

Regulation 1312.1: Complaints Concerning District Employees

Status: ADOPTED

Original Adopted Date: 10/08/2018 | **Last Revised Date:** 12/13/2022 | **Last Reviewed Date:** 12/13/2022

Every effort should be made to resolve complaints regarding district employees at the earliest possible stage. Any person who complains about a district employee shall be encouraged to resolve the matter informally through direct communication with the employee whenever possible.

If a complainant is unable or unwilling to resolve the complaint directly with the employee, the complainant may submit a written complaint to the principal or other immediate supervisor of the employee. Complaints related to a principal or district administrator shall be initially filed in writing with the Superintendent or designee. If the complainant is unable to prepare the complaint in writing, administrative staff shall provide assistance in the preparation of the complaint.

A written complaint shall include the full name of the employee involved, a brief but specific summary of the complaint and the facts surrounding it, and a description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter.

To promote prompt and fair resolution of the complaint, the following procedures shall govern the resolution of complaints against district employees:

1. When a written complaint is received, the employee who is the subject of the complaint shall be notified within five days or in accordance with the collective bargaining agreement.
2. The principal or other immediate supervisor of the employee shall investigate and attempt to resolve the complaint to the satisfaction of the parties involved within 45 days. A complaint against a school or district administrator shall be investigated by the Superintendent or designee. The investigation may include interviews of the employee, complainant, or witnesses as necessary and/or a review any documentation relevant to the complaint.
3. Both the complainant and employee shall be notified in writing of the final decision regarding the resolution of the complaint.
4. Either the complainant or the employee against whom the complaint was made may appeal the decision. A decision by the principal or immediate supervisor may be appealed to the Superintendent or designee, who shall attempt to resolve the complaint to the satisfaction of the parties involved within 45 days. Either the complainant or the employee may appeal the Superintendent's decision to the Governing Board.
5. If the decision is appealed to the Board, the Superintendent or designee shall submit to the Board the following information:
 - 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 and the reasons that the problem has not been resolved

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 33308.1

Ed. Code 35146

Description

Guidelines on procedure for filing child abuse complaints

Closed sessions

Ed. Code 44031	Personnel file contents and inspection
Ed. Code 44811	Disruption of classwork or extracurricular activities
Ed. Code 44932-44949	Resignation, dismissal and leaves of absence (rights of employee; procedures to follow)
Ed. Code 48987	Child abuse guidelines
Gov. Code 54957	Closed session; complaints re employees
Gov. Code 54957.6	Closed sessions regarding employee matters
Pen. Code 11164-11174.3	Child Abuse and Neglect Reporting Act
Pen. Code 273	Cruelty or unjustifiable punishment of child
W&I Code 300	Minors subject to jurisdiction of juvenile court

Management Resources References

Court Decision	Baca v. Moreno Valley Unified School District, (1996) 936 F. Supp. 719
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==

Cross References

	Description
1100	Communication With The Public - https://simbli.eboardsolutions.com/SU/EZq3plusUzc3f0tnVMhHrWNyQ==
1250	Visitors/Outsiders - https://simbli.eboardsolutions.com/SU/plusqVf9FXDBDVNAL4Sz7EVBg==
1250	Visitors/Outsiders - https://simbli.eboardsolutions.com/SU/4fdWN9ioZmqpUwcHdk1Sfg==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/Qun3ha4kRGc50J14plusvLaSQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/nb8rKaDVqtA0ANKhxS1PSw==
1312.3-E(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/sIsh2yw57dZIRT4HQ0vheT8A==
1313	Civility - https://simbli.eboardsolutions.com/SU/PojQ81esEvYvG4HCOyLaYQ==
3555	Nutrition Program Compliance - https://simbli.eboardsolutions.com/SU/oosIshJHolsIshHuZFWxXFnsZeg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/4oDY9hHFun31umCLMVNURw==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/2sysN3DBgUWgRCplusHwtsUAQ==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/4J1aEMGQDRGacGzrxslshqHZw==
4117.7	Employment Status Reports - https://simbli.eboardsolutions.com/SU/9q3003w0iVubpp54AJj3jQ==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/uvhEjoQJJslshrplusvslshXF5XNg==
4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/TxrKhplus5leOeJw3uNSslshhrMA==
4119.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/ulwhAEHndH5FgEJNtE5qrA==
4144	Complaints - https://simbli.eboardsolutions.com/SU/LhE6QqLDgag6H7wBpJeOcg==

