

**Regulation 1312.1: Complaints Concerning District Employees**

**Status:** ADOPTED

**Original Adopted Date:** 04/10/2007 | **Last Revised Date:** 06/11/2019 | **Last Reviewed Date:** 06/11/2019

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 30 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 30 days. Either the complainant or the employee may appeal the Superintendent's decision to the Board of Education.
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

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**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  
Ed. Code 44031  
Ed. Code 44811

**Description**

Guidelines on procedure for filing child abuse complaints  
Closed sessions  
Personnel file contents and inspection  
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 meetings for threats to security
Gov. Code 54957.6	Closed session; representatives with employee organization
Pen. Code 11164-11174.3	Child Abuse and Neglect Reporting Act
Pen. Code 273	Cruelty or unjustifiable punishment of child
W&I Code 300	Dependent child of the court

### Management Resources References

Court Decision	A.M. v. Albertsons, LLC, (2009) Cal.App.4th 455
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### Cross References

	Description
1100	Communication With The Public - <a href="https://simbli.eboardsolutions.com/SU/lvdsish0GgTgslshFbttLKslshK90Q==">https://simbli.eboardsolutions.com/SU/lvdsish0GgTgslshFbttLKslshK90Q==</a>
1250	Visitors/Outsiders - <a href="https://simbli.eboardsolutions.com/SU/0PLQsJHTGae35n3SovslshmEQ==">https://simbli.eboardsolutions.com/SU/0PLQsJHTGae35n3SovslshmEQ==</a>
1250	Visitors/Outsiders - <a href="https://simbli.eboardsolutions.com/SU/hfTMZwTuh6fAe7Zyslsh7R18g==">https://simbli.eboardsolutions.com/SU/hfTMZwTuh6fAe7Zyslsh7R18g==</a>
1312.2	Complaints Concerning Instructional Materials - <a href="https://simbli.eboardsolutions.com/SU/tldOxz1v7EhivNQraq9Dg==">https://simbli.eboardsolutions.com/SU/tldOxz1v7EhivNQraq9Dg==</a>
1312.2	Complaints Concerning Instructional Materials - <a href="https://simbli.eboardsolutions.com/SU/fiVWzuvBNkd36ktGRrjZYg==">https://simbli.eboardsolutions.com/SU/fiVWzuvBNkd36ktGRrjZYg==</a>
1312.2-E(1)	Complaints Concerning Instructional Materials - <a href="https://simbli.eboardsolutions.com/SU/3am9L7Hbkn66ADaCFb5BaA==">https://simbli.eboardsolutions.com/SU/3am9L7Hbkn66ADaCFb5BaA==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/plusN5rHdKldrnRexcgCuHZ4w==">https://simbli.eboardsolutions.com/SU/plusN5rHdKldrnRexcgCuHZ4w==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/9CQBWdQhJqjqeWjgKNoTGQ==">https://simbli.eboardsolutions.com/SU/9CQBWdQhJqjqeWjgKNoTGQ==</a>
3555	Nutrition Program Compliance - <a href="https://simbli.eboardsolutions.com/SU/qslshb7vi8E3rb8NKpLNLnZcg==">https://simbli.eboardsolutions.com/SU/qslshb7vi8E3rb8NKpLNLnZcg==</a>
3555-E(1)	Nutrition Program Compliance - <a href="https://simbli.eboardsolutions.com/SU/ThJeYd4RA9WIC61ZCPdgSQ==">https://simbli.eboardsolutions.com/SU/ThJeYd4RA9WIC61ZCPdgSQ==</a>
4030	Nondiscrimination In Employment - <a href="https://simbli.eboardsolutions.com/SU/GIXjfiGTx7jKizC3VHIgaw==">https://simbli.eboardsolutions.com/SU/GIXjfiGTx7jKizC3VHIgaw==</a>
4030	Nondiscrimination In Employment - <a href="https://simbli.eboardsolutions.com/SU/gemnXoVxQr4x17AplusOWXrwQ==">https://simbli.eboardsolutions.com/SU/gemnXoVxQr4x17AplusOWXrwQ==</a>
4112.6	Personnel Files - <a href="https://simbli.eboardsolutions.com/SU/816HxvJryMd2wtBGslshRgSxg==">https://simbli.eboardsolutions.com/SU/816HxvJryMd2wtBGslshRgSxg==</a>
4117.7	Employment Status Reports - <a href="https://simbli.eboardsolutions.com/SU/wdz6ARKZ2N3XPdKAfEpslshSyA==">https://simbli.eboardsolutions.com/SU/wdz6ARKZ2N3XPdKAfEpslshSyA==</a>
4118	Dismissal/Suspension/Disciplinary Action - <a href="https://simbli.eboardsolutions.com/SU/2PHsyE5veJKz89ijAGeVjw==">https://simbli.eboardsolutions.com/SU/2PHsyE5veJKz89ijAGeVjw==</a>
4118	Dismissal/Suspension/Disciplinary Action - <a href="https://simbli.eboardsolutions.com/SU/6rciglX15yHjfv5Vskv3yw==">https://simbli.eboardsolutions.com/SU/6rciglX15yHjfv5Vskv3yw==</a>
4119.1	Civil And Legal Rights - <a href="https://simbli.eboardsolutions.com/SU/gbCeezplusXYRKVdQZIGg8Jbg==">https://simbli.eboardsolutions.com/SU/gbCeezplusXYRKVdQZIGg8Jbg==</a>
4119.1	Civil And Legal Rights - <a href="https://simbli.eboardsolutions.com/SU/HrRuQN4qiRnyF7K4olqqJQ==">https://simbli.eboardsolutions.com/SU/HrRuQN4qiRnyF7K4olqqJQ==</a>

