

BP 1312.1 - COMPLAINTS CONCERNING SCHOOL PERSONNEL ►

The Governing Board places trust in its employees and desires to support their actions in such manner that employees are freed from unwarranted criticism and complaints.

The Superintendent shall develop regulations that will permit the public to lodge criticism against staff members, assure a complete hearing, and protect the rights of the staff members and the district.

(cf. [1250](#) - Visits to the School)

Verbal complaints against an employee initially made to a Board member or at a Board meeting will be referred to the Superintendent for appropriate consideration and action according to administrative regulations.

This policy shall not apply when a public complaint involves accusations of child abuse. When a school employee is accused of child abuse, it shall be dealt with according to BP 5141.4.

(cf. [5141.4](#) - Child Abuse and Neglect (Reporting Procedures))

The Board prohibits retaliation against complainants. The Superintendent or designee 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.

The Board shall annually review policies and regulations regarding complaints against school personnel.

(cf. [6144](#) - Controversial Issues)

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)

Policy WINDSOR UNIFIED SCHOOL DISTRICT

adopted: August 2, 2011 Windsor, California

AR 1213.1

In order to promote fair and constructive communication, the following procedures shall govern the resolution of complaints. Every effort should be made to resolve a complaint at the earliest possible stage.

1. Complaints concerning school personnel should be made directly by the complainant to the person against whom the complaint is lodged. Parents/guardians are encouraged to attempt to orally resolve concerns with the staff member personally.
2. If the complaint is not resolved at this level, the complainant may submit the complaint in writing to the school principal or immediate supervisor. When necessary, district administration shall assist in the preparation of the written complaint so as to meet the requirement of this regulation. The administrative staff shall inform the complainant that such assistance is available if he/she is unable to prepare the written complaint without help.

A written complaint must include the name of each employee involved and a brief but specific summary of the complaint and the facts surrounding it. It must also include a specific description of a prior attempt to discuss the complaint with the employee involved and the failure to resolve the matter.

The principal or immediate supervisor is responsible for investigating complaints and will attempt to resolve the complaint to the satisfaction of the person(s) involved. If the complaint is resolved, the principal will so advise all concerned parties, including the Superintendent or designee.

3. If the complaint remains unresolved after review by the principal or the immediate supervisor, the principal shall refer the written complaint, together with a report and analysis of the situation, to the Superintendent or designee. Complainants should consider and accept the Superintendent or designee's decision as final. However, the complainant, the employee, or the Superintendent may ask to address the Governing Board regarding the complaint.

4. All written complaints regarding district personnel other than administrators shall be initially filed with the principal. If the complaint regards a principal or central office administrator, the written complaint shall be initially filed with the Superintendent or designee. If the written complaint concerns the Superintendent, it shall be initially filed with the Board.

5. Except when a complaint is directed against the Superintendent, no party to a complaint may address the Board, either in closed or open session, unless the Board has received the Superintendent or designee's written report concerning the complaint. The Superintendent or designee's report shall contain, but not be limited to:

a. The full name of each employee involved

b. A brief but specific summary of the complaint and the facts surrounding it

c. A specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter

6. Staff responsible for investigating complaints shall attempt to resolve the complaint to the satisfaction of the parties involved within 30 days.

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 or designee, who shall attempt to resolve the complaint to the satisfaction of the person involved within 30 days. Parties should consider and accept the Superintendent or designee's decision as final. However, the complainant, the employee, or the Superintendent or designee may ask to address the Board regarding the complaint.

8. Before any Board consideration of a complaint, the Superintendent or designee shall submit to the Board a written report concerning the complaint, including but not limited to:

a. The full 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 response

c. A copy of the signed original complaint

d. A summary of the action taken by the Superintendent or designee, 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 clarify the issue and present all available evidence.

11. A closed session may be held to hear the complaint in accordance with law.

(cf. [9321](#) - Closed Session Purposes and Agendas)

(cf. [9323](#) - Meeting Conduct)

12. The decision of the Board shall be final.

Any complaint of child abuse or neglect alleged against a district employee shall be reported to the appropriate local agencies in accordance with law, Board policy and administrative regulation.

(cf. [5141.4](#) - Child Abuse Reporting Procedures)

Regulation WINDSOR UNIFIED SCHOOL DISTRICT

approved: May 15, 2001 Windsor, California