

DR. TONY KINKEL, EXECUTIVE DIRECTOR

Citizen Complaint Guide

The purpose of the State Board of School Administrators is to ensure the highest ethical standards and practice of professional administrators through the licensure and adherence to Minnesota's Code of Ethics. Licensure provides a safeguard to the public indicating the administrator has completed an established level of professional educator preparation, achieved the appropriate academic credentials, and passed a criminal and other background checks. The Board is only authorized to take action against an administrator's license. ***The Board is not empowered to hire or fire administrators or force the employing school district to take certain employment-related disciplinary action against a licensed administrator.***

Minnesota Statutes 214.10 requires the Board of School Administrators to address each complaint *within its jurisdiction* and no complaint shall be dismissed by the board unless at least two board members have reviewed the matter. ***This guide is intended to help you fill out the Citizen Complaint Form.***

The Board of School Administrators does not have jurisdiction over complaints involving:

- charter school administrators who do not hold a Minnesota license
- enforcement of special education law

Board Members

Chair: Mary Mackbee

Nancy Antoine, Tracine Asberry, Kim Hartung, Deb Henton,
Robert Meyer, Daniel Naidicz, Tracy Reimer, Louise Sundin

- administrative behavior not covered under Minnesota Statute 122A or the Code of Ethics

In addition to allowing citizen complaints, Minnesota law requires school districts to report to the board when administrators are discharged or resign from employment after a charge filed with the school board under Minnesota Statute 122A.41.

Each complaint is reviewed by the Board's Ethics Committee and considered individually to determine if the Board has jurisdiction over the complaint and if there is sufficient factual evidence to conclude that the alleged behavior may have violated Minnesota Statutes or the Code of Ethics. If the Ethics Committee concludes that the Board does not have jurisdiction over the complaint or that the alleged behavior does not violate Minnesota Statutes or the Code of Ethics, the complaint is dismissed and the administrator remains licensed. If the complaint is dismissed, Minnesota's Data Privacy laws prevent the Board from releasing any information other than that the administrator remains licensed.

If the Ethics Committee determines that the alleged behavior may have violated Minnesota Statutes or the Code of Ethics, state law requires that the Board notify the licensee who is the subject of the allegation. The Ethics Committee will ask for the administrator's response to each allegation before rendering a decision. Ethics Committee decisions are final and cannot be appealed.

IMPORTANT INFORMATION – PLEASE REVIEW

- Complaints are only accepted by filling out and submitting the Citizen Complaint form. If you do not have access to a computer, please call the Board office with your address and the Board will mail you a hard copy paper form.
- To ensure that your complaint is reviewed by the Ethics Committee, you must review and check all of the boxes on p.1 of the Citizen Complaint Form. The Board believes the complainant should first make every effort to try to resolve the complaint through the complaint process of the local school district that employs the administrator against whom the complaint is filed.

- When describing the complaint on p. 2, please list the specific standard/s within the Code of Ethics that you believe the administrator has violated. First-hand information is the best evidence. Second-hand information is very difficult to verify or prove. Whenever possible, provide first-hand accounts, with names and contact information of witnesses. You must limit your description of the violation to two pages. However, you may attach documents that supplement your claim.
- Anonymous complaints truly obstruct the investigative and disciplinary process. Witnesses and the ability to verify misconduct are important factors when proving any educator misconduct. Anonymous complaints limit the Board's ability to research the actual misconduct since it cannot speak with the complainant or the potential victim.
- By checking the boxes in the Consent Section, you are acknowledging that the information you have provided to the Board or may provide to the Board or Attorney General's Office in the future, is classified as private data, pursuant to the Government Data Practices Act, Minnesota Statutes Sections 13.04, subd. 2 and 13.41, subd. 2. Such information is for the use of the Board's staff and the Attorney General's Office in evaluating your complaint. Even though you are the complaining party, the status of any on-going investigation is private and cannot be disclosed to you or any other individual. At the same time, however, other laws may require that information provided to the Board and/or Attorney General's Office be disclosed to other persons or entities. This includes, but is not limited to, the administrator against whom the complaint is filed, the Office of Administrative Hearings and the Appellate Courts. Thus, information may thereby become public data.

Board discipline authority is limited to Minnesota Statute 122A and Minnesota Rule 3512.2500 Code of Ethics.

Therefore, some matters perceived as wrong-doing to students by individuals hired by administrators are not within the jurisdiction of the Board of School Administrators and can best be resolved by talking with the school principal, district superintendent, or local school board. Such issues may include, but are not limited to:

- student participation in extracurricular or sports activities

- assignment of the student to a specific educator
- student placement in a specific course or classroom
- educator or patron dissatisfaction with an educator employment contract, educator school assignment, educator classroom assignment, or other duties assigned to the educator