



Tustin Unified School District

GENERAL COMPLAINT FORM (Level 2)

PLEASE PRINT

Name: _____ Date: _____

Address: _____

Home Phone: _____ Other Phone: _____

I am a (please check one): Parent Community Member Student Other: _____

I WISH TO COMPLAIN ABOUT:

Name of person, program, or activity: _____

Location of incident and/or situation: _____

When did this event or incident occur? _____

NATURE OF COMPLAINT:

Please describe your complaint (or attach a letter/statement), including names and places involved so that we may have a complete understanding of the concern.

Has the complaint been discussed with the employee and/or immediate supervisor named in the complaint (if applicable)?

Yes No If so, with whom have you spoken? _____ Date: _____

Individual(s) who could supply additional information about the complaint:

Name: _____ Where they may be contacted: _____

Name: _____ Where they may be contacted: _____

Solution or remedy sought by complainant:

I understand that the District may request further information about this matter, and if such information is available, I agree to present it upon request. I also understand that a copy of this complaint may be given to the employee or supervisor against whom the complaint is made (if applicable). I acknowledge that the District prohibits retaliation or harassment against any individual or the child of a parent who submits a complaint.

Signature of Complainant: _____ Date: _____

This Complaint Form is provided in accordance with Board Policy 1313, 4117.1, 4218, 5146.1, Complaint Procedures, approved May 28, 2002, by the Board of Education of the Tustin Unified School District.

For Office Use Only

LEVEL 2 Resolution: _____

Signature of Level 2 Principal/Administrative Designee Date

LEVEL 3 Resolution: _____

Signature of Level 3 Superintendent/Designee Date

TUSTIN UNIFIED SCHOOL DISTRICT

**COMMUNITY RELATIONS
CERTIFICATED PERSONNEL
CLASSIFIED PERSONNEL
STUDENTS**

**POLICY
1313
4117.1
4218
5146.1**

General Complaint Procedure

The Tustin Unified School District exists to provide the best educational program and learning environment possible for all students entrusted to its care. To that end, the District welcomes constructive criticism of policies, programs, or operational decisions in order to improve its efforts and be responsive to its clients. To the extent that the District might need to consider changing a current practice or revisit a previous decision, it endeavors to do so in a deliberate and orderly manner. The District also has a need and desire to protect its employees from frivolous complaints, which could serve as distractions to the effective pursuit of the District’s mission.

Students, parents/guardians, and community members within the District having a complaint or disagreement about a District issue, situation, or employee decision or action and seeking a specific remedy are asked to follow the procedures outlined in this policy in order to have the complaint, concern, or difference of opinion addressed in an orderly manner. The procedures outlined herein are intended to be responsive yet fair, to encourage thoughtful deliberation, and to make clear a complainant’s avenues of appeal.

In the interest of protecting the rights of anyone seeking resolution to a complaint, no harassment or retaliation of any kind against a student, parent/guardian, or community member shall occur because a complaint was filed.

It is the intent of the Tustin Unified School District that matters giving rise to a complaint be addressed first on an informal basis and at the level closest to the situation. If a complaint cannot be addressed and resolved informally, then the formal steps of Levels 2, 3 and 4 are available for resolution to any complaint leading, if necessary, to ultimate resolution by the Board of Education.

If a complaint by a parent requires a review and changing of a student’s written record, including the student’s grade(s), this policy shall be superceded by the protocol spelled out in Education Code Sections 49070 and 49071.

If confidentiality is a concern, every effort shall be made, but cannot be guaranteed, to respect the wishes of the complainant, without compromising the rights of all other parties involved.

