting whether any amendments have been made. *(It will be included in the Employee and Student handbooks.)*
- A copy of the Board Sexual Harassment Policy # shall appear in any publication of the School that sets forth the comprehensive rules, regulations, procedures and standards of conduct from the School.
- Employees or students who have questions concerning this Board Policy are encouraged to contact the School's Administrative Office (or HR department for MPSCO Employees).

#### **Complaint Filing Procedure**

- Informal Resolution - The Board encourages communication among its employees and students. If you feel that you are being harassed by another student, if reasonably possible, we suggest informing the party directly that his or her conduct is unwelcome or offensive and it must stop. If this is not possible, or if the alleged harasser is an employee of the School, or if the behavior continues, follow the complaint filing procedure.

- Written Complaint – Complaints should be submitted within one (1) year of the alleged incident to ensure a prompt, thorough investigation.
- Any student who believes he or she has been harassed, or believes he or she has witnessed harassment by a peer, or agent of the School should promptly report in writing, using the attached form, incident(s) to the his or her supervisor and/or the Principal (or CEO for MPSCO employees).
- A complaint form is attached to this Policy. It is important to fill in as much information as accurately as possible. A copy of this form can be obtained from the School’s Administrative Office (or HR department for MPSCO Employees).
- The Principal (or CEO for MPSCO employees), or designee, will investigate all reported incidents within 10 days of receiving a written complaint form, unless the Principal (or CEO for MPSCO employees), or designee, is the subject of the investigation, in which case the Governing Board shall appoint an investigator. The individual responsible for the investigation will hereinafter be referred to as the “Investigator.” If the Investigator deems it necessary, he or she will convene a Team of trained investigators to proceed in the investigation.

#### **Investigation**

- Complaints will be treated seriously and investigated immediately.
- Complaints will be handled confidentially.
- Complainants will be promptly and fully informed of their rights pursuant to this policy.
- All witnesses and the accused will be properly and fully informed of their rights and remedies pursuant to this policy.
- All interviews of the accused, witnesses and the complainant shall be conducted in a private area.
- The Investigator will be properly trained to listen to the allegations, make complete notes, attempt to identify all persons involved, as well as all possible witnesses, and interview the accused.
- No complainant, witness, or party who assists in the investigation will be retaliated against.
- The School will take steps to prevent the recurrence of any harassment and will correct any discriminatory effects on the complainant and others.
- The Investigator will initiate an investigation to determine whether there is reasonable cause to believe that a violation of the Board’s sexual harassment policy has occurred. "Reasonable cause" is shown if a person of ordinary caution or prudence would be led to believe and conscientiously entertain a strong suspicion of a violation of the sexual harassment policy.
- All individuals involved in the investigation including the complainant, witnesses and the accused shall be fully informed of their rights under this policy.
- The accused shall be provided with a copy of the complaint form and an opportunity to respond to the allegations within seven (7) days of receipt of the request for a formal inquiry. The investigation will include interviews with the complainant and other witnesses as determined by the circumstances.
- The Investigator shall fully and effectively conduct an investigation that includes interviewing:
  1. The complainant;
  2. The accused;
  3. Any witnesses to the conduct; and
  4. Any other person who may be mentioned during the course of the investigation as possibly having relevant information.

- When appropriate, interim protections or remedies for the complainant, such as limitations on contact, alternative course schedules, and the like, may be recommended to the appropriate School administrator at any time during the process. The complainant will be kept informed of the status of the complaint, consistent with the Board's policy and regulation and applicable law.
- The formal investigation shall typically be completed within sixty (60) days of the date of the filing of the request.
- The final determination of the Investigator's investigation shall result in a report which shall contain, at the minimum:
  1. a statement of the allegations and issues;
  2. the positions of the parties;
  3. a summary of the evidence received from the parties and the witnesses;
  4. any response the accused wishes to add to the report; and
  5. all findings of fact.
- The final determination report shall state a conclusion that the Investigation Team:
  1. Found reasonable cause that the accused violated the sexual harassment policy; or
  2. Did not find sufficient evidence to find reasonable cause that the accused violated the sexual harassment policy. Where the Investigator did not find reasonable cause but believes the behavior complained of may constitute misconduct, the Investigator may state such a conclusion and refer the matter to the appropriate School administrator.
- The report shall be submitted to the appropriate School administrator(s) for action, within thirty (30) days of the completion of the investigation or as soon thereafter as is feasible. The Investigator will inform the complainant and the accused that the report has been forwarded and to whom. The appropriate administrator(s) will ensure that the complainant and the accused are timely notified in writing of the disciplinary action taken.
- Within fifteen (15) days of disciplinary action being taken against the accused, or as required by applicable Board procedures, the appropriate administrator(s) shall provide written notification to the complainant indicating:
  1. individual remedies available to the complainant; and
  2. all sanctions against the accused of which the complainant needs to be aware in order for the sanctions to be fully effective
- Within fifteen (15) days of taking disciplinary action against the accused, the appropriate administrator(s) shall provide written notification to the Investigator indicating
  1. the results of any disciplinary actions and the initiation of any appeals; and
  2. all further individual remedies available to the complainant.
- If the final determination is that sexual harassment has occurred, a prompt, relevant and effective remedy shall be provided to the complainant and appropriate disciplinary action taken against the harasser.

