

Book	Policy Manual
Section	9000 Relations
Title	PUBLIC COMPLAINTS AND CONCERNS
Code	po9130
Status	Active
Legal	I.C. 20-26-5-4 I.C. 20-26-5.5 20 U.S.C. 1232h
Adopted	November 12, 2018
Last Revised	December 18, 2023

#### 9130 - **PUBLIC COMPLAINTS AND CONCERNS**

Any person or group having a legitimate interest in the operations of the School Corporation shall have the right to present a request, suggestion, complaint, or concern relating to Corporation personnel, the program, or the operations of the Corporation. At the same time, the School Board has a duty to protect its staff from unnecessary harassment. It is the intent of this policy to provide the means for judging each public complaint and concern in a fair and impartial manner and to seek a remedy where appropriate.

It is the desire of the Board to rectify any misunderstandings between the public and the Corporation by direct discussions of an informal type among the interested parties. It is only when such informal meetings fail to resolve the differences, shall more formal procedures be employed.

Any requests, suggestions, complaints, or concerns reaching the Board, Board members, and the administration shall be referred to the Superintendent for consideration according to the following procedure.

#### **Matters Regarding a Professional Staff Member**

##### A. First Level

If it is a matter specifically directed toward a professional staff member, the matter must be addressed, initially, to the concerned staff member who shall discuss it promptly with the complainant and make every effort to provide a reasonable explanation or take appropriate action within his/her authority and Corporation administrative guidelines.

This level does not apply if the matter involves suspected child abuse, substance abuse, or any other serious allegation which may require investigation or inquiry by school officials prior to approaching the professional staff member.

As appropriate, the staff member shall report the matter and whatever action may have been taken to the Superintendent.

##### B. Second Level

If the matter cannot be satisfactorily resolved at the First Level, it shall be discussed by the complainant with the staff member's supervisor and in compliance with provisions of a collective bargaining agreement, if applicable.

##### C. Third Level

If a satisfactory solution is not achieved by discussion with the Administrator, a written request for a conference shall be submitted to the Superintendent. This request should include:

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 child of the complainant) has been affected adversely;
3. the action which the complainant wishes taken and the reasons why it is felt that such action be taken.

Should the matter be resolved in conference with the Superintendent, the Board may be advised of the resolution.

#### D. Fourth Level

Should the matter still not be resolved, or if it is one beyond the Superintendent's authority and requires a Board decision or action, the complainant shall request, in writing, a hearing by the Board.

The Board, after reviewing all material relating to the case, shall grant a hearing before a committee of the Board.

The complainant shall be advised, in writing, of the Board's decision, no more than fifteen (15) business days following the hearing. The Board's decision on the matter will be final, and it will not provide a hearing to other complainants on the same issue.

If the complainant contacts an individual Board member to discuss the matter, the Board member shall inform the complainant that s/he has no authority to act in his/her individual capacity and that the complainant must follow the procedure described in this policy.

### **Matters Regarding the Superintendent**

Should the matter be a concern regarding the Superintendent which cannot be resolved through discussion with the Superintendent, the complainant may submit a written request for a conference to the Board. This request should include:

- A. the specific nature of the complaint and a brief statement of the facts giving rise to it;
- B. the respect in which it is alleged that the complainant (or child of the complainant) has been affected adversely;
- C. the reason that matter was not able to be resolved with the Superintendent;
- D. the action which the complainant wishes taken and the reasons why it is felt that such action should be taken.

The Board, after reviewing the request, may grant a hearing before the Board or a committee of the Board or refer the matter to an executive session.

The complainant shall be advised, in writing, of the Board's decision within thirty (30) business days. The Board's decision will be final and not subject to appeal.

### **Matters Regarding an Administrative Staff Member**

Since administrators are considered members of the Corporation's professional staff, the general procedure specified in "Matters Regarding a Professional Staff Member" shall be followed.

### **Matters Regarding a Support Staff Member**

In the case of a support staff member, the complaint is to be directed, initially, toward the person's supervisor, and the matter then brought as required to higher levels in the same manner as prescribed for "Matters Regarding a Professional Staff Member."

