

COMPLAINTS CONCERNING SCHOOL PERSONNEL

A. PURPOSE

This procedure is designed to provide a process for handling such problems that cannot be solved in an informal manner. Efforts will be made to solve problems informally.

1. Complaints regarding the performance of any employee(s), that cannot be solved informally, shall be handled according to the following policy. Anyone approached with a complaint shall inform the person(s) making the complaint of the proper method for registering a formal complaint. After informal efforts have been exhausted, complaints not filed following the policy will not be included in the employee(s) personnel file.

Complaints shall be in writing and signed by the party making the complaint. The complaint shall specify the person(s) involved, details of the alleged misconduct or reason for the complaint and supply any supportive evidence.

B. PROCEDURE

1. Formal complaints against school personnel shall be made by completing Form 1210-A FM and filing it with the building principal or superintendent.
2. Upon receipt of a signed complaint against any school employee(s), the principal or superintendent shall, within ten days, meet privately with the employee(s) against whom the complaint is filed, provide the said employee(s) with a copy of the complaint and discuss the complaint. The employee(s) shall respond to the complaint within ten days after the employee(s) receipt of a copy of the complaint by completing Form 1210-B FM, which shall be attached to Form 1210-A FM and returned to the administrator.
3. Based on information received on Form 1210-A FM and Form 1210-B FM the administrator will complete Form 1210-C FM and provide a copy to both the complainant and the employee(s) against whom the complaint was filed within fourteen days.
4. The timeframes for the employee(s) completion of Form 1210-B FM, or administrator's issuance of Form 1210-C FM, may be extended by the administrator for reasonable cause by a written notice to the complainant and the employee(s) stating the reason(s) for the extension and the date by which the relevant Form will be due or issued. In addition other causes, if the complaint involves more than one school employee(s), or has multiple complainants, or will involve an independent investigation, reasonable cause for extension is presumed.

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5. If the administration feels the complaint is grounds for further action or if the complaint is to be made part of the employee(s) record, the employee(s) must be informed of this in writing. The employee(s) so notified shall have the right to request a meeting with the administration and the complainant within ten days of notice from the administration or the right to attach a written rebuttal to the complaint or both. The complainant shall have the right to a copy of the employee(s) rebuttal. If the employee(s) requests a meeting with the administrator and the complainant, the employee(s) and the complainant shall have the right to be accompanied by the representative of their choice at their own expense. The administrator also has the right to be represented. Both parties shall have the right to present information and respond to any allegations presented.
6. Any record or recommendation for further action resulting from such a meeting shall be supplied to the employee(s) against whom the complaint is filed.
7. If either of the two principle parties of the complaint disagree with the decision in Form 1210-C FM, the decision may be appealed to the Board of Education within ten days by a written appeal filed with the Business Manager, who will provide copies of the appeal to the employee(s) and administrator involved. Forms 1210-A, -B, and -C FM and the written appeal will be provided to the Board at (but not before) the hearing. Due process rights of all parties will be upheld.
 - A. If Form 1210-C FM contains multiple decision points, an appeal must specify the point(s) appealed and why the appealing party disagrees with the administrator's decision.
 - B. The Board shall hear and rule on the appeal within thirty days after the filing of the written appeal at the next regularly scheduled Board meeting in executive session, but the Board President may call a Special Meeting if the President deems it is warranted.
 - C. The employee(s) and the complainant shall each have the right to be accompanied at the hearing by the representative of their choice at their own expense, and to present documents and call witnesses. The administrator has the right to be represented, and to present documents and call witnesses.
 - D. All testimony will be heard under oath or affirmation and will be recorded.
 - E. The Board will issue a written decision within ten days after the hearing. The decision of the Board may be appealed by filing an appeal to the circuit court pursuant to SDCL Ch. 13-46.
8. The term "days" as used in this policy refers to days when school is in session except during the summer when it refers to regular working days the Business Office is open.
9. If the complaint involves issues more specifically addressed by another District Policy complaint procedure, the administrator shall have the discretion to refer the complainant to the appropriate District Policy and to consider the complaint under this policy resolved.

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10. If the complainant fails to follow the timelines given above, the complaint will be considered resolved. If the administrator fails to issue a written decision on Form 1210-C FM in a timely manner, the complainant may appeal the complaint to the Board of Education.

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