4144 Complaints -
<https://simbli.eboardsolutions.com/SU/m7thMY0ywwZ2oyiSK9UOJg==>

4212.6 Personnel Files -
<https://simbli.eboardsolutions.com/SU/7plusM1pzrx1SjVBNZjcfGrslshA==>

4218 Dismissal/Suspension/Disciplinary Action -
<https://simbli.eboardsolutions.com/SU/G72aplusrnvTduGMOGgoC3uGw==>

4218 Dismissal/Suspension/Disciplinary Action -
<https://simbli.eboardsolutions.com/SU/HhfAbZKqWISf3kmDEyYoZg==>

4219.1 Civil And Legal Rights -
<https://simbli.eboardsolutions.com/SU/j813wklxru56LVq7qIExww==>

4219.21 Professional Standards -
<https://simbli.eboardsolutions.com/SU/59a4zrGslshrIGZOv8z95ma3Q==>

4219.21-E PDF(1) Professional Standards -
<https://simbli.eboardsolutions.com/SU/IB8pkCQWboFbAifRr4d5fg==>

4244 Complaints -
<https://simbli.eboardsolutions.com/SU/ctsfBgplusL7ILRRYofplusXIZlg==>

4244 Complaints -
<https://simbli.eboardsolutions.com/SU/9slshSGMplus30uUHQGUvRUkwvGA==>

4312.6 Personnel Files -
<https://simbli.eboardsolutions.com/SU/Jn5qTd1vN3sYyGQ6rqql8w==>

4317.7 Employment Status Reports -
<https://simbli.eboardsolutions.com/SU/gBtKvl30UDroxqa9ebPMrQ==>

4319.1 Civil And Legal Rights -
<https://simbli.eboardsolutions.com/SU/kUW0O59L3ddUEFwryJdLdQ==>

4319.21 Professional Standards -
<https://simbli.eboardsolutions.com/SU/XyBgZBRS7Du5VRwa1mkpHQ==>

4319.21-E PDF(1) Professional Standards -
<https://simbli.eboardsolutions.com/SU/6lOQslsh9wElyw9PrIspTCJg==>

4344 Complaints -
<https://simbli.eboardsolutions.com/SU/WfYXqjR7gVArweJpQeAXiQ==>

4344 Complaints -
<https://simbli.eboardsolutions.com/SU/vFowgPJsvplusGTkeDzSORGaA==>

5141.4 Child Abuse Prevention And Reporting -
<https://simbli.eboardsolutions.com/SU/jplusVPaBS4IXLRM532st216A==>

5141.4 Child Abuse Prevention And Reporting -
<https://simbli.eboardsolutions.com/SU/NvMslsh3Aeo0p5KLA2qpfGE8Q==>

5145.12 Search And Seizure -
<https://simbli.eboardsolutions.com/SU/QCyc8dijzGECe2ltxbrf9g==>

5145.12 Search And Seizure -
<https://simbli.eboardsolutions.com/SU/g7OmVdGxODomIOT5ylxXng==>

5145.3 Nondiscrimination/Harassment -
<https://simbli.eboardsolutions.com/SU/2jk49MGJrXgN6lZfwgCPwg==>

5145.3 Nondiscrimination/Harassment -
<https://simbli.eboardsolutions.com/SU/pYcdo3xw1XWcm4efEmlaNg==>

5145.7 Sexual Harassment -
<https://simbli.eboardsolutions.com/SU/0hVPethzNKadbWAQcQPZFg==>

5145.7 Sexual Harassment -
<https://simbli.eboardsolutions.com/SU/LvUAjplusslsh6VwDlvMa4dq6yiw==>

5145.9 Hate-Motivated Behavior -
<https://simbli.eboardsolutions.com/SU/xZcmjNJ9OkQZzmO6ooAMplusg==>

6144	Controversial Issues - https://simbli.eboardsolutions.com/SU/Pcs6dPcUyoI5FxajWi6JHA==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/pexoycZHLai9wGgOJTIqVQ==
9012	Board Member Electronic Communications - https://simbli.eboardsolutions.com/SU/tFjB7nbdRS4U3sK0BE3rdA==
9130	Board Committees - https://simbli.eboardsolutions.com/SU/jOTkZjZpl5iZVHy70aCJtA==
9200	Limits Of Board Member Authority - https://simbli.eboardsolutions.com/SU/c1yfJslsh7HH2Kv8FH1so7dEA==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/0v2fTetoy70awKRXsslshwKQg==
9322	Agenda/Meeting Materials - https://simbli.eboardsolutions.com/SU/1zTAHXsAC4plus5gSu8Gvo37A==
9323	Meeting Conduct - https://simbli.eboardsolutions.com/SU/Qt6plusfhcmYrZjATacqslshigSg==