

Santa Barbara County Special Education Local Plan Area

Administrative Regulation: Complaints Concerning SELPA Employees (AR 2004)

When a concern regarding a SELPA employee is presented during a SELPA JPA Board meeting or to an individual SELPA JPA Board member or employee outside of a SELPA JPA Board meeting, the complainant shall be informed of the appropriate complaint procedure.

Any complaint regarding the SELPA Executive Director shall be initially filed in writing with the SELPA JPA Board. The SELPA JPA Board shall consult with legal counsel or appoint an appropriate agent to conduct the investigation.

With respect to all other complaints against SELPA employees, the SELPA Executive Director shall determine whether a complaint against any other SELPA employee should be considered a complaint against the SELPA and/or an individual SELPA employee, and whether it should be resolved by the SELPA's process for complaints concerning personnel and/or other SELPA procedures. Any complaint of child abuse or neglect alleged against a SELPA employee shall be reported to the appropriate local agencies in accordance with law regarding child abuse prevention and reporting. Any complaint alleging that a SELPA employee engaged in unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) in SELPA programs and activities shall be filed in accordance with the SELPA's Uniform Complaint Procedures policy and administrative regulation. 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 the SELPA's policy and administrative regulation related to nondiscrimination in employment.

Any complaint subject to this administrative regulation shall be investigated by the SELPA Executive Director or designee, legal counsel, agent of the SELPA JPA Board, and/or other appropriate person who is not the subject of the complaint or subordinate to the employee charged in the complaint. The complainant and the employee shall have an opportunity to present information relevant to the complaint.

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

If a complainant requests confidentiality, the SELPA Executive Director or designee shall inform the complainant that the request may limit the SELPA's ability to investigate the employee's conduct or take other necessary action. However, the SELPA Executive Director or designee shall take all reasonable steps to investigate and resolve the complaint without divulging the complainant's identity.

The SELPA JPA Board prohibits retaliation against complainants.

Appeals

If either the complainant or the employee submits an appeal of the SELPA Executive Director's decision to the SELPA JPA Board, the SELPA JPA Board shall determine whether to uphold the

SELPA Executive Director's decision without hearing the complaint, appoint an appeals committee to advise the SELPA JPA Board, or hear the appeal itself.

If the SELPA JPA Board decides to hear the complaint, the matter shall be addressed in closed session in accordance with Government Code 54957 unless the employee requests that it be heard in open session. The SELPA JPA Board shall review the original complaint and additional information provided by the SELPA Executive Director or designee regarding the steps taken to resolve the issue.

The SELPA JPA Board's decision shall be final.