4119.21 Professional Standards -  
<https://simbli.eboardsolutions.com/SU/voKh2YvxEFZYybKJFIQlbw==>

4119.21 Professional Standards -  
<https://simbli.eboardsolutions.com/SU/xTIH13zoWrgU8Ff9YsyXaQ==>

4119.21-E(1) Professional Standards -  
<https://simbli.eboardsolutions.com/SU/035plusyqHWInkyHR6mgosQSQ==>

4144 Complaints -  
<https://simbli.eboardsolutions.com/SU/ympPjg6QfNxKJ1Fehcxr5w==>

4144 Complaints -  
<https://simbli.eboardsolutions.com/SU/2crvGLw8tv2SLfKCplusX2PRA==>

4212.6 Personnel Files -  
<https://simbli.eboardsolutions.com/SU/TNSgHwMhQm41Du0bmfkV4A==>

4218 Dismissal/Suspension/Disciplinary Action -  
<https://simbli.eboardsolutions.com/SU/Syv7FcSeQidnGrtpZwMbkw==>

4218 Dismissal/Suspension/Disciplinary Action -  
<https://simbli.eboardsolutions.com/SU/giQyVRBpRaSPm34Cv4iQww==>

4219.1 Civil And Legal Rights -  
<https://simbli.eboardsolutions.com/SU/hQTR6kzNZyZUdnHRJ9slshZgg==>

4219.1 Civil And Legal Rights -  
<https://simbli.eboardsolutions.com/SU/grumhCmVcplusEplusi0z2QS83AQ==>

4219.21 Professional Standards -  
<https://simbli.eboardsolutions.com/SU/nPqhjfhfbJz8MLvMLzaNGg==>

4219.21 Professional Standards -  
<https://simbli.eboardsolutions.com/SU/P3fLAUheew5Mq0UURpmF9w==>

4219.21-E(1) Professional Standards - Code Of Ethics -  
<https://simbli.eboardsolutions.com/SU/abfSq0hmxAFzjsa16slshMARQ==>

