

**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 or designee so that the problem may receive proper consideration.

- (cf. 1312.1 - Complaints Concerning School Personnel)*
- (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

**ANTELOPE VALLEY UNION HIGH SCHOOL DISTRICT**

Policy Adopted: November 13, 1990

Lancaster, California

Policy Revised: March 17, 1999

**Community Relations****BP 1312.1(a)****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.

Parents/guardians are encouraged to first resolve their concerns informally with the employee directly affected. If not resolved informally, verbal or written complaints are to be referred to the site administrator.

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

*(cf. 1312.2 - Complaints Concerning Instructional Material)*

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 3515.2 - Disruptions)*

Education Code 44811 makes it a misdemeanor for a parent/guardian or other person to materially disrupt classwork or extracurricular activities or cause substantial disorder in a place where a school employee is required to be in the course of his/her duties.

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

*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*

*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)*

**ANTELOPE VALLEY UNION HIGH SCHOOL DISTRICT**

Policy adopted: November 13, 1990

Lancaster, California

Policy revised: May 5, 2004

**Community Relations****AR 1312.1(a)****COMPLAINTS CONCERNING DISTRICT EMPLOYEES****Procedure to be Used for Parent/Guardian Complaints Regarding Employees**

The Superintendent or designee shall determine whether a complaint should be considered a complaint against the district or an individual employee, and whether it should be resolved by the district's process for complaints concerning employees or through other district procedures.

*(cf. 1312.2 - Complaints Concerning Instructional Materials)*

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 4144/4244/4344 - Complaints)*

Complaints related to a principal or central office administrator shall be initially filed in writing with the Superintendent or designee. Complaints related to the Superintendent shall be initially filed in writing with the Board.

**Complaints Regarding School Site Employees**

The site administrator or other designated administrator receiving either a verbal or written complaint shall meet with the complainant to review the following procedure:

1. The complainant shall be encouraged to meet informally with the employee directly affected. If the complaint is resolved to the satisfaction of both the employee and the complainant, the matter shall be considered closed and no formal record shall be kept. If the complaint is not resolved informally, then it shall be reduced to writing on a district complaint form (See Exhibit 1312.1) and signed by the person(s) making the complaint.
2. The employee shall be provided a copy of the written complaint and shall have an opportunity to respond both orally and in writing. If the complaint is not resolved at the school level, the complainant shall be notified of his/her right to appeal a school site decision on the matter to the District office. The site administrator shall provide the Superintendent or designee with a copy of the complaint and any written response, along with a brief statement of the investigation and the efforts made to resolve the complaint.
3. Appeal must be made by the complainant to the Superintendent or designee within 15 school days of notification of a school site decision about the complaint. The Superintendent or designee shall review the matter and respond in writing to the complainant within 15 school days.
4. If the complaint is not resolved, any further appeal must be made by the complainant to the Board of Trustees within 15 school days.
5. The Board will render a determination by the second regularly scheduled meeting after the appeal is first filed.

**Community Relations****AR 1312.1(b)****COMPLAINTS CONCERNING DISTRICT EMPLOYEES**

6. A closed session may be held to hear the complaint in accordance with law pursuant to provisions of Government Code 54957.

*(cf. 9321 - Closed Session Purposes and Agendas)*  
*(cf. 9323 - Meeting Conduct)*

7. The decision of the Board shall be final.
6. Nothing shall prevent the district from investigating or taking action upon a complaint that is later withdrawn.

Complaints Regarding District Office or Other Non-School Site Staff

The employee's immediate supervisor shall be responsible for investigating the complaint and shall attempt to resolve the complaint to the satisfaction of those involved through a meeting between the employee and the complainant. If the matter is not resolved, then procedures as described above for school-site employees shall be followed

**Employee Rights:**

1. The employee shall be provided a copy of the written and signed complaint within five school days after receipt of the complaint by the employee's immediate supervisor (or in accordance with collective bargaining agreement timeframes.)
2. Employee shall have the right to meet with complainant, question him/her regarding the accuracy of the complaint and attempt to resolve the problem.
3. Employee shall be permitted to have a representative present in any meeting with a complainant and at any subsequent hearing on the matter.
4. Employee shall be allowed to respond both orally and in writing. Any written response shall be attached to the complaint.
5. A complaint filed by a parent/guardian shall not be used in the evaluation of an employee or placed in the employee's personnel file unless the procedural steps noted above, as well as provisions of collective bargaining agreements, have been followed.

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)*

**ANTELOPE VALLEY UNION HIGH SCHOOL DISTRICT**

Regulation approved: November 13, 1990

Lancaster, California

Regulation revised: January 16, 2002, May 5, 2004

**ANTELOPE VALLEY UNION HIGH SCHOOL DISTRICT**

**E 1312.1(a)**

**Parent/Guardian Complaint Regarding Employees  
Complaint Form**

Date: \_\_\_\_\_

School Involved: \_\_\_\_\_

Date of Incident: \_\_\_\_\_ Time Incident Occurred: \_\_\_\_\_

School Personnel Involved: \_\_\_\_\_

Other Persons Involved: \_\_\_\_\_

Describe Incident/Complaint/location of incident if known: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

What have you done about the problem to date? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

What is your suggestion to resolve the problem? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Signature** of Person Making Complaint: \_\_\_\_\_

**Print Name** of Person Making Complaint: \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_

**E 1312.1(b)**

**Employee's Statement:**

State your description of the incident and what your actions were: \_\_\_\_\_

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**Signature** of Employee \_\_\_\_\_

**Immediate Supervisor:**

List what you have done to try to resolve the problem: \_\_\_\_\_

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**Signature** of Supervisor \_\_\_\_\_

**E 1312.1(c)**

**ADMINISTRATIVE ACTION**

1. Date of Complaint: \_\_\_\_\_  
\_\_\_\_\_
2. Complainant informed of District policy regarding complaints lodged against a District employee: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Appointment scheduled for accused staff member and complainant: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Appointment scheduled for accused staff member, complainant, and immediate supervisor: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. Appointment scheduled for accused staff member, complainant, and District Superintendent: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. Request for hearing before Governing Board: \_\_\_\_\_  
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