

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

This board policy addresses the district's policies regarding the conduct district employees and instructional materials. This policy also addresses how to initiate complaints against district employees and complaints regarding instructional materials. The procedures to be followed when complaining about any of these subject areas are set forth in AR 1312.1. Only a district employee, district student, or the parents/guardians of a district student may file a complaint in accordance with these procedures, except as otherwise authorized by this policy.

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 disruption the educational process.

Any investigation of a complaint shall protect the rights of involved parties.

(cf. 1312.1 - Complaint Procedures)

(cf. 3515.2 - Disruptions)

Instructional Materials

The Governing Board takes great care in the adoption or use of instructional materials, but it is aware that all instructional materials may not be acceptable to all district students, students' parents or guardians, or other district residents.

The Board will not allow political party affiliation, racial prejudice, a desire to suppress ideas, or an intent to deny student access to ideas with which the Governing Board disagrees, to influence its decision in any such case.

Complaints will only be accepted from either a resident of the district or the parent/guardian of a child enrolled as a student in a district school.

(cf 4111.1- Affirmative Action)

(cf 4119.41 - Employees with Infectious Disease)

Community Relations

COMPLAINTS CONCERNING DISTRICT EMPLOYEES (Continued)

Legal Reference:

EDUCATION CODE

- 18111 Exclusion of books by Governing Board
- 35010 Control of District; prescription and enforcement of rules
- 35146 Closed sessions
- 44100 Legislative intent, affirmative action employment
- 44811 Disruption of public school activities

Management Resources:

CDE LEGAL ADVISORIES

- 910.93 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

Adopted: October 1, 1984

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February 20, 1992
September 8, 1992
October 3, 1994
June 19, 1995
April 6, 1998

**ELK GROVE UNIFIED SCHOOL DISTRICT
Elk Grove, California**

COMPLAINT PROCEDURES

The Superintendent or designee shall determine which district procedure and/or policy must be or will be utilized in resolving a complaint.

(cf 1312.3 - Uniform Complaint Procedures)

The Board prohibits retaliation for the filing of any complaint or the reporting of instances of any improper activity or for participation in the complaint process. Administrators responsible for conducting an investigation into a complaint may, at their discretion, keep a complainant's identity confidential, except to the extent necessary to investigate the complaint. Participants in a complaint or investigation process are required to maintain appropriate confidentiality and to abide by specific directives from administrators regarding confidentiality. The district will not investigate anonymous complaints unless the Assistant Superintendent of Human Resources or designee deems such an investigation to be necessary and appropriate.

A complaint shall also be processed to accordance with any applicable and relevant collective bargaining provisions.

The following procedures shall govern the resolution of complaints regarding district employees, discrimination (including harassment and denial of a request for reasonable accommodation of a disability) and instructional materials unless the Uniform Complaint Procedure (BP/AR 1312.3) applies:

- Every effort should be made to resolve a complaint at the earliest possible stage. Whenever possible and except as stated below, complaints concerning school personnel should be made directly by the complainant to the person against whom the complaint is made. When a complaint is brought against the individual responsible for the complaint process at any level, the complainant may address the complaint directly to the next appropriate level. Meetings related to a complaint shall be held at times the district determines as least likely to interfere with school schedules and operations. For the protection of the complainant and the district, complaint proceedings shall be kept confidential insofar as appropriate. All documents, communications and records dealing with the complaint shall be placed in a district complaint file. Complaints regarding instructional materials and discrimination (including harassment and denial of a request for reasonable accommodation of a disability) should be made directly to the supervisor or principal. The supervisor or principal will forward all discrimination complaints, which should be transcribed on districts forms, to the Assistant Superintendent of Human Resources or designee(s). When appropriate, all parties involved in a complaint shall be notified that a complaint had been filed, when a complaint meeting or hearing is scheduled, the general nature of the complaint, and when a decision or ruling is made. The complainant also shall be notified of his/her right to appeal the decision to the next level.

