



MAGNOLIA PUBLIC SCHOOLS

Board Of Directors

Board Agenda Item #	II H
Date:	07.13.2017
To:	Magnolia Board of Directors
From:	Caprice Young, Ed.D. CEO & Superintendent
Staff Lead:	David Yilmaz, Chief Accountability Officer
RE:	Approval of Revisions to the Complaint Procedures

Proposed Board Recommendation

I move that the board approve the revisions to the Complaint Procedures.

Background

MPS has board-approved stakeholder complaint procedures which include Uniform Complaint Policy and Procedures, Policy Against Unlawful Harassment, and Internal Complaint Review Policy. Those three policies were approved by the Board on September 23, 2017, and later amended on April 14, 2016. As part of our annual Student/Parent handbook review, our legal counsel has reviewed our complaint procedures and recommended revisions to comply with the most recent updates to law and regulations.

Changes to the policies include the following:

- UCP procedures now include a reference to the Local Control Funding Formula and reasonable accommodations for lactating pupils. CDE address for appeals has been added. The policy has also been revised to include the updated list of programs and bases of discrimination, such as Bilingual Education, Economic Impact Aid, Medical Condition, and Marital Status.
- Informal Complaint Procedures now include an Appeal process where a complainant can appeal to the Board's decision to the CDE. (The language in the UCP procedure that allows an appeal has been added to the Informal Complaint Procedures so that the two processes are aligned.)
- Title IX rights and responsibilities and how a complaint can be filed under Title IX have been added to the policy.
- Policy Against Unlawful Harassment has been extended and merged with Title IX and Bullying Policy, so the new document is titled as "Title IX, Harassment, Intimidation, Discrimination, And Bullying Policy." The policy also includes the revised definitions of cyberbullying and electronic act.



MAGNOLIA PUBLIC SCHOOLS

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- All types of complaint procedures are now grouped together in a packet called “Complaint Procedures.” While MPS encourages the use of Informal Complaint Procedures included in the packet as our first attempt to resolve complaints, i.e., at the lowest possible level using conflict resolution skills, stakeholders also have immediate access to appropriate complaint procedures as required by the law.
- These complaint procedures have been updated as part of the 2017-18 Student/Parent Handbook which will be before the board for approval on July 13, 2017. Therefore, our stakeholders will have access to the revised policies upon the approval of the handbook. The procedures will also be posted on school websites and made available to public in the front office at each school site.

Budget Implications

MPS works with Charter Safe to provide required training to all our employees regarding Title IX, Harassment, Intimidation, Discrimination, and Bullying. MPS will also train school administrators at our monthly academies. So there is no additional budget implication other than the already budgeted Charter Safe fees.

Name of Staff Originator:

David Yilmaz (Chief Accountability Officer)

Attachments

Board Governance Policies – Complaint Procedures



COMPLAINT PROCEDURES

INTERNAL COMPLAINT PROCEDURES

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. Please use the Internal Complaints Policy Form following this Policy to file complaints. A copy of this Policy and Complaint Form are also available in the main office of each MPS school.

Specific complaints of unlawful harassment are addressed under the School's "TITLE IX, HARASSMENT, INTIMIDATION, DISCRIMINATION, AND BULLYING POLICY."

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.

INTERNAL COMPLAINT PROCEDURES FORM

Your Name: _____ Date: _____

Date of Alleged Incident(s): _____

Name of Person(s) you have a complaint against: _____

List any witnesses that were present: _____

Where did the incident(s) occur?

Please describe the circumstances, events, or conduct that are the basis of your complaint by providing as much factual detail as possible (i.e. specific statements; what, if any, physical contact was involved; any verbal statements; what did you do to avoid the situation, etc.) (Attach additional pages, if needed):

I hereby authorize MPS 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. I further understand providing false information in this regard could result in disciplinary action up to and including termination.