### **Appeal**

Appeal of Sexual Harassment Investigation Finding of No Reasonable Cause - There are different ways to appeal a finding of no reasonable cause depending on whether the complainant is a student, faculty, or staff. In most cases, existing School complaint procedures provide a mechanism for such an appeal, and where available, such procedures must be utilized.

**Notice to the Complainant**

Where the Investigator concludes that there is no reasonable cause to believe that a violation of the Board's sexual harassment policy has occurred and the complaint is to be dismissed, a copy of the report will be sent to the complainant and the accused in accordance with the Board policies/regulations applying to the disclosure of information from School records.

**Written Appeal**

A written appeal must be directed to the appropriate administrator, as designated by the CEO, within thirty (30) days of notification to the complainant of the dismissal of the complaint.

Basis for Appeal - The appeal may be based only on one of the following grounds:

1. There is newly discovered important evidence not known at the time of the report;
2. Bias on the part of an Investigator member; or
3. The Investigator failed to follow appropriate procedures.

**Decision**

The CEO or his or her designee will consider the appeal and will provide a written decision to the complainant and the Investigator within thirty (30) days of receipt of the appeal.

**Extensions of Deadlines**

Extensions of all deadlines contained in these procedures may be granted at the discretion of the Investigator for good cause. The CEO shall be consulted before a decision is made on requests for extensions involving faculty and staff.



**C. Employee Internal Complaint Review**

The purpose of the “Internal Complaint Review Policy” is to afford all employees of the School the opportunity to seek internal resolution of their work-related concerns. All employees have free access to the CEO or Board of Directors to express their work-related concerns.

Specific complaints of unlawful harassment are addressed under the School’s “Policy Against Unlawful Harassment.”

**a) Internal Complaints:**

*(Complaints by Employees Against Employees)*

This section of the policy is for use when a School employee raises a complaint or concern about a co-worker.

If reasonably possible, internal complaints should be resolved at the lowest possible level, including attempts to discuss/resolve concerns with your direct supervisor. However, in the event an informal resolution may not be achieved or is not appropriate, the following steps will be followed by the Principal (or the CEO (or designee) for MPSCO employees):

- The complainant will bring the matter to the attention of the Principal (or the CEO (or designee) for MPSCO employees) as soon as possible after attempts to resolve the complaint with the immediate supervisor have failed or if not appropriate; and
- The complainant will reduce his or her complaint to writing, indicating all known and relevant facts. The Principal (or the CEO for MPSCO employees) (or designee) will then investigate the facts and provide a solution or explanation;
- If the complaint is about the Principal, the complainant may file his or her complaint in a signed writing to the CEO (or designee.) The CEO (or designee) will then investigate the facts and provide a solution or explanation;
- If the complaint is about the CEO, the complainant may file his or her complaint in a signed writing to the President of the Board of Directors of the School, who will then confer with the Board and may conduct a fact-finding or authorize a third party investigator on behalf of the Board. The Board President or investigator will report his or her findings to the Board for review and action, if necessary.

This policy cannot guarantee that every problem will be resolved to the employee’s satisfaction. However, the School values each employee’s ability to express concerns and the need for resolution without fear of adverse consequence to employment.

**b) Policy for Complaints Against Employees:**

*(Complaints by Third Parties Against Employees)*

This section of the policy is for use when a non-employee raises a complaint or concern about a School employee.

If complaints cannot be resolved informally, complainants may file a written complaint with the office of the Principal or the CEO (if the complaint concerns the Principal) or the Board President (if the complaint concerns the CEO) as soon as possible after the events that give rise to the complainant’s concerns. The written complaint should set forth in detail the factual basis for the complaint.

