

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

This administrative regulation summarizes the provisions of California Code of Regulations Title 5 that set forth a uniform complaint process for ensuring compliance with the rules and regulations governing state and federal programs and enforcing laws prohibiting discrimination against students. This regulation may be modified by the administration as needed to maintain currency with subsequent amendments to the applicable Title 5 regulations.

Types of Complaints Subject to the Policy

Title 5 Regulation 4610 contains a list of the programs that are covered by the uniform complaint procedure. The district operates some, but not all, of the programs listed in the regulation. The programs operating in the district are identified in the policy. Each of the covered programs may be subject to certain statutes, regulations and written grant conditions. A person who believes there has been a violation of the statute, regulation, or grant conditions may file a complaint.

Additionally, the uniform complaint procedures are to be used for complaints of unlawful discrimination in any program or activity, not just those listed in the policy. Since employment discrimination complaints are excluded from the regulations and should be handled through a different process, complaints of discrimination would involve students or parents only. The policy covers allegations of discrimination in the categories listed in Education Code 200 and 220, Penal Code 422.55, and Government Code 11135. Those statutes prohibit discrimination on the basis of the following actual or perceived characteristics:

1. Sex
2. Ethnic group identification
3. Race
4. National origin
5. Religion
6. Mental or physical disability
7. Association with a person or group with one or more of these actual or perceived characteristics.
8. Sexual orientation, gender identity, and gender expression

COMPLAINTS CONCERNING DISTRICT EMPLOYEES (continued)**Notification to Parents, Students, and Staff**

Title 5 Regulation 4622 requires the district to annually notify in writing its students, employees, parents/guardians, district advisory committee, school advisory committees, and other interested parties of the complaint procedures, including the opportunity to appeal to the department and the provisions of the regulations. Pursuant to the policy, a notice summarizing the complaint procedures will be prepared by district administration and published in secondary student handbooks, staff handbooks, and the annual notice of parent's/guardian's rights. Additionally, a copy of the notice will be provided to members of school site councils.

Complaint Form

A complaint form will be made available to school sites in the event a member of the public requests a form to file a complaint regarding one of the subject matters covered by this policy. While the use of the complaint form is recommended, it is not required; a written, signed statement shall constitute a complaint and be processed in accordance with the policy if it alleges a violation of federal or state laws or regulations or unlawful discrimination as covered by this policy.

Investigation and Resolution

Complaints should be forwarded to the Associate Superintendent of Educational Services, who is designated by the Board as the compliance officer for uniform complaints. The investigation and subsequent written report must be completed within 60 calendar days unless the complainant agrees to extend the deadline. Alternative means of resolution are allowed and encouraged. The investigation and report should adhere to the guidelines set forth in the Policy.

Appeals

The complainant may appeal to the California Department of Education if he or she is dissatisfied with the administration's response. If appealed, the California Department of Education may conduct its own investigation.

Additionally, the complainant may bypass the district's process and file his/her complaint directly with the Department of Education if the complainant requests anonymity from the district. Anonymity is permitted by the department when filing the complaint with the district presents a danger of retaliation that would cause immediate and irreparable harm. Complainant may also submit the complaint to the Department of Education prior to receiving a response from the district if the district is refusing to conduct an investigation of the complaint, or the investigator is not adhering to Title 5 Regulations.

COMPLAINTS CONCERNING DISTRICT EMPLOYEES (continued)**Parent/Guardian Concerns Regarding School District Employees**

Concerns raised by parents/guardians about school district personnel should be resolved as quickly as possible. Therefore, parents/guardians of students in the district are urged to discuss their concerns directly with the employee(s) in question when concerns surface.

If the concern is not resolved with the employee(s) at this first level, the parent/guardian should then put the concern in writing and direct it to the employee's immediate supervisor, the principal at the elementary school, the instructional supervisor and the principal at the secondary level. The immediate supervisor shall give a copy of the document to the employee(s) and shall review the concern with the employee(s) to attempt a resolution of the matter. The district is unable to take formal action on expressions of concerns at this stage (second level) which are not put into writing.

If the concern is put into writing, the supervisor shall respond in writing within 10 working days of receipt of the document. The response shall be directed to the employee(s), the parent/guardian and, at the secondary level, to the principal, and shall state the proposed resolution.

If the resolution is unsatisfactory, the parent/guardian may request that the matter (including the initial document and the supervisor's response) be forwarded to the Superintendent or designee. This request must also be in writing. The Superintendent or designee shall respond in writing within 20 working days after receipt of the written request (and documentation) to the parties with his/her resolution of the concern.

Appeals of the Superintendent's decision may be made to the Board of Education. (Education Code 35160.5)

Administrative ProcedureInformal Level

Step One: Concerns/complaints against district personnel raised by a parent/guardian shall be resolved as quickly as possible. The first step in resolving all concerns/complaints shall be for the parent/guardian to meet with the employee to try to resolve the identified issue. It is expected that the majority of differences between a parent/guardian and an employee will be resolved at this first meeting.

COMPLAINTS CONCERNING DISTRICT EMPLOYEES (continued)

Step Two: If concerns are not resolved with the employee at step one, the parent/guardian shall meet with the employee's immediate supervisor to try to resolve the identified issue. If no resolution is reached with the supervisor, the complaint may proceed to the formal level.

Formal Level

Step Three: The parent/guardian shall put the complaint in writing and submit it to the site principal. The principal shall investigate the concern/complaint and shall respond in writing within 10 working days of receipt of the written complaint lodged against a school employee by a parent/guardian.

Step Four: If the parent/guardian finds the principal's proposed resolution to be unsatisfactory, an appeal may be made to the Superintendent's designee. The parent/guardian shall submit the written complaint and the principal's written response along with any relevant documentation to the Superintendent's designee. The Superintendent's designee shall respond in writing to the parent/guardian, the principal, and the employee within 10 working days.

Step Five: If the response of the Superintendent's designee is unacceptable to the parent/guardian, an appeal may be submitted to the Superintendent who will respond in writing to the parent/guardian, the principal, and the employee within 20 working days.

The decision of the Superintendent may be appealed to the Board of Education.