_____ Date: _____

Signature of Complainant

Print Name

To be completed by MPS:

Received by: _____ Date: _____

TITLE IX, HARASSMENT, INTIMIDATION, DISCRIMINATION, AND BULLYING POLICY

MPS believes all students have the right to a safe and civil learning environment. Discrimination, sexual harassment, harassment, intimidation, and bullying are all disruptive behaviors which interfere with students' ability to learn, and negatively affect student engagement, diminish school safety, and contribute to a hostile school environment. As such, MPS prohibits any acts of discrimination, sexual harassment, harassment, intimidation, and bullying altogether. This policy is inclusive of instances that occur on any area of the school campus, at school-sponsored events and activities, regardless of location, through school-owned technology, and through other electronic means.

As used in this policy, discrimination, sexual harassment, harassment, intimidation, and bullying are described as the intentional conduct, including verbal, physical, written communication or cyber-bullying, including cyber sexual bullying, based on the actual or perceived characteristics of disability, pregnancy, gender, gender identity, gender expression, nationality, ancestry, race or ethnicity, religion, religious affiliation, sexual orientation, childbirth or related medical conditions, marital status, age, or association with a person or group with one or more of these actual or perceived characteristics or any other basis protected by federal, state, local law, ordinance or regulation. In addition, bullying encompasses any conduct described in the definitions set forth in this Policy. Hereafter, such actions are referred to as "misconduct prohibited by this Policy."

To the extent possible, MPS will make reasonable efforts to prevent students from being discriminated against, harassed, intimidated, and/or bullied, and will take action to investigate, respond, address and report on such behaviors in a timely manner. MPS school staff that witness acts of misconduct prohibited by this Policy will take immediate steps to intervene when safe to do so.

Moreover, MPS will not condone or tolerate misconduct prohibited by this Policy by any employee, independent contractor or other person with which MPS does business, or any other individual, student, or volunteer. This policy applies to all employee, student, or volunteer actions and relationships, regardless of position or gender. MPS promptly and thoroughly investigate any complaint of such misconduct prohibited by this Policy and take appropriate corrective action, if warranted.

Title IX, Harassment, Intimidation, Discrimination and Bullying Coordinator ("Coordinator"):

Chief Executive Officer
Magnolia Public Schools
250 E. 1st St., Ste. 1500
Los Angeles, CA 90012
Phone: (213) 628-3634

Definitions

Title IX (20 U.S.C. § 1681 *et. seq.*; 34 C.F.R. § 106.1 *et. seq.*) and California state law prohibit harassment on the basis of sex. In accordance with these existing laws, discrimination on the basis of sex in education institutions is prohibited. All persons, regardless of sex, are afforded equal rights and opportunities and freedom from unlawful discrimination in education programs or activities conducted by MPS.

MPS is committed to provide a workplace and educational environment free of sexual harassment and considers such harassment to be a major offense, which may result in disciplinary action.

Sexual harassment consists of sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature when: (a) Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress; (b) submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual; (c) the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment; and/or (d) submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

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

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 individual for submitting to sexual conduct,

- including soliciting or attempting to solicit any individual 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 in the workplace or educational environment, 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 or possessing any such material to read, display or view at work or the educational environment
 - Reading publicly or otherwise publicizing in the work or educational 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 individual by sex in an area of the workplace or educational environment (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.

Prohibited Bullying

Bullying is defined as any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act. Bullying includes one or more acts committed by a student group or group of students that may constitute as sexual harassment, hate violence, or creates an intimidating and/or hostile educational environment, directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing a reasonable pupil* or pupils in fear of harm to that pupil's or those pupils' person or property.
2. Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
3. Causing a reasonable pupil to experience a substantial interference with his or her academic performance.
4. Causing a reasonable pupil to experience a substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by MPS.