In processing the complaint, the Principal (or the CEO (or the Board President)) (or designee) shall abide by the following process:

- The Principal (or the CEO) (or designee) shall use his or her best efforts to talk with the parties identified in the complaint and to ascertain the facts relating to the complaint.
- In the event that the Principal (or the CEO) (or designee) finds that a complaint against an employee is valid, the Principal (or the CEO) (or designee) may take appropriate disciplinary action against the employee. As appropriate, the Principal (or the CEO) (or designee) may also simply counsel/reprimand employees as to their conduct without initiating formal disciplinary measures.
- The Principal's (or the CEO's) (or designee's) decision relating to the complaint shall be final unless it is appealed to the Board of Directors of the School. The decision of the Board of Directors shall be final.

**General Requirements:**

- Confidentiality: All complainants will be notified that information obtained from the complainants and thereafter gathered will be maintained in a manner as confidential as possible, but in some circumstances absolute confidentiality cannot be assured.
- Non-Retaliation: All complainants will be advised that they will be protected against retaliation as a result of the filing of any complaints or participation in any complaint process.
- Resolution: The Board (if a complaint is about the CEO) or the CEO (if a complaint is about the Principal or MPSCO employees) or the Principal or designee will investigate complaints appropriately under the circumstances and pursuant to the applicable procedures, and if necessary, take appropriate remedial measures to ensure effective resolution of any complaint.

**D. Internal Complaint Procedure for All Other Complaints**

The ultimate purpose of this internal complaint procedure is to encourage the growth and development of MPS as a healthy community. Conflict is often a part of any development or growth process and may arise in any community. An effective process for resolving conflict is therefore both consistent with the vision and mission of MPS, and an essential component of the communication model that our School has adopted.

MPS recognizes that effective communication is paramount in effective conflict resolution and therefore strongly encourages communication strategies that include: Taking personal responsibility for one's own feelings and needs; communication that mutually acknowledges the needs and concerns of one another; and demonstrating honesty and integrity in every interaction.

**LEVEL 1: Direct Resolution**

If reasonably possible, informal complaints should be resolved at the lowest possible level, including attempts to discuss/resolve concerns with the person directly using conflict resolution skills without the intervention of a supervisor or other School administrator. It is the hope of MPS that most disputes can be resolved informally by direct and healthy communication between individuals. Such attempts at informal resolution should be documented in writing to assist the Principal (or CEO) and/or Board of Directors to participate effectively in the conflict's resolution.

Examples:

- Pedagogical issues pertaining to anything that occurs in the classroom, i.e., teaching, curriculum, classroom management, or teacher-student relationships, should be addressed directly with the class teacher. Teachers can be contacted by email, written note or via appointment.
- Complaints/concerns about employees or supervisors that do not involve complaints of discrimination or harassment or violations of law should be first addressed with the employee or supervisor directly.

If the person(s) involved are unable to resolve the conflict or complaint, the complainant should contact the immediate/appropriate supervisor in an effort to resolve the issue.

**LEVEL 2: School Level Resolution**

- At this step, the complainant should be prepared to give details about the complaint and steps taken to resolve it. Anonymous complaints will not be considered except as provided in California Education Code section 49013(b) regarding pupil fee complaints. The immediate/appropriate supervisor will acknowledge receipt of the complaint in three (3) working days, investigate the complaint, a process which normally involves a discussion with the complainant, gathering of relevant facts and evidence, and respond to the complainant within ten (10) working days.

Examples:

- Pedagogical, academic or teacher related issues should be addressed with the Dean of Academics/Assistant Principal.
- Student behavior and discipline issues should be addressed with the Dean of Students/Assistant Principal.
- All other issues should be addressed with the Principal.

If the complainant is not satisfied with the response from the immediate/appropriate supervisor, e.g., Dean of Academics/Students or Assistant Principal or the complaint should be directly addressed with the Principal, the complainant should contact the Principal, who will respond within the same timeline. If the complainant is still dissatisfied, and wishes to take it further, the complainant, in writing, should bring the matter to the attention of the Chief Executive Officer (CEO) of MPS in an effort to resolve the issue.

**LEVEL 3: MPS Central Office (MPSCO) Level Resolution**

At this step, the complainant should fill out the attached “Internal Complaint Procedures Form” giving details about the complaint and steps taken to resolve it, and contact the CEO of MPS at:

Chief Executive Officer  
Magnolia Public Schools  
13950 Milton Ave. Ste 200B  
Westminster, CA 92683  
Phone: (714) 892-5066  
Fax: (714) 362-9588  
Email: [contact@magnoliapublicschools.org](mailto:contact@magnoliapublicschools.org)

The CEO (designee) will acknowledge receipt of the written complaint in five (5) working days, attempt to identify a resolution that is acceptable to both parties, within fifteen (15) working days of the receipt of the written complaint.

If the complainant is not satisfied with the response from the CEO (designee), and wishes to take it further, the complainant, in writing, should bring the matter to the attention of the MPS Board of Directors (“the Board.”)