4244 Complaints -  
<https://simbli.eboardsolutions.com/SU/C7e7slshHR6yN4zy1YuXCitNQ==>

4244 Complaints -  
<https://simbli.eboardsolutions.com/SU/FKq6RjeZN1bSIUkW1qqrpw==>

4312.6 Personnel Files -  
<https://simbli.eboardsolutions.com/SU/slshR2xCZwTBM151Cgu8P0tdg==>

4317.7 Employment Status Reports -  
<https://simbli.eboardsolutions.com/SU/szU9zHTIOvslsh53YZGfSkSuQ==>

4319.1 Civil And Legal Rights -  
<https://simbli.eboardsolutions.com/SU/cKT9MwoplussMo0afvg2zNqhQ==>

4319.1 Civil And Legal Rights -  
<https://simbli.eboardsolutions.com/SU/AC9xEJz0ObYmuc2Ncnpryg==>

4319.21 Professional Standards -  
<https://simbli.eboardsolutions.com/SU/I02pjRuFslshedCBU1bPZUPpg==>

4319.21 Professional Standards -  
<https://simbli.eboardsolutions.com/SU/RJ2x5PbHmAY7WaCnaTgoplusg==>

4319.21-E(1) Professional Standards -  
<https://simbli.eboardsolutions.com/SU/Ptj7yww8SUEplusL3y21543YA==>

4344 Complaints -  
<https://simbli.eboardsolutions.com/SU/PyBzuDMGJI9slshboQCQOSABw==>

4344 Complaints -  
<https://simbli.eboardsolutions.com/SU/4B84OzoNUgZLupZR8slshYDaQ==>

5141.4 Child Abuse Prevention And Reporting -  
<https://simbli.eboardsolutions.com/SU/kl1gT9lggidMG1cB1CtPUQ==>

5141.4	Child Abuse Prevention And Reporting - <a href="https://simbli.eboardsolutions.com/SU/v4tcjHtToyCnZdQ0sH7mwg==">https://simbli.eboardsolutions.com/SU/v4tcjHtToyCnZdQ0sH7mwg==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/kJKFAkAcYvCCNmXVPfk3mA==">https://simbli.eboardsolutions.com/SU/kJKFAkAcYvCCNmXVPfk3mA==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/Dqi74FS69VivsiOxBZVDEA==">https://simbli.eboardsolutions.com/SU/Dqi74FS69VivsiOxBZVDEA==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/uy5CphV54TplusOpDIVslshi5wXQ==">https://simbli.eboardsolutions.com/SU/uy5CphV54TplusOpDIVslshi5wXQ==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/kgINupluscrGslsh0EY0oUkRvnwA==">https://simbli.eboardsolutions.com/SU/kgINupluscrGslsh0EY0oUkRvnwA==</a>
6144	Controversial Issues - <a href="https://simbli.eboardsolutions.com/SU/kSjvLO3AfwmMwYdwzPSRw==">https://simbli.eboardsolutions.com/SU/kSjvLO3AfwmMwYdwzPSRw==</a>
9000	Role Of The Board - <a href="https://simbli.eboardsolutions.com/SU/8JSKTUMD5MacybaSb01aeQ==">https://simbli.eboardsolutions.com/SU/8JSKTUMD5MacybaSb01aeQ==</a>
9012	Board Member Electronic Communications - <a href="https://simbli.eboardsolutions.com/SU/ddAOFjcU08sondGM4aBKIQ==">https://simbli.eboardsolutions.com/SU/ddAOFjcU08sondGM4aBKIQ==</a>
9130	Board Committees - <a href="https://simbli.eboardsolutions.com/SU/1Ya3KYWwlrOqy3TDI6bslshUA==">https://simbli.eboardsolutions.com/SU/1Ya3KYWwlrOqy3TDI6bslshUA==</a>
9200	Limits Of Board Member Authority - <a href="https://simbli.eboardsolutions.com/SU/7FeVtGexn0gNJFP1whDY9Q==">https://simbli.eboardsolutions.com/SU/7FeVtGexn0gNJFP1whDY9Q==</a>
9321	Closed Session - <a href="https://simbli.eboardsolutions.com/SU/SmPSijd8tm62uVUuUJN8lw==">https://simbli.eboardsolutions.com/SU/SmPSijd8tm62uVUuUJN8lw==</a>
9322	Agenda/Meeting Materials - <a href="https://simbli.eboardsolutions.com/SU/MTOg5ci8rgxat0sscMbxkw==">https://simbli.eboardsolutions.com/SU/MTOg5ci8rgxat0sscMbxkw==</a>
9323	Meeting Conduct - <a href="https://simbli.eboardsolutions.com/SU/QCWslshAhmocIjZlZokwkplusUEQ==">https://simbli.eboardsolutions.com/SU/QCWslshAhmocIjZlZokwkplusUEQ==</a>