

UNIFORM COMPLAINT PROCEDURES

Compliance Officers

The Board of Education designates the following compliance officers to receive and investigate complaints and ensure district compliance with law:

Superintendent
Assistant or Deputy Superintendent (Compliance Officer for Personnel)
Assistant Superintendent, Educational Services (Compliance Officer for Instructional Materials)
Director of Educational Services, Intervention and Support Services (Compliance Officer for Students)
Chief Business Officer (Compliance Officer for Facilities)

Monrovia Unified School District
325 East Huntington Drive
Monrovia, CA 91016
(626) 471-2000

Notifications

1. The Human Resources administrator shall meet the notification requirements of the Code of Regulations, Title 5, Section 4622, including the annual dissemination of district complaint procedures and information about available appeals, civil law remedies, and conditions under which a complaint may be taken directly to the California Department of Education.
2. All discrimination complaints shall be immediately reported to the Human Resources administrator, who will keep a log of all reports of discrimination of employees, students, or families of students.
3. All administrators will be notified annually prior to the first week of school to report any complaints of discrimination of employees, students, or families of students.

Procedures

The following procedures shall be used to address all complaints that allege that the district has violated federal or state laws or regulations governing educational programs.

Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with the Code of Regulations, Title 5, Section 4632. The district will use its uniform complaint procedures to address all complaints regarding discrimination and hostile environment based upon race, color, national origin, ethnicity, gender, *sexual orientation*, disability, religion, or age, or any activity conducted by the District that receives or benefits from any State financial assistance.

The compliance officers will keep a record to document the processing and resolution of complaints.

Investigations of discrimination complaints shall be conducted in a manner that protects confidentiality of the parties and the facts. (Title 5, Section 4630)

All parties filing 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. All employees will notify the Human Resources administrator if they observe or receive a report of behavior or circumstances that may constitute discrimination on the basis of race, **color**, national origin, ethnicity gender, sexual orientation, disability, religion, or age, or. Complaint forms may be obtained from the Human Resources Office.

The complaint shall be presented to the appropriate compliance officer/investigator, who then (within three working days) may assign it to himself or give it to the appropriate investigator selected from:

- Superintendent
- Assistant Superintendent, Educational Services
- Director of Educational Services, Intervention and Support Service
- Director of Special Education
- Chief Business Officer, Business Services
- Director of Maintenance, Operations and Transportation

The appropriate compliance officer will maintain a log of complaints received, providing each with a code number and a date stamp.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or a disability, district staff shall help him/her to file the complaint. (Title 5, Section 4600) The District will provide language interpretation for any complainant when necessary.

Complaints alleging unlawful discrimination may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination. (Title 5, Section 4630) This code provides for extensions in certain limited circumstances (Section 4630(b)).

Step 2: Mediation

Within three days of receiving the complaint, the compliance officer shall informally discuss with the complainant the possibility of using mediation. If the District and the complainant agree to mediation, the compliance officer shall make all arrangements for this process.

Note: It is advisable to have the complainant agree that the mediator will be a party to information that is confidential.

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 district's time lines 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/investigator shall gather data and hold an investigative meeting within five 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 and the district's representatives shall also have an opportunity to present information relevant to the complaint. (Title 5, Section 4631)

To ensure that all pertinent facts are made available, the compliance officer/investigator will determine appropriate procedures for each investigation that will ensure an unbiased investigation and that all pertinent information is collected. These may include: individual interviews or meetings with the complainant, district staff members, students, or persons identified as witnesses; joint meetings with relevant persons; review of district documents or documents provided by complainants or other persons.

Step 4: Final Written Decision

Within 30 days of receiving the complaint, the compliance officer/investigator shall prepare and send to the Superintendent and the complainant a written report of the district's investigation and decision (findings), as described in Step 5 below.

The report of the district's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the district will arrange a meeting at which a community member will interpret it for the complainant.

This report shall include:

1. A detailed statement of all specific issues that were brought up during the investigation.
2. The findings made on each issue brought up during the investigation, and the rationale for the findings.
3. The corrective actions for each issue and finding, if any.
4. Notice of complainant's right to appeal to the district Board of Education or the California Department of Education (depending on the nature of the issues) and the procedures to be followed for initiating an appeal.

If an employee is disciplined as a result of the complaint, the report shall include a statement as to the nature of the disciplinary action, if any, and that the employee was informed of district expectations (provided that privacy rights are not violated by such disclosure).

Step 5: Appeals

1. Appeals within the Board's discretion

If the complainant is dissatisfied with the compliance officer's decision (findings), he/she may, within five (5) days, file his/her appeal in writing with the Board of Education.

- * The Board of Education 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 of Education may decide not to hear the complaint, in which case the compliance officer's decision is final.
- * If the Board of Education hears the complaint, the compliance officer shall send the Board's decision to the complainant within the sixty (60) days of the District's initially receiving the complaint or within the time period that has been specified in a written agreement with the complainant. If the Board does not hear the appeal, the compliance officer/investigator will notify the complainant and inform the complainant that the compliance officer's/investigator's decision is final.

2. Appeals the Board must consider

The Board must hear appeals of all complaints that are based upon alleged violation of federal laws which prohibit discrimination on the basis of race, color, national origin, gender, sexual orientation, disability, age, or any activity conducted by the District that receives or benefits from any State financial assistance. The compliance officer shall send the Board's decision to the complainant within sixty (60) days of the date the District initially received the complaint, or within the time period that has been specified in a written agreement with the complainant.