* "Reasonable pupil" is defined as a pupil, including, but not limited to, an exceptional needs pupil, who exercises care, skill and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

Cyberbullying is an electronic act that includes the transmission of harassing communication, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

Electronic act means the creation and transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:

1. A message, text, sound, video, or image.
2. A post on a social network Internet Web site including, but not limited to:
 - a. Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in the definition of "bullying," above.
 - b. Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in the definition of "bullying," above. "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
 - c. Creating a false profile for the purpose of having one or more of the effects listed in the definition of "bullying," above. "False profile" means a profile of a fictitious pupil or a profile using the

- likeness or attributes of an actual pupil other than the pupil who created the false profile.
3. An act of “Cyber sexual bullying” including, but not limited to:
 - a. The dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in definition of “bullying,” above. A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
 - b. “Cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
 4. Notwithstanding the definitions of “bullying” and “electronic act” above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

Reporting

All staff are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or become aware of misconduct prohibited by this Policy, to intervene as soon as it is safe to do so, call for assistance, and report such incidents. The Board requires staff to follow the procedures in this policy for reporting alleged acts of misconduct prohibited by this Policy.

Any employee or student who believes they have been subject to misconduct prohibited by this Policy or has witnessed such prohibited misconduct is encouraged to immediately report such misconduct to the Coordinator:

Chief Executive Officer
Magnolia Public Schools
250 E. 1st St., Ste. 1500
Los Angeles, CA 90012
Phone: (213) 628-3634

Complaints regarding such misconduct may also be made to the U.S. Department of Education, Office for Civil Rights.

While submission of a written report is not required, the reporting party is encouraged to submit a written report to the Coordinator. Oral reports shall also be considered official reports. Reports may be made anonymously, but formal disciplinary action cannot be based solely on an anonymous report.

Students are expected to report all incidents of misconduct prohibited by this Policy or other verbal, or physical abuses. Any student who feels she/he is a target of such behavior should immediately contact a teacher, counselor, the Principal, Coordinator, a staff person or a family member so that she/he can get assistance in resolving the issue in a manner that is consistent with this Policy.

MPS acknowledges and respects every individual's right to privacy. All reports shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process. This includes keeping the identity of the reporter confidential, as appropriate, except to the extent necessary to carry out the investigation and/or to resolve the issue, as determined by the Coordinator or administrative designee on a case-by-case basis.

MPS prohibits any form of retaliation against any reporter in the reporting process, including but not limited to a reporter's filing of a complaint or the reporting of instances of misconduct prohibited by this Policy. Such participation shall not in any way affect the status, grades, or work assignments of the reporter.

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.

Investigation

Upon receipt of a report of misconduct prohibited by this Policy from a student, staff member, parent, volunteer, visitor or affiliate of MPS, the Coordinator or administrative designee will promptly initiate an investigation. In most cases, a thorough investigation will take no more than seven (7) school days. If the Coordinator, or administrative designee determines that an investigation will take longer than seven (7) school days, he or she will inform the complainant and any other relevant parties and provide an approximate date when she the investigation will be complete.

At the conclusion of the investigation, the Coordinator or administrative designee will meet with the complainant and, to the extent possible with respect to confidentiality laws, provide the complainant with information about the investigation, including any actions necessary to resolve the incident/situation. However, in no case may the Coordinator or administrative designee reveal confidential information related to other students or employees,

including the type and extent of discipline issued against such students or employees.

All records related to any investigation of complaints under this Policy are maintained in a secure location.

Consequences

Students or employees who engage in misconduct prohibited by this Policy will be subject to disciplinary action.

Uniform Complaint Procedures

When harassment or bullying is based upon one of the protected characteristics set forth in this Policy, a complainant may also fill out a Uniform Complaint Procedures (“UCP”) complaint form at any time during the process, consistent with the procedures laid out in this Handbook.

Right of Appeal

Should the reporting individual find the Coordinator’s resolution unsatisfactory, he/she may follow the Dispute Resolution Process found in this Student/Family Handbook.

