

Formal Complaints From the Public Concerning School Personnel (Policy #1312)

1. A formal complaint is defined as one in which a community member submits, in writing, a statement of alleged misconduct of any staff member, and the complainant requests a response as to the school's or district's disposition of the matter.
2. Any person or party, other than an employee of the East Side Union High School District, having a complaint regarding the conduct, performance, or statements of a district employee, may appeal to the Board of Trustees through the channels as herein below set forth.
3. The intent of this policy is to permit the public to lodge formal complaints against staff members, to assure a complete hearing, and to protect the rights of the staff members and the district.
4. This policy is established pursuant to Section 35160.5(c) of the California Education Code. The Board of Trustees shall annually review the policies and regulations for complaints regarding school personnel.
5. Formal complaints concerning school personnel shall be in writing and referred promptly to the person against whom the complaint is lodged through the office of the principal or immediate supervisor.
 - 5.1 The principal or immediate supervisor will attempt to resolve the complaint at the site level, and if unresolved, shall refer the written complaint, together with a report and analysis of the situation, to the education center, where it shall be reviewed by the Superintendent or designee.
 - 5.2 The superintendent's decision shall be final unless the complainant, the employee, or the superintendent requests a closed hearing before the governing board on the complaint. If the employee so requests, an open hearing will be held.
6. Every reasonable effort will be made to resolve the formal complaint at the earliest possible stage. Person(s) filing a complaint will receive a written reply relative to the disposition of the matter.
7. Failure of the formal complainant to put the complaint into written form within thirty (30) days from the date that the principal or supervisor was made aware of the complaint, will be considered by the district as a dropping of the complaint.
8. No hearing, either open or closed, will be held by the governing board on any formal complaint unless and until the board has received the superintendent's written report concerning the complaint. The superintendent's report, which shall be submitted within 30 days of the date shown on the principal's or supervisor's report, shall contain, but not be limited to the following:
 - 8.1 The name of each employee involved.
 - 8.2 A brief but specific summary of the nature of the formal complaint and the facts surrounding it, sufficient to inform the governing board and the employee(s) as to the precise nature of the complaint and to allow the employee(s) to prepare a defense.
 - 8.3 A true copy of the signed and dated original of the formal complaint itself.
 - 8.4 A summary of the action taken by the superintendent in connection with the formal complaint, with the superintendent's specific finding that disposition of the case at the superintendent's level has not been possible, and the reasons therefore.
 - 8.4.1 Confidential or privileged information used at this level shall not be disclosed.
9. In the event that the complainant is dissatisfied with the district superintendent's disposition, or in the event that the district superintendent or the employee in question deems it appropriate under the circumstances, the board may decide, in its sole discretion, to review the matter. Such review shall be in closed session, to the extent permitted by law. Such review shall not be a formal hearing. The board shall examine such documents and materials and interview such persons as the board may deem appropriate, in its sole discretion. The complainant shall be informed of the disposition of the matter.
 - 9.1 Confidential or privileged information used in closed session shall not be disclosed.

10. This procedure shall not be applicable to any complaint concerning student discipline, student transfer requests, student publications, contract grievances, or matters for which an alternative administrative remedy is available within the district. (Approved: Board of Trustees, 5/26/60; Amended: 11/27/84) Source: E.C. 35160.5(c)