

REGULATION

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EDUCATIONAL
SERVICES COMMISSION

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[See POLICY ALERT No. 236]

R 9130 PUBLIC COMPLAINTS AND GRIEVANCES

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

A. Complaints Regarding a Teaching Staff Member Other Than an Administrator or Supervisor

1. First Level

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

2. Second Level

- a. If the **complaint matter** cannot be ~~satisfactorily~~ resolved to **the complainant's satisfaction at A.1. above the first level**, the complainant **may appeal the teaching staff member's resolution to** ~~may discuss the matter with the~~ **teaching staff member's** Principal or supervisor.
- b. The Principal or supervisor will take all reasonable and prudent steps to resolve the complaint **and meet with the**

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complainant to discuss the Principal or supervisor's resolution to the complaint or to explain to the complainant why the matter cannot be resolved as the complainant wishes.

3. Third Level

- a. If the **complaint** matter cannot be satisfactorily resolved to **the complainant's satisfaction** at **A.2. above** ~~the second level~~, the complainant may, within **five** ~~three~~ working days (see ~~Policy 9130~~) of **their** ~~his/her~~ meeting with the **teaching staff member's Principal or supervisor**, submit **a written request for a conference** to the Superintendent ~~a written request for a conference~~. The **written** request shall, **at a minimum**, include: **the specific nature of the complaint and a statement of the facts giving rise to it.**

~~(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.~~

- b. A copy of the **complainant's written** request for a conference will be **submitted** ~~sent~~ to the Board of Education **by the Superintendent.**
- c. Within seven working days (~~see Policy 9130~~) of the **Superintendent's** receipt of the **written** request **for a conference**, the Superintendent shall conduct **the** a conference, at a time convenient to the complainant **and the Superintendent**, and attempt to resolve the **complaint matter** informally. ~~The time for conference will be extended if the complainant is unable to schedule a convenient meeting.~~
- d. The Superintendent shall record in writing **their** ~~his/her~~ disposition of the complaint and shall, within ten working

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days (~~see Policy 9130~~) of the conference, **submit provide** a copy of **their the** written disposition to the complainant and to the Board.

4. Fourth Level

- a. A complaint that is not resolved **to the complainant's satisfaction** by a conference with the Superintendent at **A.3.c. above** or that seeks a remedy beyond the Superintendent's ~~jurisdiction authority~~ may be appealed **by the complainant** to the Board of Education.

(1) **The complainant shall, within three working days of their receipt of the Superintendent's written disposition, submit a written request with supporting documentation to the Superintendent for an informal hearing before the Board. The complainant's request, along with the Superintendent's disposition at A.3.d. above, shall be provide to the Board.**

- ~~b. The complainant may, within three working days (see Policy 9130) of his/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.~~

- be. The Board shall; **decide whether to grant or deny within forty five calendar days (see Policy 9130) of the receipt of the complainant's request for conduct an informal hearing and provide their decision in writing to the complainant within five working days upon receiving the request for an informal hearing before a committee of Board members, in which the complainant will present his/her complaint. The Board may, on the petition of the complainant, permit the examination of witnesses. The Board may permit the teaching staff member complained of to testify in his/her own behalf.**

(1) **If the Board denies the request for an informal hearing, the Board shall render a decision on the**

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appeal and provide the decision in writing to the complainant within ten working days.

(2) If the Board grants the request for an informal hearing, the Board shall schedule the informal hearing within forty-five working days upon receiving the request for an informal hearing. At the conclusion of the informal hearing, the Board shall render a decision and provide the decision in writing to the complainant within ten working days at the conclusion of the informal hearing.

(a) The Board may designate a committee of the Board to conduct an informal hearing with the complainant.

(b) The Board may permit the complainant to present witnesses.

(c) The Board will comply with the provisions of the Open Public Meetings Act and Bylaw 0162 regarding any public complaints, where applicable.

~~d. The Board shall, within ten calendar days (see Policy 9130) 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 **time sensitive** a complaints that arises at the end of the school year so that the matter can be resolved before the interruption of summer vacations.

