

Arcadia USD

Board Policy

Community Relations

Complaint Procedures

BP 1312.1

Governing Board Philosophy on Complaints

Arcadia Unified School District exists to provide the best educational program and learning environment possible for all students entrusted to its care. The Governing Board believes that the quality of the educational program can improve when the district listens to complaints, considers different opinions, and resolves disagreements expeditiously through an established, objective process. Additionally the Board wishes to foster a culture in which complaints or concerns are expressed freely and listened to thoughtfully, with mutual civility and respect without disrupting the educational process. (cf. Civility BP)

The Board expects that consideration of any changes to a current policy or practice or reconsideration of previous decisions will be done in a thoughtful manner that takes into account both the immediate concern and the implications for all students and families, the impact on programs and staff, and relevant legal requirements. However it is the Board's general belief that consideration should be given to requests for individual accommodations, where these can reasonably be addressed without unduly impacting staff, or compromising the district's educational standards or expectations for fair and equitable treatment.

The Board sets the policy and direction of the district and delegates the responsibility to make day-to-day operational decisions to the district's employees. The Board holds employees accountable for making decisions that are in keeping with Board policy and the law and requires the Superintendent to establish an orderly process for considering complaints about employee decisions. The Board also understands that as part of this procedure, the district has a responsibility to safeguards employees from frivolous complaints that could serve as distractions to the effective pursuit of the district's mission.

The Board recognizes that individual Board members do not have the authority to make operational decisions or resolve complaints; however, Board members approached individually will listen to complainants and apprise complainants of how to make sure their complaint receives proper consideration.

General Procedure for Addressing Complaints

It is the intent of the Board that matters giving rise to a complaint be addressed first on an informal basis and at the level closest to the situation. The Board recognizes that those closest to the situation have the most information about the reasons for a decision and that successful resolution of a complaint is most likely at that level. The Board also wishes to encourage patterns of communication and resolution of disputes that will contribute to building long term positive relationships among parents, students, and school and district staff, with the ultimate goal of benefiting students. If a complaint cannot be addressed and

resolved informally (level 1), then the formal steps of the complaint procedure are available to any complainant.

District procedures for complaints shall be made readily available to the public. It is the Board's intent that these procedures be responsive but fair, encourage thoughtful deliberation, and make clear the avenues of appeal open to a complainant who is not satisfied at the informal level district students, parents/guardians, and community members having a complaint or disagreement about a district issue, district approved instructional material or employee decision or action, are asked to follow the procedures outlined in the administrative regulations accompanying this policy in order to have the complaint or concern considered and addressed in an orderly manner.

Retaliation Prohibited

The Board expressly prohibits retaliation in any form for the filing of a complaint, the reporting of instances of discrimination, or for participation in complaint procedures. Such participation shall not in any way affect the status, grades, or work assignments of the complainant or students. This does not preclude appropriate discipline or legal action for a knowingly false claim.

Confidentiality

Where confidentiality is a concern, every effort shall be made to respect the wishes of the complainant, without compromising the rights of all other parties involved. The Superintendent or designee at his/her discretion may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint. The Board recognizes that students and employees also have rights to privacy and directs that complaints be investigated in a manner that protects the confidentiality of all parties to the extent reasonably possible in carrying out an investigation and, when necessary, taking corrective or disciplinary action.

Complainants requesting that their identity be kept confidential should be advised that there are legal and contractual limits to the ability to address a complaint against an employee without disclosing the person making the accusation. No evaluative or disciplinary action may be taken against an employee solely on the basis of a confidential oral complaint.

Anonymous Complaints

Anonymous complaints (i.e. unsolicited information from individuals who do not sign their name or otherwise provide any identifying source for the information) will be investigated at the discretion of the district and normally will not be given consideration unless the allegation is of a legally compelling nature. This general rule will not apply to anonymous tip lines available to students or others to report possible drug or weapons concerns.

Specific Guidelines Related To Particular Types of Complaints

While it is the Board's intent that all complaints be given consideration as noted above, certain kinds of complaints have additional specific guidelines as noted below.

Complaints Regarding Employees

Wherever possible the complainant should communicate directly to the employee to resolve concerns, particularly as they involve issues between parents and teachers. However, if the complainant is unable to resolve the complaint directly, or the complaint is regarding personnel with whom the complainant is unfamiliar, or the complaint is extremely sensitive or could represent a violation of law or district policy, the complainant should direct the complaint to the employee's supervisor as outlined in Exhibit 1312.1.

If any parent/guardian complains of child abuse by an employee, that parent/guardian shall be provided information about how to report suspected child abuse. Providing the above procedures to parents/guardians does not relieve those mandated to report child abuse from their duty to report suspected abuse in accordance with the law.

Complaints Regarding Instructional Materials

The 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. Complaints regarding instructional materials will be accepted only from staff, district residents, or the parents/guardians of children enrolled in a district school. The Superintendent or designee will determine whether the complaint should be considered on an individual basis or whether a review committee should be convened.

It is the Board's intent that individual students be excused from using material when a parent or guardian has presented a written complaint and where the teacher can assign the student alternate material of equal merit. It is understood that students so affected may necessarily be assigned alternate assignments related to this material, but will not necessarily be excused from discussions or other activities concerning the challenged material. Use of the materials by a class or school however, shall not be restricted until so directed by the Superintendent or designee. The filing of a written complaint may not excuse a student where the material is considered an essential part of the curriculum of the district or State standards.

Challenges to materials will be evaluated based on the educational philosophy of the district, the professional opinions of teachers of the subject and other competent authorities, reviews of the materials by reputable professional bodies, the teacher's stated objectives in using the materials, and the objections of the complainant. The use of challenged materials by a class, school or district shall not be restricted until final disposition has been made. It is the Board's intent that decisions in any such case will be based on educational suitability and purpose and will not be influenced by a desire to suppress information or to deny student access to ideas with which individuals disagree.

Complaints Regarding Grades or Records

Requests for changes in student's records or grades are governed by additional law. If a complaint by a parent concerns review and changing of a student's written record, including the student's grade(s), this policy shall be superseded by the protocol spelled out in Education Code 49070 and 49071.

Complaints Relating to Certain State and Federal Programs

(cf. 1312.3 - Uniform Complaint Procedure)

The Board recognizes that the district has legal responsibility to provide a process for complaints relating to certain State and Federal programs and to ensure that the district complies with the laws and regulations governing these programs. If a complaint is related to any of the following programs, the Uniform Complaint Procedure (see BP 1312.3) is the legally required process for addressing a complaint. Complainants may also have other civil law remedies, such as legal assistance agencies, local mediation centers, or private attorneys, apart from the procedure outlined in BP 1312.3.

1. Adult Education (Education Code 8500-8538 and 52500-52616.5);
2. Consolidated Categorical Aid Programs (Education Code 64000(a));
3. Migrant Education Programs (Education Code 54440-54445);
4. Vocational Education (Education Code 52300-52480);
5. Child Care and Development (Education Code 8200-8493);
6. Child Nutrition (Education Code 49490-49560);
7. Special Education (Education Code 56000-56885 and 59000-59300); and
8. Complaints alleging unlawful discrimination on the basis of ethnic group identification, religion, age, sex and gender (including gender identity, gender expression, gender transition, transgender status, and nonconformity with sex stereotypes), sexual orientation, color, or physical or mental disability where the program in which the discrimination is alleged to have occurred receives or benefits from state financial assistance.

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

UNITED STATES CODE, TITLE 42

2000c Title IV of the Civil Rights Act of 1964, 42 U.S.C. 2000c et seq.

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)