# R 2260. EQUITY IN SCHOOL AND CLASSROOM PRACTICES COMPLAINT PROCEDURE (M)

A. Purpose and Application

1. The purpose of this procedure is to give any student or the parent(s) of a student the opportunity to appeal an alleged violation of the district's Affirmation Action Plan for school and classroom practices, as set forth in Policy 2260.

2. This procedure is intended to facilitate an equitable and just resolution of a dispute at the most immediate level and will 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. "Affirmative Action Officer" means the district official responsible for the coordination of activities relating to compliance with the Affirmative Action Plan.

2. "Affirmative Action Plan" means the Affirmative Action Plan for school and classroom practices adopted by the Board of Education.

3. "Board of Education" means the Board of Education of this school district.

4. "Complainant" means a student or parent(s) who believes that they have been harmed or adversely affected by a failure to enforce the district's Affirmative Action Plan.

5. "Complaint" means an unresolved problem concerning the interpretation or application by an officer or employee of this school district of law and regulations regarding the Affirmative Action Plan.

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

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

8. "School district" means this school district.

9. "Violation" means the failure of a district official or employee to take the positive steps outlined in Policy 2260 and/or included in the Affirmative Action Plan.

C. Procedure

1. A complainant shall discuss their 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 of the discussion with the staff member most closely involved, the complainant may submit a complaint to the Affirmative Action Officer. The complaint may be reported: in person; in writing; verbally by telephone; by mail to the office address; or by electronic mail. The complaint may be reported during business or non-business hours.

3. The complaint shall 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 failure to act of which ~~that~~ the complainant complains ~~of~~;~~,~~

   c. The school employee, if any, responsible for the alleged violation of the Affirmative Action Plan;

   d. The results of discussions conducted in accordance with C.1. above; and

   e. The reasons why the results of the discussions were not satisfactory to the complainant.

~~4~~3. The Affirmative Action Officer will investigate the matter informally and will respond to the complaint in writing no later than seven working days after receipt of the complaint filed in accordance with C.2. above. A copy of the complaint and the response will be forwarded to the Superintendent.

~~5~~4. The Affirmative Action Officer's written response 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 violated the Affirmative Action Plan.

6~~5~~. On their 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 violation of the Affirmative Action Plan and any other person with knowledge of the violation.

7~~6~~. The Superintendent will render a written decision in the matter no later than seven 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.

8~~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 shall 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.

9~~8~~. A copy of the appeal to the Board must be given to the staff member, if any, charged with a violation of the Affirmative Action Plan.

10~~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.

11~~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.

12. The complainant will be informed of their right to appeal the Board's decision to the Commissioner of Education or to the New Jersey Division on Civil Rights.
and Classroom Practices Complaint Procedure

D. Record

1. 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 presence of the record in the separate file.

2. A copy of the decision rendered at the highest level finding a violation of the Affirmative Action Plan has occurred shall be kept in the personnel file of the employee found to have committed a violation of the Affirmative Action Plan.

Adopted: March 17, 2016
Revised: June 13, 2024