TITLE IX, HARASSMENT, INTIMIDATION, DISCRIMINATION, AND BULLYING COMPLAINT FORM

Your Name: _____ Date: _____

Date of Alleged Incident(s): _____

Name of Person(s) you have a complaint against: _____

List any witnesses that were present: _____

Where did the incident(s) occur? _____

Please describe the events or conduct that are the basis of your complaint by providing as much factual detail as possible (i.e. specific statements; what, if any, physical contact was involved; any verbal statements; what did you do to avoid the situation, etc.) (Attach additional pages, if needed):

I hereby authorize MPS 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. I further understand providing false information in this regard could result in disciplinary action up to and including termination.

_____ Date: _____

Signature of Complainant

Print Name

To be completed by MPS:

Received by: _____ Date: _____

Follow up Meeting with Complainant held on: _____

UNIFORM COMPLAINT PROCEDURES

- a. MPS has the primary responsibility to insure compliance with applicable state and federal laws and regulations and has established procedures to address allegations of unlawful discrimination, harassment, intimidation, and bullying, and complaints alleging violations of state or federal laws governing educational programs, the charging of unlawful pupil fees, non-compliance with the Local Control Funding Formula, and non-compliance with reasonable accommodations for lactating pupils.
- b. MPS shall investigate and seek to resolve complaints using policies and procedures known as the Uniform Complaint Procedure (“UCP”) adopted by our local board. Unlawful discrimination harassment, intimidation, or bullying complaints may be based on actual or perceived characteristics of 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 MPS program or activity.
- c. The UCP shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in:
- Adult Education Programs; After School Education and Safety Programs; Agricultural Vocational Educational Programs; American Indian Education Centers and Early Child Education Program Assessments; Consolidated Categorical Aid Programs; Migrant Education; Career Technical and Technical Education and Training Programs; Child Care and Developmental Programs; Child Nutrition Programs; Foster and Homeless Youth Services; 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; Tobacco-Use Prevention Education; Requirements governing the Local Control Funding Formula or Sections 47606.5 and 47607.3 of the Education Code, as applicable; and Reasonable Accommodations to a Lactating Pupil.
- d. A complaint of noncompliance with laws relating to pupil fees may be filed pursuant to the local UCP. A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity. A pupil fee includes, but is not limited to, all of the following:
1. A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.
 2. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
 3. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.
 4. A pupil fee complaint shall not be filed later than one year from the date the alleged violation occurred.
- e. 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, may also be filed under the local UCP.
- f. Complaints of noncompliance with the requirements of Education Code Section 222 regarding the rights of lactating pupils on a school campus may also be filed under the local UCP.
- g. All complaints that fall within the UCP, including complaint of noncompliance with laws relating to pupil fees, must be filed in writing with the complaint officer listed below. A complaint regarding pupil fees may be filed anonymously if the complaint provides evidence or information to support an allegation of noncompliance with laws relating to pupil fees. The compliance officer is:
- Chief Executive Officer
Magnolia Public Schools
250 E. 1st St., Ste. 1500
Los Angeles, CA 90012
Phone: (213) 628-3634
- h. Complaints alleging unlawful discrimination, harassment, intimidation, or bullying, must be filed within six (6) months from the date the alleged unlawful discrimination, harassment, intimidation, or bullying, occurred or the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination, harassment, intimidation, or bullying, unless the

time for filing is extended by the Compliance Officer or his or her designee.

- i. Complaints will be investigated and a written Decision or report will be sent to the complainant within sixty (60) days from the receipt of the complaint. This sixty (60) day time period may be extended by written agreement of the complainant. The School person responsible for investigating the complaint shall conduct and complete the investigation in accordance with California regulations and in accordance with the School's procedures.
- j. The complainant has a right to appeal the School's Decision to the California Department of Education (CDE) by filing a written appeal within 15 days of receiving the Decision. The appeal must include a copy of the complaint filed with the School and a copy of the School's Decision. The appeal should be sent to:

California Department of Education
1430 N Street
Sacramento, CA 95814
- k. Civil law remedies may be available under state or federal discrimination, harassment, intimidation, or bullying laws, if applicable. In appropriate cases, an appeal may be filed pursuant to Education Code Section 262.3. A complainant may pursue available civil law remedies outside of [the LEA]'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.
- l. A complete copy of the UCP policy and complaint procedures is posted in every classroom and shall be available free of charge in the main office of each MPS school and MPS website. A copy of the UCP complaint form is contained in this Handbook.