### **Matters Regarding Corporation Services or Operations**

If the request, suggestion, complaint, or concern relates to a matter of Corporation procedure or operation, it should be addressed, initially, to the employee closest to the situation and then brought, in turn, to higher levels of authority in the manner prescribed in "Matters Regarding a Professional Staff Member."

### **Matters Regarding the Educational Program**

If the request, suggestion, complaint, or concern relates to a matter of Corporation program, it should be addressed, initially, to the administrator closest to the situation and then brought, in turn, to higher levels of authority in the manner prescribed in "Matters Regarding a Professional Staff Member."

**Matters Regarding Instructional Materials**

The Superintendent shall ensure that students and parents are adequately informed each year regarding their right to inspect instructional materials and the procedure for completing such an inspection. See AG 9130A and Form 9130 F3.

If the request, suggestion, complaint, or concern relates to instructional materials such as textbooks, reference works, and other instructional aids used in the Corporation, the following procedure shall be followed:

- A. The criticism is to be addressed to the principal, in writing, and shall include:
  1. author;
  2. title;
  3. publisher;
  4. the complainant's familiarity with the material objected to;
  5. sections objected to, by page and item;
  6. reasons for objection.
- B. Upon receipt of the information, the principal may, after advising the superintendent of the complaint, appoint a review committee which may consist of:
  1. one (1) or more professional staff members including the Department Chair or Team Leader;
  2. one (1) or more Board members;
  3. one (1) or more laypersons knowledgeable in the area.
- C. The committee, in evaluating the questioned material, shall be guided by the following criteria:
  1. the appropriateness of the material for the age and maturity level of the students with whom it is being used
  2. the accuracy of the material
  3. the objectivity of the material
  4. the use being made of the material
- D. The material in question may be withdrawn from use pending the committee's recommendation to the Superintendent.
- E. The committee's recommendation shall be reported to the Superintendent in writing within thirty (30) business days following the formation of the committee. The Superintendent will advise the complainant, in writing, of the committee's recommendation and advise the Board of the action taken or recommended.
- F. The complainant may appeal this decision, within thirty (30) business days, to the Board through a written request to the Superintendent, who shall forward the request and all written material relating to the matter to the Board.
- G. The Board shall review the case and advise the complainant, in writing, of its decision within thirty (30) business days.

**Matters Regarding School Library Materials**

If a parent or guardian of a student enrolled in a school in the School Corporation or a community member residing within the Corporation submits a request to remove material that they contend is obscene or harmful to minors from a school library, the following procedure shall be followed:

- A. The request is to be presented to the Superintendent, in writing, and shall include:
  1. author;
  2. title;

3. publisher;
  4. the requester's familiarity with the objectionable material;
  5. sections objected to, by page and item;
  6. reasons for objection.
- B. Upon receipt of the information the Superintendent shall after advising the school board and building principal of the request, appoint a review committee which may consist of:
1. one or more professional staff members including the Media Specialist;
  2. one or more Board members.
- C. The review committee, in evaluating the questioned material, shall be guided by the following criteria:
1. the appropriateness of the material for the age and maturity level of the students who have access to it
  2. obscene matter or performance as defined by state law IC 35-49-2-1
  3. matter or performance harmful to minors as defined by state law IC 35-49-2-2
- D. The material in question may be withdrawn from use pending the review committee's recommendation to the Superintendent.
- E. The review committee's recommendation shall be reported to the Superintendent in writing within thirty (30) business days per book following the formation of the review committee. The Superintendent will advise the individual making the request, in writing, of the review committee's recommendation and advise the Board of the action taken or recommended.
- F. The individual who filed the request may appeal this decision, within thirty (30) business days, to the Board through a written request to the Superintendent, who shall forward the request and all written material relating to the matter to the Board.
- G. The Board shall review the request and decision at the next public meeting after an appeal is submitted. The Board shall advise the complainant, in writing, of its decision within thirty (30) business days.

No challenged material may be removed from the curriculum, school library, or from a collection of resource materials except by action of the Board, and no challenged material may be removed solely because it presents ideas that may be unpopular or offensive to some without it being obscene or harmful to minors. Any Board action to remove material will be accompanied by the Board's statement of its reasons for the removal.

© Neola 2023