Legal Reference:

Education Code

49070 Challenging Content of Records

49071 Hearing Panel to Assist in Making Decisions

Date

Adopted: 5/28/02

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General Complaint Procedure

I. Level 1 (Informal Level)

- a. In an effort to seek immediate resolution of the concern, the complainant shall first interact with the individual who is the subject of the complaint or is in the best position to address the complaint if it is a nonpersonnel-related matter. The only exception shall be if a situation exists which is determined to be extremely sensitive or could represent a violation of law or District policies.
- b. If the complaint is not resolved at the direct contact level, the complainant shall confer with the immediate supervisor of the employee who is the subject of the complaint or the person who is in the best position to take action on a nonpersonnel-related complaint. The supervisor shall communicate with the employee who is the subject of or closest to the complaint, and any other involved parties, in an attempt to assist to informally resolving the issue. Until such informal communication with the employee and employee's supervisor has been completed, the complaint shall not progress to the formal procedure outlined in Level 2.
- c. If the supervisor of the employee who is the subject of the complaint (or the person in the best position to address a nonpersonnel-related complaint) is not able to resolve the complaint, the supervisor shall make a decision either to find no cause to overrule the employee's decision or action, or to overrule the employee and then, through delegated authority from the Superintendent, direct alternative action. The supervisor shall advise all parties of his/her judgment.
- d. If the complainant is not satisfied with the outcome and chooses to pursue resolution to his/her personal satisfaction, the complainant may proceed to Level 2.

II. Level 2

- a. The complainant shall obtain, complete, and submit a Complaint Form (enclosed) to the principal or appropriate administrative designee identified in the Regulation section of this policy entitled, *Where to File a Level 2 Complaint*. (Complaint Forms, along with copies of this policy, are available at each school site, at the receptionist's desk in the District Office, and can also be accessed on the District's website).

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- b. The principal or administrative designee shall review the completed Complaint Form and provide a copy to the employee who is the subject of the complaint (or in a position to resolve the complaint) and other involved parties, as he/she deems appropriate.
- c. The principal or administrative designee shall investigate the facts and, in a timely manner, communicate with the complainant, the employee who is the subject of the complaint, and others as he/she deems appropriate. He/she shall advise all parties of his/her decision either to find no cause to overrule the employee's decision or to overrule the employee who is the subject of the complaint and then, through delegated authority from the Superintendent, direct alternative action. The principal or administrative designee shall then advise all parties of his/her judgment.
- d. If the complainant is satisfied with the principal's or administrative designee's decision at Level 2, the completed Complaint Form shall be filed in the office of the principal or administrative designee and a copy sent to the District's Chief Personnel Officer. If the complainant is not satisfied with the outcome at Level 2 and chooses to pursue further action, a copy of the completed Formal Complaint Form shall be forwarded to the Superintendent's Office for processing at Level 3.

III. Level 3

- a. The principal or administrative designee, upon notice from the complainant that he/she is appealing to Level 3, shall forward a copy of the completed Formal Complaint Form to the Superintendent's Office. The principal or administrative designee shall have completed that portion of the form reporting the disposition of the complaint, including a brief statement explaining his/her judgment regarding its disposition.
- b. Upon review, the Superintendent or designee shall, in a timely manner, issue a judgment regarding the complaint or, as an alternative, the Superintendent or designee may forward the entire matters to the Complaint Review Panel for an advisory opinion. The Complaint Review Panel may be comprised of a parent, a District employee, and a citizen representative appointed by the Superintendent or designee.

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- c. Where the Superintendent or designee has requested an advisory opinion from the Complaint Review Panel, the panel shall conduct, in a timely manner, a hearing where the complainant may present his/her case.
- d. The Complaint Review Panel, within five (5) working days of the hearing, shall render an advisory recommendation to the Superintendent or designee. The Superintendent, within five (5) working days of the Complaint Review Panel's advisory recommendation, shall advise all parties of his/her final judgment.
- e. If the complaint is not resolved to the satisfaction of the complainant after notification of the judgment by the Superintendent or designee at Level 3, the final level of appeal shall rest with the Board of Education.

IV. Level 4

- a. If the complainant wishes to appeal to Level 4, he/she must, in writing, request an appearance at a regularly scheduled meeting of the Board of Education where he/she shall be heard in accordance with the California Brown Act (EC54957). The Board has the option to:
 - 1. Take no action, which has the effect of upholding staff's earlier judgments.
 - 2. Take action reversing staff's decision.
 - 3. Take action modifying the direction of staff's decision.
- b. The decision of the Board of Education shall be final.

Date

Effective: 5/28/02