Stafford Township Board of Education Regulation

R 5750 EQUAL EDUCATIONAL OPPORTUNITY COMPLAINT PROCEDURE

A. Purpose and Application

1. The purpose of this procedure is to give any student or the parent of a student the opportunity to appeal an allegedly discriminatory practice in the program of this district or an alleged denial of equal educational opportunity.

2. This procedure is intended to facilitate an equitable and just resolution of a dispute at the most immediate level and should be implemented in an informal manner.

3. Every reasonable effort will be made to expedite the process in the interest of a prompt resolution. Time limits may, however, be extended with the consent of all parties.

4. All participants in the procedure will respect the confidentiality that this district accords to information about individual students.

B. Definitions

1. "Board of Education" means the Board of Education of the Stafford Township School District.

2. "Complaint" means an unresolved problem concerning the interpretation or application by an officer or employee of the school district relating to compliance with law, regulations, or policies regarding equal educational opportunities.

3. "Complainant" means a student or a parent of a student who alleges a complaint.

4. "Day" means a working or calendar day as identified.

5. "Student" means an individual enrolled in any formal educational program provided by the school district.

6. "School district" means the Stafford Township School District.

C. Procedure

1. A complainant shall discuss his/her complaint with the staff member most closely involved, in an attempt to resolve the matter informally.

2. If the matter is not resolved to the satisfaction of the complainant within thirty working days, the complainant may submit a written complaint to the Affirmative Action Officer. The complaint will include:

   a. The student's name and, in the complaint of a person acting on behalf of the student, the name and address of the complainant;

   b. The specific act or practice that the complainant complains of;

   c. The school employee, if any, responsible for the allegedly discriminatory act;

   d. The results of discussions conducted in accordance with paragraph C1; and

   e. The reasons why those results are not satisfactory.

3. The Affirmative Action Officer will investigate the matter informally and will respond to the complainant in writing no later than seven working days after receipt of the written complaint. A copy of the complaint and the response will be forwarded to the Superintendent.

4. The response of the Affirmative Action Officer may be appealed to the Superintendent in writing within three working days after it has been received by the complainant. The appeal will include the original complaint, the response to the complaint, and the complainant's reason for rejecting the response. A copy of the appeal must be given to the staff member alleged to have acted discriminatorily.

5. On his/her timely request (that is, submitted before the expiration of the time within which the Superintendent must render a decision), the complainant will be given an informal hearing before the Superintendent, at a time and place convenient to the parties, but no later than seven working days after the request for a hearing has been submitted. The Superintendent may also require the presence at the hearing of the staff member charged with a discriminatory act and any other person with knowledge of the act complained of.

6. The Superintendent will render a written decision in the matter no later than ten working days after the appeal was filed or the hearing was held, whichever occurred later. Copies of the decision will be given to all parties and to the Board of Education.

7. The complainant may appeal the Superintendent's decision to the Board by filing a written appeal with the Board Secretary no later than three working days after receipt of the Superintendent's decision. The appeal will include:

   a. The original complaint,

   b. The response to the complaint,

   c. The Superintendent's decision,

   d. A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented, and

   e. The complainant's reason for believing the Superintendent's decision should be changed.

8. A copy of the appeal to the Board must be given to the staff member, if any, charged with a discriminatory act.

9. The Board will review all papers submitted and may render a decision on the basis of the proceedings below. If the complainant so requests, the Board may convene a hearing, at which all parties may be represented by counsel and may present and examine witnesses, who will testify under oath.

10. The Board will render a written decision no later than forty-five calendar days after the appeal was filed or the hearing held, whichever occurred later. Copies of the decision will be given to all parties.

11. The complainant will be informed of his/her right to appeal the Board's decision to the Commissioner of Education or to the New Jersey Division on Civil Rights.

D. Record

The records of any complaint processed in accordance with this procedure shall be maintained in a file separate from the student's cumulative file. A notation shall be made in the student's file of the existence of the record in the separate file.

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