UNIFORM COMPLAINT PROCEDURES FORM

Last Name: _____ First Name/MI: _____

Student Name (if applicable): _____ Grade: _____ Date of Birth: _____

Street Address/Apt. #: _____

City: _____ State: _____ Zip Code: _____

Home Phone: _____ Cell Phone: _____ Work Phone: _____

School/Office of Alleged Violation: _____

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

- Grid of checkboxes for noncompliance categories: Adult Education, American Indian Education, Child Development Programs, Migrant Education, Special Education, Pupil Fees, Bilingual Education, After School Education and Safety, Consolidated Categorical Aid, Child Nutrition, No Child Left Behind Programs, State Preschool, Local Control Funding Formula, Agricultural Vocational Education, Career/Technical Education, Foster/Homeless Youth, Regional Occupational Programs, Tobacco-Use Prevention Education, Lactating Pupils, Economic Impact Aid.

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:

- Grid of checkboxes for discrimination/bullying bases: Age, Ancestry, Color, Disability (Mental or Physical), Ethnic Group Identification, Medical Condition, Gender / Gender Expression / Gender Identity, Genetic Information, National Origin, Race or Ethnicity, Religion, Sex (Actual or Perceived), Sexual Orientation (Actual or Perceived), Based on association with a person or group with one or more of these actual or perceived characteristics, Marital Status.

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

Series of horizontal lines for providing details of the complaint.

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

Signature: _____ Date: _____

Mail complaint and any relevant documents to:

Chief Executive Officer
Magnolia Public Schools
250 E. 1st St., Ste. 1500
Los Angeles, CA 90012
(213) 628-3634

INFORMAL COMPLAINT PROCEDURES

The ultimate purpose of this informal 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. 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 complainant 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 Home Office ("Home Office") Level Resolution

At this step, the complainant should fill out the attached "Informal 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
250 E. 1st St., Ste. 1500
Los Angeles, CA 90012
(213) 628-3634

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 *

At this step, the complainant can file a written complaint with the Board through the Administrative Assistant at the MPS Home 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 internal 60 day target within which MPS strives to answer the complaint. 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.

* For MSA-San Diego, MSA-San Diego Governance Committee will work with the Principal and the Home Office in following the Informal Complaint Procedures to resolve internal complaints and conflicts before they escalate to the MPS Board level.

The complainant has a right to appeal the Board's Decision to the California Department of Education (CDE). In that case, the complainant needs to fill out a "Uniform Complaint Procedure Form" - provided in this handbook – and file it within 15 days of receiving the Decision. The appeal must include a copy of the complaint filed with the School and a copy of the Board's Decision. The appeal should be sent to:

California Department of Education
1430 N Street
Sacramento, CA 95814

INFORMAL COMPLAINT PROCEDURES FORM

Last Name: _____ First Name/MI: _____

Student Name (if applicable): _____ Grade: _____ Date of Birth: _____

Street Address/Apt. #: _____

City: _____ State: _____ Zip Code: _____

Home Phone: _____ Cell Phone: _____ Work Phone: _____

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

- 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

Signature: _____ Date: _____

Mail complaint and any relevant documents to:

Chief Executive Officer
Magnolia Public Schools
250 E. 1st St., Ste. 1500
Los Angeles, CA 90012
(213) 628-3634

The following is information regarding your rights and responsibilities regarding filing a Title IX Complaint.

