

Riverside County Office of Education

Board Policy 1312.1 Complaints Concerning County Office of Education Personnel

COMMUNITY RELATIONS

SUBJECT: Complaints Concerning County Office of Education Personnel

The County Board of Education places trust in the employees of the County Superintendent of Schools and desires to support their actions in such manner that employees are freed from unwarranted, spiteful or negative criticism and complaints.

The County Superintendent shall develop regulations which will permit the public to lodge criticism against staff members, assure a complete hearing, and protect the rights of the staff members and the Office.

Verbal complaints against an employee initially made to a County Board member or at a County Board meeting will be referred to the County Superintendent for appropriate consideration and action according to administrative regulations.

The County Superintendent or designee shall determine whether a complaint against an employee should be considered a complaint against the County Office of Education and/or an individual employee, and whether it should be resolved by the County Office of Education's process for complaints concerning personnel and/or other County Office of Education procedures. Any complaint alleging that an employee engaged in unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) in County Office of Education programs and activities shall be filed in accordance with BP/AR 1312.3 - Uniform Complaint Procedures. Any complaint by an employee, job applicant, volunteer, intern, or independent contractor alleging unlawful discrimination or harassment by an employee shall be filed in accordance with AR 4030 - Nondiscrimination in Employment.

County Office of Education employees who are sued as a consequence of performing their assigned duties shall be provided full legal service unless they have violated County Office of Education policy, regulation or instructions.

A complaint that is filed anonymously may be investigated by the Superintendent or designee depending on the specificity and reliability of the information.

If a complainant requests confidentiality, the Superintendent or designee shall inform the complainant that the request may limit the county's ability to investigate the employee's conduct or take other necessary action. However, the Superintendent or designee shall take all reasonable steps to investigate and resolve the complaint without divulging the complainant's identity. The County Superintendent of Schools will not investigate anonymous complaints unless it so desires.

The County Board and County Superintendent prohibit retaliation against complainants.

When public complaints involve accusations of child abuse, the provisions of this policy and regulation shall be implemented only after having completed the child abuse reporting requirements specified in law and BP 5141.4.

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The County Board shall periodically review policies and regulations regarding complaints against County Office of Education personnel.

Legal Reference:

EDUCATION CODE

1040 - Duties of Boards

33308.1 - Guidelines on procedure for filing child abuse complaints

35146 - Closed Sessions

35160 - Authority of Governing Boards

35160.1- Legislative Findings, Broad Authority of County Boards of Education

35160.5(a)(3) - Requirement of School District Policies: Parental Complaints re: Employees

35204 - Contract with Attorney in Private Practice

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)

Ketchens and Phillips v. Reiner (1987) 194 Cal App. 3d 470.