
PALERMO UNION SCHOOL DISTRICT

7390 Bulldog Way
Palermo, CA 95968-9700
530-533-4842
530-532-1047 (Fax)

Superintendent
Dr. Bryan L. Caples

COMPLAINT FORM

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Helen Wilcox School
5737 Autrey Lane
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Kathleen Nolind, Principal

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Carol Brown, Principal

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 4112.614212.6/4312.6- Personnel Files)

(cf 41441424414344- 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 of 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 4119.2314219.2314319.23- 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

UNIFORM COMPLAINT PROCEDURES

Compliance Officers

The Governing Board designates the following compliance officer(s) to receive and investigate complaints and to ensure district compliance with law:

Superintendent
7390 Bulldog Way
Palermo, California 95968-9700
(530) 533-4842

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Superintendent or designee.

(cf 9124 -Attorney)

Notifications

The Superintendent or designee shall meet the notification requirements of 5 CCR 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. The Superintendent or designee shall ensure that complainants understand that they may pursue other remedies, including actions before civil courts or other public agencies.

(cf 5145.6- Parental Notifications)

The above notification shall state that complainants may seek help from agencies such as legal assistance agencies, local mediation centers or the county office of education. Local resources include:

Butte County Office of Education
Office of Civil Rights (San Francisco)
Butte County SELPA

Procedures

The following procedures shall be used to address all complaints which 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 5 CCR 4632.

All parties involved in 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 by the district.

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. (5 CCR 4630)

The complaint shall be presented to the compliance officer who shall 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 other disabilities, district staff shall help him/her to file the complaint. (5 CCR 4600)

Step 2: Mediation

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

Before initiating the mediation of a discrimination complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.

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 timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (5 CCR 4631)

Step 3: Investigation of Complaint

The compliance officer is encouraged to 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. (5 CCR 4631)

Step 4: Response

Within 30 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in Step #5 below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five days, file his/her complaint in writing with the Board.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 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. (5 CCR 4631)

Step 5: Final Written Decision

The report of the district's decision shall be in writing and sent to the complainant. (5 CCR 4631)

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 shall arrange a meeting at which a community member will interpret it for the complainant.

This report shall include:

1. The findings and disposition of the complaint, including corrective actions, if any (5 CCR4631)
2. The rationale for the above disposition (5 CCR 4631)
3. Notice of the complainant's right to appeal the decision within 15 days to the California Department of Education, and procedures to be followed for initiating such an appeal (5 CCR 4631, 4652)
4. For discrimination complaints, notice that the 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 (5 CCR 4631; Education Code 262.3)
5. A detailed statement of all specific issues that were brought up during the investigation and the extent to which these issues were resolved

If an employee is disciplined as a result of the complaint, this report shall simply state that appropriate action was taken and that the employee was informed of district expectations.

The report shall not give any further information as to the nature of the disciplinary action.

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 15 days of receiving the district's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals: (5 CCR 4652)

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. (5 CCR 4652)

The California Department of Education may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists. In addition, the California Department of Education may also intervene in those cases where the district has not taken action within 60 calendar days of the date the complaint was filed with the district.

Civil Law Remedies

A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. 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 in accordance with 5 CCR 4622.