Title IX Coordinator Contact Information

All complaints should be sent to our Title IX Coordinator, who can be reached at:

Chief Executive Officer
Magnolia Public Schools
250 E. 1st St., Ste. 1500
Los Angeles, CA 90012
Phone: (213) 628-3634

Your Rights and Responsibilities Under Title IX

(a) You have the right to fair and equitable treatment and you shall not be discriminated against based on your sex.

(b) You have the right to be provided with an equitable opportunity to participate in all academic extracurricular activities and athletics offered by the MPS.

(c) You have the right to apply for athletic scholarships.

(d) You have the right to receive equitable treatment and benefits in the provision of all of the following:

- Equipment and supplies.
- Scheduling of games and practices.
- Transportation and daily allowances.
- Access to tutoring.
- Coaching.
- Locker rooms.
- Practice and competitive facilities.
- Medical and training facilities and services.
- Publicity.

(e) You have the right to have access to our Title IX Coordinator regarding gender equity laws. Please see above for this Coordinator's contact information.

(f) You have the right to file a confidential discrimination complaint with the United States Office for Civil Rights or California Department of Education if you believe you have been discriminated against or if you believe you have received unequal treatment on the basis of your sex. See below for more information regarding how to file a complaint.

(g) You have the right to pursue civil remedies if you have been discriminated against.

(h) You have the right to be protected against retaliation if you file a discrimination complaint.

(i) You can find out more information regarding your rights, MPS' responsibilities, and access information on gender equity laws from the following resources:

- California Interscholastic Federation: <http://www.cifstate.org/governance/equity/index>

- California Department of Education, Office for Equal Opportunity: <http://www.cde.ca.gov/re/di/eo/dutytoprotect.asp>
- United States Department of Education, Office for Civil Rights: <https://www2.ed.gov/about/offices/list/ocr/fro-ntp/pro-students/sex-pr.html>

How to File a Complaint Under Title IX

(a) You can find more information regarding how to file a complaint as follows:

- The United States Office for Civil Rights website: <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html?src=rt>.
- California Department of Education website: <http://www.cde.ca.gov/re/di/eo/complaint.asp>
- MPS Uniform Complaint Procedures ("UCP") or Harassment, Intimidation, Discrimination, Bullying Policy. Please check your School's website or main office for a complete copy of these policies.

(b) A complaint regarding discrimination or harassment based on sex must ordinarily be filed with the U.S. Office for Civil Rights within 180 days of the last act of discrimination. If your complaint involves matters that occurred longer than this and you are requesting a waiver, you will be asked to show good cause why you did not file your complaint within the 180-day period. If you have questions about your situation, you can contact the California branch of the Office for Civil Rights at the address listed below. A complaint filed with MPS under our UCP alleging unlawful discrimination, harassment, intimidation or bullying must be initiated no later than six (6) 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.

(c) The U.S. Office for Civil Rights has its own policies and procedures for investigating complaints. Please review the above link for more information about this process. A complaint filed with MPS under our UCP or Harassment/ Intimidation/ Discrimination/ Bullying policy will be investigated in compliance with those policies.

(d) There are a variety of ways to file your complaint. You can use the U.S. Office for Civil Rights electronic complaint form filed directly through their website; or mail, email, or send by facsimile your own letter or a completed copy of the Office for Civil Rights Discrimination Complaint Form.

- The electronic complaint form is available at <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>
- You can send a completed version of this form or your own letter via email, facsimile, or regular mail to the following addresses:

**San Francisco Office
Office for Civil Rights
U.S. Department of Education
50 United Nations Plaza
Mail Box 1200, Room 1545
San Francisco, CA 94102**

**Telephone: 415-486-5555
FAX: 415-486-5570; TDD: 800-877-8339
Email: ocr.sanfrancisco@ed.gov or
ocr@ed.gov**

To file a UCP or complaint under our Title IX/
Harassment/ Intimidation/ Discrimination/ Bullying
complaint directly with MPS, please follow procedures
set forth in those policies.