

Public Complaints

(Background Information for Policy Committee)

Now that the school year is well underway, it is expected that general complaints, not including library materials, from members of the public will arise. CABE recommends that school districts adopt a policy on public complaints. The policy should contain a complaint procedure that attempts to resolve matters at the lowest level. Ideally, this way, most complaints would be resolved before reaching the board level.

A public complaint policy provides board of education members with the opportunity to direct public complaints to the appropriate channel for review. If board members were to hear complaints individually, there could be a risk of bias if an issue later reached the point of requiring a hearing, discussion, or action at the board of education level.

In addition, board members have no legal authority to act on behalf of the school district outside of a lawfully convened board meeting. Therefore, hearing complaints is unnecessary because no resolution will come from directly submitting a complaint to a member of the board of education.

However, it is recognized that the public comment period of a board of education meeting can be a valuable way for board members and the administration to keep in touch with the concerns of the district's citizens. The Freedom of Information Act requires that the public be permitted to attend board of education meetings. Most boards, by policy and/or bylaw, permit the public to make comments to the board at a board meeting and provide an opportunity for such comments on the meeting's agenda.

Once a board permits public comments during a board meeting, the First Amendment's free speech requirements apply because the meeting is a public forum. Therefore, in a public forum, the board cannot pick and choose speakers based on the content of their speech. However, the board can limit comments to a particular topic, thereby creating a limited public forum, but cannot discriminate based on viewpoint.

Some boards have attempted through their policy to prohibit complaints against a district employee during the comment period. The courts have ruled that such policies are not content-neutral. Therefore, boards should consider limiting the public comment period to agenda items or subjects within the school board's general jurisdiction. Also, as previously indicated, boards should have a policy outlining their complaint procedure that attempts to resolve matters at the lowest level, thereby resolving most complaints before they reach the board level and avoiding surprise during the public comment period.

Complaints regarding library materials and requests for reconsideration and removal of such materials are addressed under mandated policy #1312.3.

November 2003

Reviewed January 2024

June 2025

A sample policy to consider.

Community Relations

Public Complaints

General Complaint Procedure

The _____ Board of Education understands that, on occasion, a member of the public will wish to lodge a complaint. Such complaints shall be addressed and resolved as close to their origin of concern as possible.

While members of the community have a right to petition the Board of Education for redress of a grievance, complaints will be referred through the appropriate administrative channels for resolution. Exceptions will be made when the complaint directly concerns Board actions or operations.

The proper channel for complaints related to discipline, instruction, or instructional materials is the teacher. If the complaint is not resolved at that level, it can proceed to the department supervisor, the Principal, the Superintendent, and finally to the full Board.

- (cf. 1220 – Citizens’ Advisory Committees)
- (cf. 1312.3 – Library Material Review and Consideration)
- (cf. 5145.2 - Freedom of Speech/Expression)
- (cf. 6144 - Controversial Issues)
- (cf. 6161 - Equipment, Books, Materials: Provision/Selection)

Legal Reference: *Keyishian v. Board of Regents* 385 U.S. 589, 603 (1967)
 President's Council, District 25 v. Community School Board No. 25 457 F.2d
 289 (1972), cert. denied 409 U.S. 998 (1976)
 Minarcini v. Strongsville City School District, 541 F. 2d 577 (6th Cir. 1976).
 Board of Education, Island Trees Union Free School District No. 26 v. Pico,
 457 U.S. 853 (1982).
 Academic Freedom Policy (adopted by Connecticut State Board of Education,
 9/9/81).
 Connecticut General Statutes
 10-238 Petition for hearing by board of education.

Policy adopted:

rev. 1/24
rev 3/24
rev 6/25

(Name of District)

Complaint Form

Request initiated by _____ Contact phone/email: _____

The concerning material was located in or obtained from:

Grade level _____

Course Name _____

Teacher/Staff _____

The questionable material was:

- Required of all students in a class.
- Required supplemental material.
- Recommended from an assigned list or staff member.
- Independently selected by the student.
- Other. Please specify

The material is best described as:

- Print Media
 - Book
 - Periodical/Magazine
 - Other (please specify) _____
- Audio Media
 - Music
 - Podcast/Interview
 - Other (please specify) _____
- Visual Media
 - Video/Online Content
 - Poster/Artwork
 - Other (please specify) _____

If available, please provide the following details about the material publication date

- Title _____
- Author _____
- Publication date: _____

Please answer the following questions:

1. Did you read, view, or listen to the entire work? If not, what parts did you examine?

2. In what specific ways do you think this work is inappropriate for students?

3. What have you been told about the instructional purpose of this material?

4. What do you believe is the theme or purpose of this material?

5. What age group would you recommend this material?

6. Are you aware of the judgment of this work by literary critics and/or professional educators/or organizations?

7. What are the valuable aspects of this material?

8. What do you feel may be the results of students reading, listening to, or viewing this material?

9. What work/material of equal or superior value would you recommend replacing the one in question?

10. What would you like the school to do regarding this book/material?

- Do not assign it to my child.
- Withdraw it from circulation.
- Re-evaluate its use or availability in the school.

11. Additional Notes/Comments

Signature of Complainant

Date