

CLASSIFICATION: Community Relations

ADOPTED: 12/13/95

REVISED:

**SUBJECT: Resolving Complaints Concerning
Employees and Services**

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The County Superintendent of Schools views each individual and agency served by the employees and programs of the County Superintendent of Schools as a client. In order to promote communication that is fair and constructive when a client expresses a complaint, the following procedures for resolving complaints are provided.

Every effort should be made to resolve a complaint at the earliest possible stage.

CHILD ABUSE COMPLAINTS

A parent/guardian of a student has the right to file a child abuse complaint against an employee of the County Superintendent of Schools or other person that he/she suspect has engaged in abuse of a child at a school site. In addition, if the child is also disabled and enrolled in special education, a separate complaint may be filed with the California Department of Education (CDE) under the California Code of Regulations, Title 5, section 4650(a)(viii)(C). This section requires the CDE to investigate allegations that the child may be in immediate danger or that the health, safety, or welfare of the child is threatened. Upon request, parents/guardians shall receive the procedure, written in their primary language, for filing a child abuse complaint with the appropriate child protective agencies. If any parent/guardian complains of child abuse occurring at a school, the County Superintendent of Schools or his/her designee shall provide him/her with this procedure and shall also provide an interpreter as needed for oral communication. Providing the above procedure to parents/guardians does not relieve mandated reporters from their duty to report suspected child abuse in accordance with law.

When a complaint alleges (or involves allegations) of child abuse by an employee of the County Superintendent of Schools, the provisions of this administrative regulation shall be implemented only after the child abuse reporting requirements, as specified in law, have been completed.

COMPLAINT PROCEDURE

1. Complaints concerning employees of the County Superintendent of Schools should be made directly by the complainant to the person against whom the complaint is lodged. Parents/guardians are encouraged to attempt to informally resolve concerns with the staff member personally.

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2. If the complaint is not resolved at the initial level described in item 1 above, the complainant may submit the complaint in writing to the site/program manager or to the employee's immediate supervisor. The County Superintendent of Schools or his/her designee will not consider the complaint if the complainant fails to put the complaint in writing.

A written complaint must include the name of each employee involved, a brief but specific summary of the complaint and the facts surround it. It must also include a specific description of prior attempts to discuss the complaint with the employee involved and the failure to resolve the matter.

Within five (5) work days of receipt of the written complaint, the site/program manager or the immediate supervisor responsible for reviewing the complaints will attempt to resolve the complaint to the satisfaction of the person(s) involved. If the complaint is resolved, the review will end and the site/program manager or the immediate supervisor shall advise all concerned parties, including the appropriate division assistant superintendent or the County Superintendent of Schools.

3. If the complaint remains unresolved after review at the secondary level in item 2 above, by the site/program manager or the immediate supervisor, the site/program manager or the immediate supervisor shall refer the written complaint, together with a report and analysis of the situation, within five (5) work days to the appropriate division assistant superintendent. Complainants should consider and accept the appropriate division assistant superintendent's decision as final. However, the complainant, the employee(s), or the division assistant superintendent may request a review of the matter by a closed hearing before the County Superintendent of Schools. The County Superintendent of Schools may confirm the decision, request further review, or conduct a closed hearing.
4. All written complaints regarding employees of the County Superintendent of Schools other than site/program managers shall be initially filed with the site program manager. If the complaint involves a site/program manager, the written complaint shall be initially filed with the appropriate division assistant superintendent within five (5) work days.

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5. The appropriate division assistant shall reasonably cooperate with the complainant in the submission of any written complaint in order to meet the requirement of this administrative regulation. Copies of this administrative regulation shall be made available upon request.

HEARING

The County Superintendent of Schools will meet with the complainant and the affected employee(s) within ten (10) work days of request for a hearing unless the complaining party and the County Superintendent of Schools agree that the hearing can be held at a later date.

No hearing will be held by the County Superintendent of Schools on any complaint unless the County Superintendent of Schools has received the division assistant superintendent's written report concerning the complaint. The division assistant superintendent's report shall contain, but not be limited to:

1. The name of each employee involved.
2. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the County Superintendent of Schools and the employee(s) as to the precise nature of the complaint and to allow the employee(s) to prepare a response.
3. A copy of the signed original complaint.
4. A summary of the action taken by the division assistant superintendent, with his/her specific finding that deposition of the complaint at the division assistant superintendent's level has not been possible, and the reasons why.

All parties involved, including the division assistant superintendent, may be requested to attend such a hearing or a part of such hearing for the purposes of presenting all available evidence, allowing every opportunity for explanation and for clarifying the issue.

SAN DIEGO COUNTY OFFICE OF EDUCATION

**ADMINISTRATIVE
REGULATION NO. 1312.1**

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The decision of the County Superintendent of Schools following the hearing shall be final. The County Superintendent of Schools will respond to the complainant and the affected employee(s) in writing within ten (10) work days of the hearing unless the complaining party and the County Superintendent of Schools agree that the response can be given at a later date.

Board Policy No.: 1312

**Legal Reference: Education Code
1040, 33308.1, 35146, 35160, 35160.1, 35160.5, 35203, 35204, 44811, 44812,
44932 - 44949
California Code of Regulations, Title 5
3080, 4600 - 4571
Government Code
54957
Penal Code
11164 - 111743**