

## COMPLAINTS CONCERNING THE SCHOOL

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/principal so that the problem may receive proper consideration.

*(cf. 1312.1 - Complaints Concerning District Employees)*  
*(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

**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.

The Superintendent/principal 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.

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

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 3515.2 - Disruptions)*

The Board prohibits retaliation against complainants. The Superintendent/principal 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.

*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)*

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES**

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

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

*(cf. 1312.3 - Uniform Complaint Procedures)*

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

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

1. Every effort should be made to resolve a complaint at the earliest possible stage. Whenever possible, the complainant should communicate directly to the employee in order to resolve concerns.
2. If a complainant is unable or unwilling to resolve the complaint directly with the employee, he/she may submit an oral or written complaint to the employee's immediate supervisor or the principal.
3. All complaints related to district personnel other than administrators shall be submitted in writing to the principal 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 central office administrator shall be initially filed in writing with the Superintendent/principal. Complaints related to the Superintendent shall be initially filed in writing with the Board.
4. When a written complaint is received, the employee shall be notified within five days or in accordance with collective bargaining agreements.
5. A written complaint shall include:
  - 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.

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES (continued)**

7. Both the complainant and the employee against whom the complaint was made may appeal a decision by the immediate supervisor to the Superintendent/principal, who shall attempt to resolve the complaint to the satisfaction of the person involved within 30 days. Parties should consider and accept the Superintendent/principal's decision as final. However, the complainant, the employee, or the Superintendent/principal may ask to address the Board regarding the complaint.
8. Before any Board consideration of a complaint, the Superintendent/principal 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/principal, 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  
approved:  
**Community Relations**

**ORICK ELEMENTARY SCHOOL DISTRICT**  
Orick, California  
BP 1312.2

**COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS**

The Governing Board takes great care in the adoption of instructional materials and is aware that all adopted materials may not be acceptable to all students, their parents/guardians or other district residents.

*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*  
*(cf. 6161.11 - Supplementary Instructional Materials)*

The Superintendent/principal shall establish procedures which will permit proper consideration of any complaints against the use of any instructional materials, including textbooks, supplementary textbooks, library books, and other instructional materials and equipment.

The Board believes the Superintendent and staff are well qualified to consider complaints concerning instructional materials. Complainants are advised to consider and accept the Superintendent/principal's decision as final. However, if the complainant finds the decision of the Superintendent/principal unsatisfactory, he/she may request that the matter be placed on the agenda of a regular Board meeting.

*(cf. 1312.3 - Uniform Complaint Procedures)*

The Board's decision in any such case will be based on educational suitability and will not be influenced by a desire to suppress information or deny students access to ideas with which the Board disagrees.

*(cf. 6144 - Controversial Issues)*

*Legal Reference:*

EDUCATION CODE

- 18111 Exclusion of books by governing board
- 35010 Control of district; prescription and enforcement of rules
- 60000 Power of governing board to select instructional materials
- 60040-60047 Content requirements for instructional materials
- 60200-60206 Elementary school material - selection and adoption
- 60400 Secondary school textbooks - selection and adoption

*Management Resources:*

CDE PROGRAM ADVISORIES

- 1002.90 Selection of instructional materials, CIL: 90/91-02

## COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS

Complaints concerning instructional materials will be accepted only from staff, district residents, or the parents/guardians of children enrolled in a district school.

Complaints must be presented in writing to the principal. Complaints regarding printed material must name the author, title and publisher, and identify the objection by page and item numbers. In the case of nonprinted material, written information specifying the precise nature of the objection shall be given. The statement must be signed and identified in such a way that a proper reply will be possible.

Individual students may be excused from using challenged materials after the parent/guardian has presented a written complaint. The teacher will then assign the student alternate materials of equal merit. Use of the materials by a class, school or the district, however, shall not be restricted until so directed by the Superintendent/principal.

Upon receiving a complaint, the Superintendent/principal will acknowledge its receipt and answer any questions regarding procedure. The Superintendent/principal will then notify the Superintendent/principal and the teacher(s) involved of the complaint. The Superintendent/principal will determine whether the complaint should be considered on an individual basis or whether a review committee should be convened.

The use of challenged materials by class, school or district shall not be restricted until final disposition has been made by the appropriate review committee.

A review committee may be formed under the direction of the Superintendent/principal. It shall be composed of five or more staff members selected by the Superintendent/principal from relevant administrative and instructional areas.

In deliberating challenged materials, the review committee shall consider the educational philosophy of the district; the professional opinions of other teachers of the subject and of other competent authorities; reviews of the materials by reputable bodies; the teacher's stated objectives in using the materials; and the objections of the complainant.

The review committee shall determine the extent to which the challenged material supports the curriculum, the educational appropriateness of the material, and its suitability for the age level of the student.

Within 30 days of being convened, the review committee shall summarize its findings in a written report and submit it to the Superintendent/principal for final action. The Superintendent/principal shall notify the complainant of his/her decision no later than 60 days after the complaint was filed.

**COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS (continued)**

The report of the review committee together with the Superintendent/principal's recommendation may be brought to the Governing Board for consideration and final decision.