**LEVEL 4: Board Level Resolution<sup>1</sup>**

At this step, the complainant can file a written complaint with the Board through the Administrative Assistant at the MPS Central Office. (Same contact information as in Level 3) The complainant should update the Internal Complaint Procedures Form that was used in Level 3. The Administrative Assistant will acknowledge receipt of the written complaint in five (5) working days. The Board may consider the matter at its next regular Board meeting or at a special board meeting convened in order to meet the 60 day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the CEO’s decision will be final. If the Board hears the complaint, the Administrative Assistant will send the Board’s decision to the complainant within 60 days of the School’s initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. The decision of the Board shall be final except as provided in California Education Code section 49013(b) regarding pupil fees.

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<sup>1</sup> For MSA-San Diego, MSA-San Diego Governance Committee will work with the Principal and the MPSCO in following the Internal Complaint Procedures to resolve internal complaints and conflicts before they escalate to the MPS Board level.

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APPENDIX A: INTERNAL COMPLAINT PROCEDURES FORM

**Person filing complaint:**

Name: \_\_\_\_\_ Title: \_\_\_\_\_  
 Home Address: \_\_\_\_\_  
 Phone #: \_\_\_\_\_ Email: \_\_\_\_\_  
 Person Filing Complaint Is:  Parent  Advocate  Student  Employee  Other

**Complaint filed on behalf of self (person filing complaint as indicated above) or on behalf of:**

Name: \_\_\_\_\_  
 (if applicable) For student: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Grade: \_\_\_\_\_

**Site:**

School/Work Site/Office of Alleged Violation/Complaint: \_\_\_\_\_

**Type of complaint:**

<p><b>Allegation of Noncompliance</b>                  Check the program or activity referred to in your complaint.</p>	<p><input type="checkbox"/> Adult Education <input type="checkbox"/> Career Technical Education <input type="checkbox"/> Child Development Programs  <input type="checkbox"/> Consolidated Categorical Programs <input type="checkbox"/> Migrant and Indian Education  <input type="checkbox"/> Nutrition Services <input type="checkbox"/> Special Education</p>	
<p><b>Allegation of unlawful adult-to-student, student-to-student, or non-employee discrimination or harassment</b>                  Check the basis of the unlawful discrimination/harassment described in your complaint.</p>	<p><input type="checkbox"/> Age _____ <input type="checkbox"/> Ancestry _____ <input type="checkbox"/> Color _____  <input type="checkbox"/> Disability (Mental or Physical) _____  <input type="checkbox"/> Ethnic Group Identification _____ <input type="checkbox"/> Gender _____  <input type="checkbox"/> National Origin _____ <input type="checkbox"/> Race _____ <input type="checkbox"/> Religion _____  <input type="checkbox"/> Sex (Actual or Perceived) _____ <input type="checkbox"/> Sexual Orientation (Actual or Perceived) _____  <input type="checkbox"/> Based on association with a person or group with one or more of these actual or perceived characteristics _____  <input type="checkbox"/> _____</p>	
<p><b>Other</b></p>	<p><input type="checkbox"/> Unlawful Sexual Harassment <input type="checkbox"/> Complaint by Employee Against Employee</p>	
<p><b>All other complaints</b>                  Follow the resolution steps for all other complaints.                  Check the type of complaint.</p>	<p><input type="checkbox"/> Pedagogical, academic or teacher related issue  <input type="checkbox"/> Student behavior or discipline issue  <input type="checkbox"/> Other issue: _____                  _____                  _____</p>	<p><b>Resolution Steps:</b>  <b>Level 1:</b> Direct Resolution  <b>Level 2:</b> School Level Resolution  <i>Fill out this form at Level 3.</i>  <b>Level 3:</b> MPS Central Office (MPSCO) Level Resolution  <b>Level 4:</b> Board Level Resolution</p>

- 1. Please give facts about the complaint and attach any relevant documents if available. Provide details such as the names of those involved, dates, whether witnesses were present, etc., that may be helpful to the complaint investigator.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- 2. Have you discussed your complaint or brought your complaint to any MPS personnel? If you have, to whom did you take the complaint, and what was the result?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

I have attached supporting documents:  Yes  No

**I acknowledge that I have read and that I understand the above statements. I hereby authorize the School to disclose the information I have provided as it finds necessary in pursuing its investigation. I hereby certify that the information I have provided in this complaint is true and correct and complete to the best of my knowledge and belief.**

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

Mail complaint and any relevant documents to:

Chief Executive Officer  
 Magnolia Public Schools  
 13950 Milton Ave. Ste 200B  
 Westminster, CA 92683  
 Phone: (714) 892-5066