COMPLAINT PROCEDURES (Continued)

- If the complaint cannot be resolved at an informal level described above, the complainant may submit a written complaint. District forms regarding complaints are available at the school site and the Education Center. All written complaints alleging discrimination (including harassment and denial of request for reasonable accommodation of disability) will be forwarded by the supervisor or principal to the Assistant Superintendent of Human Resources or designee(s).

Complaints Regarding Employees or Discrimination (Including Harassment)

1. All complaints, except discrimination complaints, related to personnel other than district administrators shall be submitted in writing to the principal and/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 any other district administrator shall be initially filed in writing with the Assistant Superintendent of Human Resources or designee(s). The Assistant Superintendent of Human Resources, Dr. Pat Jaurequi, Elk Grove Unified School District, 9510 Elk Grove-Florin Road, Elk Grove, California 95624, is designated as the Nondiscrimination Coordinator. Although discrimination complaints may be initially filed with the principal and/or immediate supervisor, these complaints will be forwarded to the Assistant Superintendent of Human Resources or designee(s) for investigation and/or resolution. Complaints related to a Board member or the Superintendent shall be initially filed in writing with the Board.
2. A written complaint must include, but is not limited to, the following information:
 - a. The name of each employee and any other persons involved,
 - b. A brief but specific summary of the complaint and the facts surrounding it, and
 - c. A specific description of any prior attempts to resolve the matter,
 - d. The remedy requested or desired,
 - e. The signature of the complainant attesting that all information is true and correct to the best of the complainant's personal knowledge, and
 - f. The date the complaint is filed.

Discrimination complaint forms may require further information. The person against whom the written complaint was filed may request a copy of the written complaint. In appropriate situations, the Assistant Superintendent of Human Resources or designee may provide a copy of the written complaint to him or her, with names and identifying information deleted.

COMPLAINT PROCEDURES (Continued)

3. The district will acknowledge receipt of written complaints. The person responsible for investigating complaints will attempt to resolve the complaint in a timely manner to the satisfaction of the person(s) involved within a reasonable period of time.
4. Paragraph 1 above describes which administrator will be responsible for handling each type of complaint. The complainant may appeal a decision made by this administrator (principal, the immediate supervisor, or the Assistant Superintendent of Human Resources or designee(s)) to the Superintendent and/or designee(s). The Superintendent and/or designee(s) will attempt to resolve the complaint in a timely manner, to the satisfaction of the person(s) involved. Complainants should consider and accept the Superintendent or designee's decision as final. However, the complainant, the employee, or the Superintendent or designee(s) may ask to address the Board regarding the complaint.
5. Once a request has been made to appeal to the Board, the Board will decide whether or not to address the complaint further. If the Board decides not to address the complaint, or if there has been no request to appeal the decision to the Board, the decision of the last appropriate administrator shall be the final decision of the district. The Board may also expressly uphold the Superintendent's or designee decision without addressing the complaint further.
6. Prior to the Board meeting in which the Board will address the complaint further, the Superintendent or designee(s) may provide the Board with any appropriate documentation regarding the complaint. Any decision of the Board shall be the final decision of the Board shall be the final decision of the district.
7. 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 legally permissible.

(cf 9321 - Closed Session Purposes and Agendas)

(cf 9323 - Meeting Conduct)

8. Complainants alleging discrimination may appeal the district's action to the California Department of Education. The Superintendent or designee shall ensure that complainants are informed that injunctions, restraining orders and other civil law remedies may also be available to them. This information shall be published with the district's nondiscrimination complaint procedures and included in any related notices. (Education Code 262.3)

COMPLAINT PROCEDURES (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.

