

9130 PUBLIC COMPLAINTS AND GRIEVANCES

Any person or group having a legitimate interest in the schools of this district may present a request, suggestion, or complaint concerning district personnel, the educational program, instructional or resource materials, or the operations of the district. The Board directs the establishment of procedures for the hearing and settlement of requests and complaints that provide a means for resolving them fairly and impartially, permit appropriate redress, and protect district personnel from unnecessary harassment.

When a Board member is confronted with an issue, he/she will withhold comment, commitment and/or opinion and refer the complaint or inquiry to the Superintendent, who shall review the complaint according to established procedures.

Only in those cases where satisfactory adjustment cannot be made by the Superintendent and the staff shall complaints be referred to the Board for resolution.

Any misunderstandings or disputes between the public and school district staff should, whenever possible, be settled by direct, informal discussions among the interested parties. It is only when such informal meetings fail to resolve differences that more formal procedures shall be employed. A complaint about a school program or personnel should be addressed to the building principal; a complaint about instructional or resource materials should be addressed to the Superintendent.

The Superintendent shall establish procedures for the hearing of requests and complaints regarding district personnel, the educational program, instructional and resource materials, and the operation of the school district. Procedures will be governed by the following guidelines:

1. The matter will be resolved initially, wherever possible, by informal discussions between or among the interested parties.
2. A matter that cannot be resolved informally may be appealed at successive levels of authority as identified in the regulations, up to and including the Board of Education.
3. A reasonable period of time, not to exceed ten working days, will be permitted for the filing of an appeal in writing at each successive level. A decision at each level of appeal must be given in writing no later than ten working days after the appeal is filed.

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4. No challenged instructional or resource materials may be removed from the curriculum except by action of the Board of Education, and no challenged material may be removed solely because it presents ideas that may be unpopular or offensive to some. Any Board action to remove material will be accompanied by the Board's statement of its reasons for the removal.
5. A complainant shall be notified that a decision of the Board may be appealed to the Commissioner of Education.

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All complaints and grievances addressed to the Board of Education, Board members individually, school officials, or district staff members shall be referred to the Superintendent for consideration in accordance with the following procedures, unless otherwise prescribed in law.

A. Complaints Regarding a Teaching Staff Member Other Than Administrator

1. First level

- a. The complainant will be directed to address the matter to the staff member.
- b. The staff member will be directed to discuss the matter directly with the complainant and to make every reasonable effort to explain the difficulty and/or take appropriate action in accordance with district regulations and within his or her authority and district regulations.
- c. The staff member will report the matter, and whatever action may have been taken to resolve the matter, to the Principal.

2. Second level

- a. If the matter cannot be satisfactorily resolved at the first level, the complainant may discuss the matter with the Principal.
- b. The Principal will take all reasonable and prudent steps to resolve the complaint or to explain to the complainant why the matter cannot be resolved as the complainant wishes.

3. Third level

- a. If the matter cannot be satisfactorily resolved at the second level, the complainant may, within ten working days of his or her meeting with the Principal, submit to the Superintendent a request for a conference, specifying at a minimum:
 - (1) The specific nature of the complaint and a brief statement of the facts giving rise to it,
 - (2) The respect in which it is alleged that the complainant or the complainant's child has been unfairly treated or adversely affected, and
 - (3) The remedy sought by the complainant.

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- b. Within ten working days of receiving the complaint, the Superintendent shall conduct a conference, at a time convenient to the complainant, and attempt to resolve the matter informally. The time for conference will be extended if the complainant is unable to schedule a convenient meeting.
 - c. The Superintendent shall provide the complainant with a copy of his/her decision in writing within 10 working days.
4. Fourth level
- a. A complaint that is not resolved by conference with the Superintendent or that seeks a remedy beyond the Superintendent's jurisdiction may be appealed to the Board of Education.
 - b. The complainant may, within ten working days of his or her receipt of the Superintendent's written disposition, submit a written request for a hearing before the Board. The request will include a copy of the Superintendent's disposition at Level 3.
 - c. The Board shall, within ten working days of the receipt of the request, conduct an informal hearing before a committee of Board members, in which the complainant will present his or her complaint. The Board may, on the petition of the complainant, permit the examination of witnesses. The Board may permit the teaching staff member who is the subject of the complaint to testify in his or her own behalf.
 - d. The Board shall, within ten working days of the hearing, advise the complainant in writing of the Board's disposition of the complaint.
 - e. The complainant will be advised that the Board's decision may be appealed to the Commissioner of Education.
5. Reasonable efforts will be made to expedite a complaint that arises at the end of the school year so that the matter can be resolved before the end of the school year.

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B. Complaints About an Administrative Staff Member

1. The procedure set forth in ¶A will be followed except that the complainant will be directed to discuss the matter first with the administrator.
2. A complaint about a Principal or a central office administrator will omit the second level of the complaint procedure. Appeal of the first level discussion will be made directly to the Superintendent in accordance with A3.

C. Complaints About a Support Staff Member

1. The procedure set forth in ¶A will be followed except that the complainant will be directed to discuss the matter first with the support staff member.
2. Appeal at the second level of the complaint procedure will be to the support staff member's supervisor.
3. A complaint about a support staff supervisor will omit the second level of the complaint procedure. Appeal of the first level discussion will be made directly to the superintendent in accordance with A3.

D. Complaints About a Program, Practice or Operation

1. A complaint about a district or school policy, procedure, program, or operation, including entitlement programs established by state or federal law, should be addressed, initially, to the administrator or department head most directly concerned with the matter, in accordance with ¶A1.
2. A complaint that cannot be satisfactorily resolved at the first level may be appealed to the Superintendent and, thereafter, the Board in accordance with the procedures set forth in ¶A3 and ¶A4.

E. Complaints About Instructional and Resource Materials

1. Complaints about textbooks, library books, reference works, and other instructional materials used in the district will be made in writing and submitted to the Superintendent.

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2. The complainant will complete and sign a complaint form available in the Principal's office. The form will include:
 - a. The title, author, and publisher of the material at issue,
 - b. The specific portions or language at issue (by page and item),
 - c. The complainant's familiarity with the material at issue,
 - d. The reasons for the objection,
 - e. The pupils or class for whom the work is intended, and
 - f. The way in which the material is used.
3. Within 10 (ten) working days of the receipt of the complaint, the Superintendent shall appoint a review committee consisting of:
 - a. The head of the department in which the work is being used,
 - b. A teacher in the subject area of the work,
 - c. A library staff member,
 - d. A Board member,
 - e. A lay person knowledgeable in the area of the work, and
 - f. The Principal of a school in which the work is used.
4. The review committee will meet to evaluate the complaint and review the material. The standards used by the committee will be those set forth in Policy No. 2530.
5. The committee will report its findings and recommendations to the Board.
6. If the Board acts to remove the material or to limit access to the material, its action will be accompanied by a statement of reasons for the removal or limitation.
7. A copy of the committee's report and the Board's action, if any, will be given to the complainant.
8. The complainant will be informed that a decision of the Board may be appealed to the Commissioner of Education.