

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

Complaint Procedures

The Superintendent or designee shall determine whether a complaint should be considered a complaint against the district and/or the individual, and whether it should be resolved by the district's process for complaints concerning personnel, other district procedures, or both.

The Board of Education shall annually review district policies and regulations related to complaints against school personnel. (Education Code 35160.5)

In order to promote fair and constructive communication, the following procedures shall govern the resolution of complaints against district employees:

Authority - Education Code 35160.5 (c) requires District procedure for parents/guardians of students enrolled in the District to use when presenting complaints regarding employees of the District. Said procedure shall provide appropriate mechanisms to respond to, and where possible, to resolve the complaints.

To receive formal consideration by the District, complaints and/or accusations by pupils, parents, or the general public against certificated or classified employees of the District must be filed in writing through the Superintendent's or designee's office. Any such complaint or accusation shall be specific as to dates, times, places, and/or individuals involved, and details as to circumstances, and shall be signed by the complainant.

A copy of such accusation shall be promptly forwarded by the Superintendent or designee to the principal or immediate supervisor of the employee, and the employee(s) involved.

Resolution Procedures

Informal Level

Upon notification by the Superintendent or designee of the complaint or accusation, the principal or supervisor shall attempt to resolve the complaint through phone calls, conferences, or other means.

Upon the recommendation of the principal or supervisor, or if the complainant is not satisfied with the decision at the Informal Level, the process may be moved to Formal Level I.

Formal Level I

Upon written request by either the complainant or the administrator or supervisor involved, the matter may be appealed in writing to the Superintendent or designee. Such appeal shall include a copy of the original written complaint, a copy of the principal or supervisor's action and/or decisions, and a statement by the complainant as to what remedy is being sought. The Superintendent or designee shall convey his/her response/decision to the parties involved with ten (10) working days.

Formal Level II

If the decision/response by the Superintendent or designee is unsatisfactory to the complainant, the complainant may, within ten (10) working days from receipt of the Superintendent's or designee's decision/response, be appealed the Board of Education in writing. If a majority of the Board agrees to hear the complaint, the Superintendent shall agendaize it for the earliest meeting practical.

It is the decision of the Board of Education whether charges should be heard in a closed session or in the public meeting.

If the Board of Education elects to hear the charges brought against an employee in closed session, the Board shall permit the employee involved to be present during those portions of such session that deal directly with the charges being made and to make a response.

The Board of Education shall notify the parties involved with ten (10) working days following any action that it might take in response to the charges made.

The decision of the Board shall be final.

No negative evaluation of performance shall be predicated upon information or material of a derogatory or critical nature that has been received by the evaluator from others (i.e., parents, citizens, and students) unless:

- (a) the evaluatee has been given notice of the nature of the complaint;
- (b) the evaluatee has had an opportunity to discuss and to attempt to resolve the matter with the evaluator and/or site administrator;
- (c) whenever feasible and/or appropriate, the evaluatee has been provided with the opportunity to have direct contact with the complainant(s) to discuss and resolve the matter;

- (d) the facts have been verified, in the best judgment of the evaluator, by the available evidence; and
- (e) the evaluatee has had the opportunity to have his/her written response to complaint attached to the evaluation. (MUSD/MTA Contract – Article X)

Complaints Regarding Child Abuse

When a complaint of child abuse is alleged, the district shall provide parents/guardians procedures for filing a child abuse complaint with the appropriate child protective agencies.

Upon request, such procedures shall be written in the primary language of the parent/guardian, and the Superintendent or designee shall provide an interpreter if needed. (Statutes Other than Code, Ch. 1102, Statutes of 1991)

Providing the above procedures to parents/guardians does not relieve mandated reporters from their duty to report suspected child abuse in accordance with law.

COMPLAINT CONCERNING DISTRICT EMPLOYEE(S)

Any staff member, parent, student, community member or applicant who has a complaint regarding an employee of the Monrovia Unified School District may submit the complaint by completing this form and filing it with the Superintendent's or designee's office. For detailed explanation of complaint process, see reverse side. (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 alleges an issue of discrimination or failure to comply with certain specified state or federal laws, please use the Federal/State Uniform Complaint 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			
STATEMENT OF THE PROBLEM (Please be as precise as possible, include specific facts: names, dates, times, location, witnesses, etc. Attach additional pages, if necessary).			
REMEDY SOUGHT			
Is a conference requested? <input type="checkbox"/> YES <input type="checkbox"/> NO Initial conference will occur with the administrator at site or department level.			
All complaints will be responded to by the appropriate administrator. A copy of the response will be mailed to you. If you are not satisfied with the response, you should re-contact that administrator and explain your dissatisfaction. If you are still not satisfied, you may appeal the matter to the Superintendent or designee (see more detailed explanation on reverse side).			
Signature of Complainant _____			
----- TO BE COMPLETED BY THE APPROPRIATE RESPONDING ADMINISTRATOR			
FINDING OF FACTS:			
ADMINISTRATIVE RESPONSES/ACTION TAKEN:			
NAME/RESPONDING ADMINISTRATOR		DATE	

The Board of Education encourages complainants to resolve problems early and informally whenever possible. Usually, complaints are satisfactorily responded to at the informal discussion level. However, procedures below describe both the informal and formal processes to bring closure to complaints. The following steps summarize the Administrative Procedures.

Informal Level

Upon notification by the Superintendent or designee of the complaint or accusation, the principal or supervisor shall attempt to resolve the complaint through phone calls, conferences, or other means.

Upon the recommendation of the principal or supervisor, or if the complainant is not satisfied with the decision at the Informal Level, the process may be moved to Formal Level I.

Formal Level I

Upon written request by either the complainant or the administrator or supervisor involved, the matter may be appealed in writing to the Superintendent or designee. Such appeal shall include a copy of the original written complaint, a copy of the principal or supervisor's action and/or decisions, and a statement by the complainant as to what remedy is being sought. The Superintendent or designee shall convey his/her response/decision to the parties involved with ten (10) working days.

Formal Level II

If the decision/response by the Superintendent or designee is unsatisfactory to the complainant, the complainant may, within ten (10) working days from receipt of the Superintendent's or designee's decision/response, be appealed the Board of Education in writing. If a majority of the Board agrees to hear the complaint, the Superintendent shall agendaize it for the earliest meeting practical.

It is the decision of the Board of Education whether charges should be heard in a closed session or in the public meeting.

If the Board of Education elects to hear the charges brought against an employee in closed session, the Board shall permit the employee involved to be present during those portions of such session that deal directly with the charges being made and to make a response.

The Board of Education shall notify the parties involved with ten (10) working days following any action that it might take in response to the charges made.

The decision of the Board shall be final.

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 STATE/FEDERAL UNIFORM COMPLAINT form in place of this form if the complaint alleges 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. Uniform complaint procedures shall also be used when addressing complaints 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.

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.

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