

COMPLAINT FORM

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

Special Note:

Constructive criticism of school policies, programs, or personnel is welcome when it is motivated by a sincere desire to improve the quality of the educational process and to assist the schools in performing their tasks more effectively. It is cautioned, however, that in no way will a teacher or other school personnel endure insults or abusive treatment from any person pertaining to any complaint. Such persons will be subject to misdemeanor penalties prescribed by law (Board Policy #1312; Education Code Section 35146, 35160, 35203, 44811, 44812, and 44932 - 44949).

COMPLAINT INFORMATION

1. Name of Employee involved: _____

2. Date of Incident: _____

3. A brief but specific summary of the complaint:

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 THE SCHOOLS

The Governing Board believes that the quality of the educational program can improve when the district listens to complaints, considers differences of opinion, and resolves disagreements through an established, objective process.

The Board encourages complainants to resolve problems early and informally whenever possible. If a problem remains unresolved, the individual should submit a formal complaint as early as possible in accordance with appropriate district procedures. District procedures shall be readily accessible to the public.

Individual Board members do not have authority to resolve complaints. If approached directly with a complaint, however, Board members should listen to the complaint and show their concern by referring the complainant to the Superintendent so that the problem may receive proper consideration.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 3320 - Claims and Actions Against the District)

Legal Reference:

EDUCATION CODE

35146 Closed sessions

GOVERNMENT CODE

950-950.8 Actions against public employees

54957-54957.8 Closed sessions

CODE OF REGULATIONS, TITLE 5

3080 Application of section 4600-4671

4600-4671 Uniform complaint procedures

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. The complainant 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. Complainants 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 employee(s) as to the precise nature of the complaint and to allow the employee(s) 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.

COMPLAINTS CONCERNING DISTRICT EMPLOYEES (continued)

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. (Education Code 48987)

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

(cf. 5141.4 - Child Abuse Reporting Procedures)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4144/4244/4344 - Complaints)

UNIFORM COMPLAINT PROCEDURES

The Governing Board recognizes that the district is responsible for ensuring that it complies with state and federal laws and regulations governing educational programs. The district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination based on gender, sex, race, color, religion, ancestry, national origin, ethnic group identification, marital or parental status, physical or mental disability, sexual orientation or the perception of one or more of such characteristics in any program or activity that receives or benefits from state financial assistance. The district shall also follow uniform complaint procedures when addressing complaints alleging failure to comply with state or federal law in consolidated categorical aid programs, migrant education, child care and development programs, child nutrition programs and special education programs.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 0420.1 - School-Based Coordinated Program)

(cf. 0420.2 - School Improvement Program)

(cf. 0430 - Comprehensive Local Plan for Special Education)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5148 - Child Care and Development)

(cf. 6171 - Title I Programs)

(cf. 6174 - Education for English Language Learners)

(cf. 6175 - Migrant Education Program)

(cf. 6178 - Vocational Education)

The Board encourages the early, informal resolution of complaints at the site level whenever possible.

Upon receipt of a written complaint from an individual, public agency or organization, uniform complaint procedures shall be initiated. The Superintendent or designee shall distribute full information about these procedures.

The Board acknowledges and respects student and employee rights to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. This includes keeping the identity of the complainant confidential except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee on a case-by-case basis.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

The Board prohibits retaliation in any form for the filing of a complaint, the reporting of instances of discrimination or participation in complaint procedures. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

UNIFORM COMPLAINT PROCEDURES (continued)

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 4031 - Complaints Concerning Discrimination in Employment)
(cf. 5141.4 - Child Abuse Reporting Procedures)

Legal Reference:

EDUCATION CODE

200-262.3 Prohibition of discrimination
8200-8498 Child care and development programs
8500-8538 Adult basic education
18100-18179 School libraries
35146 Closed sessions
35160 Authority of governing boards
44670.1-44671.5 School personnel staff development and resource centers
48985 Notices in language other than English
49060-49079 Student records
49490-49560 Child nutrition programs
51513 Personal beliefs
52000-52049.1 School improvement programs
52160-52178 Bilingual education programs
52300-52483 Vocational education
52500-52616.24 Adult schools
52800-52863 School-based coordinated programs
54000-54041 Economic impact aid programs
54100-54145 Miller-Unruh Basic Reading Act
54400-54425 Compensatory education programs
54440-54445 Migrant education
54460-54529 Compensatory education programs
56000-56885 Special education programs
59000-59300 Special schools and centers
64000 Consolidated application process

GOVERNMENT CODE

54957-54957.8 Closed sessions

CODE OF REGULATIONS, TITLE 5

3080 Application of section 4600-4671
4600-4671 Uniform Complaint Procedures

UNITED STATES CODE, TITLE 20

1221-1232g General Education Provisions Act
1681-1688 Discrimination based on sex or blindness, Title IX

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination

Policy
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PALERMO UNION SCHOOL DISTRICT
Palermo, California

