

**COMPLAINT FORM**

Complainant's Name
Complainant's Address
Complainant's Phone Number

Attachments: Board Policy & Administrative Regulation #1312.1 and  
Board Policy & Administrative Regulation #1312.3

COMPLAINT INFORMATION

1. Name of Employee involved: \_\_\_\_\_

2. Date of incident: \_\_\_\_\_

3. A brief but specific summary of the complaint:

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\_\_\_\_\_

\_\_\_\_\_

Date

\_\_\_\_\_

Complainant's Signature

Note: Submit written complaint to the employee's supervisor, to the School's Principal, or to the Superintendent, as appropriate.

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES**

The Governing Board accepts responsibility for providing a means by which the public can hold employees accountable for their actions. The Board desires that complaints be resolved expeditiously without disrupting the educational process.

The Superintendent shall develop regulations which permit the public to submit complaints against district employees in an appropriate way. These regulations shall protect the rights of involved parties. The Board may serve as an appeals body if the complaint is not resolved.

*(cf. 1312.2 - Complaints Concerning Instructional Materials)*  
*(cf. 1312.3 - Uniform Complaint Procedures)*  
*(cf. 3515.2 - Disruptions)*

The Board prohibits retaliation against complainants. The Superintendent at his/her discretion may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint. The district will not investigate anonymous complaints unless it so desires.

*Legal Reference:*

EDUCATION CODE

33308.1 Guidelines on procedure for filing child abuse complaints

35146 Closed sessions

44031 Personnel file contents and inspection

44811 Disruption of public school activities

44932-44949 Resignation, dismissal and leaves of absence (rights of employee; procedures to follow)

48987 Child abuse guidelines

GOVERNMENT CODE

54957 Closed session; complaints re employees

54957.6 Closed session; salaries or fringe benefits

PENAL CODE

273 Cruelty or unjustifiable punishment of child

11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

300 Minors subject to jurisdiction of juvenile court

*Management Resources:*

CDE LEGAL ADVISORIES

0910.93 Guidelines for parents to report suspected child abuse by school district employees or other persons against a pupil at school site (LO:4-93)

## COMPLAINTS CONCERNING DISTRICT EMPLOYEES

### Complaint Procedures

The Superintendent 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.

*(cf. 1312.2 - Complaints Concerning Instructional Materials)*

*(cf. 1312.3 - Uniform Complaint Procedures)*

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

1. Every effort should be made to resolve a complaint at the earliest possible stage. Whenever possible, complaints concerning school personnel should be made directly by the complainant to the person against whom the complaint is made. Parents/guardians are encouraged to attempt to orally resolve concerns with the staff member personally.
2. If a complainant is unable or unwilling to resolve the complaint directly with the person involved, he/she may submit an oral or written complaint to the employee's immediate supervisor or the principal.
3. When a written complaint is received, the employee shall be notified in accordance with collective bargaining agreements.
4. All complaints related to district personnel other than administrators shall be submitted in writing to the principal or immediate supervisor. If the complainant is unable to prepare the complaint in writing, administrative staff shall help him/her to do so. Complaints related to a principal or central office administrator shall be initially filed in writing with the Superintendent. Complaints related to a Board member or to the Superintendent shall be initially filed in writing with the Board President.
5. A written complaint must include:
  - a. The name of each employee involved
  - b. A brief but specific summary of the complaint and the facts surrounding it and
  - c. A specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter
6. The person responsible for investigating complaints will attempt to resolve the complaint to the satisfaction of the person(s) involved within 30 days.

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES** (continued)

7. Both the complainant and the employee against whom the complaint was made may appeal a decision by the principal or immediate supervisor to the Superintendent who will attempt to resolve the complaint to the satisfaction of the person(s) involved within 30 days. Parties should consider and accept the Superintendent's decision as final. However, the complainant, the employee, or the Superintendent may ask to address the Board regarding the complaint.
8. Before any Board consideration of a complaint, the Superintendent shall submit to the Board a written report concerning the complaint, including but not be limited to:
  - a. The name of each employee involved
  - b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Board and the parties as to the precise nature of the complaint and to allow the parties to prepare a defense
  - c. A copy of the signed original complaint
  - d. A summary of the action taken by the Superintendent, together with his/her specific finding that the problem has not been resolved and the reasons
9. The Board may uphold the Superintendent's decision without hearing the complaint.
10. All parties to a complaint may be asked to attend a Board meeting in order to present all available evidence and allow every opportunity for explaining and clarifying the issue.
11. Before the Board holds a closed session to hear complaints or charges brought against an employee, the employee shall receive written notice of his/her right to have the complaints or charges heard in open session rather than closed session. This notice shall be delivered personally or by mail at least 24 hours before the time of the session, and the employee may request that the complaints or charges be heard in open session. Complaints concerning Board members shall be addressed in open session unless a closed session is warranted pursuant to Education Code 35146 or 48918 or Government Code 54957 or 54957.6. (Government Code 54957)

*(cf. 9321 - Closed Session Purposes and Agendas)*  
*(cf. 9323 - Meeting Conduct)*

12. Any decision of the Board shall be final.