When any challenged instructional material is reviewed by the district, it shall not be subject to any additional reconsideration for 12 months.

**County or State-Adopted Material**

If the challenged material has been adopted by the County Board of Education, the Superintendent/principal may forward the complaint, without action, to the office of the County Superintendent of School for reevaluation and decision.

If the questioned material has been adopted by the State of California, the Superintendent/principal may forward the complaint, without action, to the California Department of Education for reevaluation and decision.

CITIZEN'S REQUEST FOR RECONSIDERATION OF INSTRUCTIONAL MATERIALS

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

TITLE: \_\_\_\_\_

AUTHOR: \_\_\_\_\_

PUBLISHER: \_\_\_\_\_ DATE OF EDITION: \_\_\_\_\_

Request received by: \_\_\_\_\_ Title: \_\_\_\_\_

Citizen's Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Citizen Represents: Himself/Herself: \_\_\_\_\_ Organization or Group: \_\_\_\_\_

1. To what do you object? (Please be specific: cite pages, tape sequence, video frame, and words)
2. What do you feel would be the result of reading/viewing this material?
3. For what age group would you recommend this material?
4. Did you read/view the entire selection?
5. If not, what percentage did you read/view, or what parts?
6. Is there anything good about this material?
7. What would you like the school to do about this material?
  - Do not assign it to my child.
  - Withdraw it from all students.
  - Re-evaluate it.
8. Are you aware of how this work has been assessed by literary critics?
9. What do you believe is the thesis of this work?
10. In its place, what work would you recommend?

\_\_\_\_\_  
Signature of citizen



# ORICK SCHOOL DISTRICT

## Administrative Regulation

Community Relations

AR 1312.3(a)

### UNIFORM COMPLAINT PROCEDURES

#### Compliance Officers

The Governing Board designates the following compliance officer(s) to receive and investigate complaints and to ensure district compliance with law:

John Sutter  
(title or position)  
Superintendent/Principal  
(address)  
P.O. Box 128 Orick, CA 95555 (707) 488-2821  
(telephone number)

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Superintendent or designee.

*(cf. 9124 - Attorney)*

#### Notifications

The Superintendent or designee shall meet the notification requirements of 5 CCR 4622, including the annual dissemination of district complaint procedures and information about available appeals, civil law remedies and conditions under which a complaint may be taken directly to the California Department of Education. The Superintendent or designee shall ensure that complainants understand that they may pursue other remedies, including actions before civil courts or other public agencies.

*(cf. 5145.6 - Parental Notifications)*

**UNIFORM COMPLAINT PROCEDURES (continued)**

**Procedures**

The following procedures shall be used to address all complaints which allege that the district has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4632.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled and when a decision or ruling is made.

**Step 1: Filing of Complaint**

Any individual, public agency or organization may file a written complaint of alleged noncompliance by the district.

Complaints alleging unlawful discrimination may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination. (5 CCR 4630)

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

**UNIFORM COMPLAINT PROCEDURES (continued)**

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, district staff shall help him/her to file the complaint. (5 CCR 4600)

**Step 2: Mediation**

Within three days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a discrimination complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (5 CCR 4631)

**Step 3: Investigation of Complaint**

The compliance officer is encouraged to hold an investigative meeting within five days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

The complainant and/or his/her representative and the district's representatives shall also have an opportunity to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses. (5 CCR 4631)

**Step 4: Response**

**UNIFORM COMPLAINT PROCEDURES (continued)**

**OPTION 1:** Within 60 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in Step #5 below. (5 CCR 4631)

**OPTION 2:** Within 30 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in Step #5 below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five days, file his/her complaint in writing with the Board.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 days of the district's initially receiving the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

**Step 5: Final Written Decision**

The report of the district's decision shall be in writing and sent to the complainant. (5 CCR 4631)

The report of the district's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the district shall arrange a meeting at which a community member will interpret it for the complainant.

This report shall include:

1. The findings and disposition of the complaint, including corrective actions, if any (5 CCR 4631)
2. The rationale for the above disposition (5 CCR 4631)

3. Notice of the complainant's right to appeal the decision within 15 days to the California Department of Education, and procedures to be followed for initiating such an appeal (5 CCR 4631, 4652)

AR 1312.3(e)

#### UNIFORM COMPLAINT PROCEDURES (continued)

4. For discrimination complaints, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies (5 CCR 4631; Education Code 262.3)
5. A detailed statement of all specific issues that were brought up during the investigation and the extent to which these issues were resolved

If an employee is disciplined as a result of the complaint, this report shall simply state that effective action was taken and that the employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action.

#### Appeals to the California Department of Education

If dissatisfied with the district's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the district's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. (5 CCR 4652)

When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the district's decision and must include a copy of the locally filed complaint and the district's decision. (5 CCR 4652)

The California Department of Education may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists. In addition, the California Department of Education may also intervene in those cases where the district has not taken action within 60 calendar days of the date the complaint was filed with the district.

**UNIFORM COMPLAINT PROCEDURES (continued)**

**Civil Law Remedies**

A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the district has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.