Providing the above procedures to parent/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)

Complaints Regarding Instructional Materials

1. The principal will notify the Deputy Superintendent of Instruction and any teachers(s) involved of the receipt of the complaint. A formal written complaint shall be sent to the office of the Deputy Superintendent of Instruction, along with a written report of any action taken to resolve the informal complaint. The Deputy Superintendent of Instruction will decide whether or not the complaint should be reviewed with the Superintendent. Whenever possible, the teacher/librarian shall provide the child of the complainant with an assignment in alternate materials until the challenged materials have been reviewed. The alternate assignment should not adversely affect the student's grade. The Deputy Superintendent of Instruction will determine whether a building or District-level review committee should be activated to reevaluate the material. If a building or District-level review committee is not utilized, then the Deputy Superintendent of Instruction shall attempt to resolve the complaint within a reasonable period of time. If the complainant is not satisfied with the proposed resolution, the complainant may ask to address the Board. In this case, all procedures set forth above regarding complaints to the Board (paragraph 5-9) must be followed.
2. A building-level review committee shall be under the direction of the Superintendent or designee. It should be composed of the building principal and two (2) teachers, two (2) parents from the PTA/Parent Club or School Site Council, one (1) District Office administrator, one (1) librarian (when appropriate) and one (1) department chairperson (when appropriate). The site people shall be selected by the principal from the school directory concerned.
3. A District-level review committee shall be under the direction of the Superintendent or designee. The composition of the committee shall be determined by the Superintendent or designee and may include the Deputy Superintendent for Instruction, Director of Curriculum, two (2) principals, four (4) teachers, four (4) parents, and two (2) community members who have no children attending schools in the Elk Grove Unified School District.

COMPLAINT PROCEDURES

Complaints Regarding Instructional Materials (Continued)

These shall be selected by the Superintendent or designee from the administrative and instructional areas directory concerned with the subject of the complaint.

4. A District/site review committee procedures shall include, but not to be limited to the following:
 - a. Review of the formal written complaint and the written report of action taken to resolve the informal complaint.
 - b. Review of Board Policy 6161 and Board Policy and Administrative Regulation 6161.1 on selection and adoption of instructional and library/media materials, to determine those policies have been followed.
 - c. Review of copies of the challenged materials or curriculum, as available.
 - d. Review of additional professionally prepared reviews of the materials, as available.
 - e. Review of additional written information form the complainant *or* a representative or an oral presentation by the complainant or a representative.
 - f. Review of oral or written professional opinions of the value of the contested material or curriculum by the teacher, librarian, media technician or site principal involved.
 - g. In closed session, deliberate and write a final recommendation.
5. The committee's recommendation shall be based on the decision of the majority of the committee. The committee's recommendation may include the following:
 - a. Take no removal action.
 - b. Restrict the use of the challenged curriculum or material to a certain school *or* certain group(s) of students.
 - c. Remove all or part of the challenged curriculum or material from the total District program.
 - d. Remove the material until the appropriate policy and procedures have been followed.
 - e. Delete objectionable portion of the challenged curriculum or material.

COMPLAINT PROCEDURES

Complaints Regarding Instructional Materials (Continued)

6. The Director of Curriculum shall prepare a written report, including a copy of the written complaint, a summary of the procedures followed by the committee and the recommendation of the committee. The written report of the committee shall be forwarded to the appropriate Assistant Superintendent, the Deputy Superintendent and the Superintendent within a reasonable period of time after receipt of the written complaint.
7. The Superintendent shall review the committee report, consider the recommendation of the committee, including any minority reports, and make a decision accepting or rejecting that recommendation or taking other actions as the Superintendent deems appropriate. Copies of the Superintendent's decision shall be forwarded to the complainant, the Deputy Superintendent, the appropriate Assistant Superintendent and the Curriculum Director, who shall inform the committee members and all other appropriate personnel.
8. The decision of the Superintendent shall be the final decision of district staff. In the event that the complainant is not satisfied with the Superintendent's decision, the complainant may ask to address the Board. In this case, all procedures for addressing the Board set forth above for Complaints Regarding Employees or Discrimination (paragraph 5-8) must be followed.

Regulation
Approved: October 1, 1984
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October 3, 1994

ELK GROVE UNIFIED SCHOOL DISTRICT
Elk Grove, California

April 6, 1998