3. Appeals to the California Department of Education

If dissatisfied with the District's decision, the complainant may appeal, in writing, to the California Department of Education, within fifteen (15) days of receiving the Board's or investigator's decision. When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the district's decision and must include a copy of the locally filed complaint and the district's decision. (Title 5, Section 4652)

4. Civil Law Remedies

Nothing in this policy precludes a complainant from pursuing available civil law remedies outside of the District's complaint procedures. Such remedies may include mediation centers, public/private interest attorneys, injunctions, restraining orders, etc. For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the District has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint.

ADDITIONAL INFORMATION

- A. For assistance regarding the filing of complaints under the uniform complaint procedure, call the appropriate compliance officer at (626) 471-2000. Deputy Superintendent, (personnel issues); Director of Educational Services, Intervention and Support Services (student issues); Assistant Superintendent, Educational
- B. Services (instructional materials); or Chief Business Officer, Business Services, or Director of Maintenance, Operations and Transportation (facilities).
- C. Persons who believe the Monrovia Unified School District has discriminated against them or another person on the basis of race, color, national origin, gender, disability, age, or in any activity conducted by the district that receives or benefits from any Federal financial assistance may file a complaint with the U.S. Department of Education, Office for Civil Rights, 50 Beale Street, Suite 7200. San Francisco, CA 94105, (415) 486-5555. Employees of the District may file a complaint with the California Department of Fair Employment and Housing or the U.S. Equal Employment Opportunity Commission.

Revised: July 2011

(Adopted: January 2006)

(Replaces: AR 1313a and AR 1313b Complaints Concerning Programs Funded by the Consolidated Application)

(Adopted: April 1982)

STATE/FEDERAL UNIFORM COMPLAINT FORM

Any staff member, parent, student, community member or applicant who has a complaint alleging unlawful discrimination based on age, sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability in any program or activity that receives or benefits from state financial assistance; or a complaint alleging failure to comply with state and/or federal laws in adult education, consolidated categorical aid programs, migrant education, vocational education, child care and development programs, child nutrition programs, special education programs, and federal school safety planning requirements. may submit the complaint by completing this form and filing it with the appropriate compliance officer. For detailed explanation of complaint process, see reverse side. (If your complaint is against a district employee, please use the Complaint Concerning District Employee(s) Form. If your complaint is concerning instructional materials, please use the Citizen's Request for Reconsideration of Instructional Materials form instead of this form. If your complaint is regarding (1) emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff; (2) insufficient instructional materials; or (3) teacher vacancies or misassignments, please use the Williams Uniform Complaint Form instead of this form. See more detailed explanation on reverse side, at the bottom of the page.)

NAME OF COMPLAINANT		DATE COMPLAINT FILED	
ADDRESS	CITY	STATE	ZIP
PHONE NUMBER	EMAIL		
The complainant is a: <input type="checkbox"/> STAFF MEMBER <input type="checkbox"/> PARENT <input type="checkbox"/> STUDENT <input type="checkbox"/> APPLICANT <input type="checkbox"/> COMMUNITY MEMBER			
SPECIFIC COMPLAINT (You may attach additional information if more space is needed).			
REMEDY SOUGHT			
All complaints will be responded to by the appropriate administrator. All parties filing 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.			
Signature of Complainant _____			

OFFICE USE ONLY

RECEIVED BY	DATE
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Step 3: Investigation of Complaint

The compliance officer/investigator shall gather data and hold an investigative meeting within five 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 and the district's representatives shall also have an opportunity to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses. (Title 5, Section 4631)

Step 4: Final Written Decision

Within 30 days of receiving the complaint, the compliance officer/investigator shall prepare and send to the Superintendent and the complainant a written report of the district's investigation and decision (findings). The report of the district's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the district will arrange a meeting at which a community member will interpret it for the complainant. This report shall include: (1) a detailed statement of all specific issues that were brought up during the investigation; (2) the findings made on each issue brought up during the investigation, and the rationale for the findings; (3) the corrective actions for each issue and finding, if any; and (4) notice of complainant's right to appeal to the district Board of Education or the California Department of Education (depending on the nature of the issues) and the procedures to be followed for initiating an appeal. If an employee is disciplined as a result of the complaint, the report shall include a statement as to the nature of the disciplinary action, if any, and that the employee was informed of district expectations (provided that privacy rights are not violated by such disclosure).

ADDITIONAL INFORMATION

For assistance regarding the filing of complaints under the uniform complaint procedure, call the appropriate compliance officer at (626) 471-2000. Deputy Superintendent, (personnel issues); Director of Educational Services Intervention and Support Services, (student issues); Assistant Superintendent, Educational Services (instructional materials); or Chief Business Officer, Business Services, or Director of Maintenance, Operations and Transportation (facilities).

Please use a COMPLAINT CONCERNING DISTRICT EMPLOYEE(S) form in place of this form if the complaint is against a district employee.

Please use a CITIZEN'S REQUEST FOR RECONSIDERATION OF INSTRUCTIONAL MATERIALS form in place of this form if the complaint is against the use of any instructional materials, including textbooks, supplementary textbooks, library books, and other instructional materials and equipment.

Please use a WILLIAMS UNIFORM COMPLAINT form in place of this form if the complaint alleges that any of the following have occurred: **(1) Instructional materials:** (a) a student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class; (b) a student does not have access to instructional materials to use at home or after school in order to complete required homework assignments; or, (c) textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

(2) Teacher vacancy or misassignment: (a) a semester begins and a certificated teacher is not assigned to teach the class; (b) a teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner students in the class; or, (c) a teacher is assigned to teach a class for which the teacher lacks subject matter competency; or

(3) Facilities: a condition poses an emergency or urgent threat to the health or safety of students or staff.