~~B. Complaints About an Administrative Staff Member~~

~~1. The procedure set forth in A will be followed and the complainant will be directed to discuss the matter first with the administrator.~~

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- ~~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 A.3.~~

BC. Complaints Regarding a Support Staff Member

1. The **complaint** procedure set forth in **A.1. above** will be followed and the complainant will be directed to discuss the **complaint** first with the support staff member, **if appropriate**.
2. **If the complaint cannot be resolved to the complainant's satisfaction at A.1. above, the complainant may follow the complaint procedure set forth in A.2. above.**
3. **If the complaint cannot be resolved to the complainant's satisfaction at A.2. above, the complainant may, within three working days of their meeting with the support staff member's supervisor, submit to the Superintendent a written request for a conference in accordance with A.3. above.**
4. **A complaint that is not resolved to the complainant's satisfaction by a conference with the Superintendent at A.3.c. above or that seeks a remedy beyond the Superintendent's authority may be appealed to the Board of Education in accordance with A.4. above.**

C. Complaints Regarding an Administrative Staff Member or Supervisory Staff Member

1. **The complainant shall discuss the complaint first with the administrative staff member or supervisory staff member who is the subject of the complaint.**
2. **An appeal of the discussion with the administrative staff member or supervisory staff member will be made directly to the Superintendent in accordance with A.3. above.**
3. **A complainant wanting to appeal the Superintendent's written disposition to the Board of Education shall follow the appeal procedures as outlined in A.4. above.**

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D. Complaints **Regarding** ~~About~~ a Program, Practice, or Operation

1. A complaint **regarding** ~~directed to a matter of~~ district or school policy; procedure; program; or operation, including entitlement programs established by ~~S~~state or ~~F~~federal law, should be addressed, initially, to the **Superintendent who will refer the complaint to the appropriate** administrator or **supervisor** ~~department head most directly concerned with the matter, in accordance with A.1.~~
2. A complaint that cannot be ~~satisfactorily~~ resolved **to the complainant's satisfaction at D.1. above** ~~at the first level~~ may be appealed to the Superintendent and, thereafter, the Board of **Education** in accordance with the procedures set forth in A.3. and A.4.

E. Complaints **Regarding Textbooks, About** Instructional **Supplies,** and Resource Materials

1. Complaints **regarding** ~~about~~ textbooks, ~~library books, reference works, and other~~ instructional **supplies, and resource** materials used in the district **shall** ~~will~~ be **submitted** ~~made~~ in writing **by the complainant** ~~and submitted~~ to the Superintendent.
2. ~~The complainant will complete and sign a complaint form available in the Principal's office. The written complaint form shall, at a minimum, will~~ include:
 - a. The title, author, and publisher of the **material at issue;** ~~work complained of,~~
 - b. **Sections of the material to which the complainant objects** ~~The specific portions or language complained of (by page(s) and item(s));~~
 - c. ~~The complainant's familiarity with the work objected to,~~
 - cd. **An explanation of t**~~The reason(s) for the objection;~~

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- de. The students or class for whom the **material work** is intended; and
 - ef. The way in which the **material work** is used **or presented to students.**
3. Within seven working days of the receipt of the **written** complaint ~~form~~, the Superintendent shall appoint a review committee consisting of:
- a. The head of the department in which the **material work** is being used;
 - b. **A teaching staff member** ~~teacher~~ in the subject area of the **material; work,**
 - e. ~~A library staff member,~~
 - cd. **A Board of Education** member;
 - e. ~~A lay person knowledgeable in the area of the work, and~~
 - df. The Principal of ~~the~~ a school in which the **material work** is used **or presented; and**
 - e. **Any other staff member designated by the Superintendent.**
4. The review committee will meet to evaluate the complaint and review the material **at issue** ~~objected to.~~ ~~The standards used by the committee will be those set forth in Policy 2530.~~
- a. **The standards used by the review committee to review textbooks will be those set forth in Regulation 2510.**
 - b. **The standards used by the review committee to review instructional supplies will be those set forth in Regulation 2520.**

