School District Complaint and Grievance Process

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Two Types of Complaints

- Community Complaints (Board Policy 1312, et al.)
  - “The School Board believes that the quality of the educational program can improve when the district listens to complaints, considers differences of opinion, and resolves disagreements through an established, objective process using the chain of command.”
- Personnel Complaints (Board Policy 4144/4244/4344)
  - “The School Board recognizes the need for providing employees with a process for addressing concerns regarding issues which are not subject to formal grievance procedures.”

Advisory School Councils and Complaints

- Help provide information to community members about their options to address concerns.
  - “The Advisory School Council shall seek to represent the interests of the community and communicate those interests to the School Board and administration.” Board Policy 8200.
  - “Individual Board members do not have authority to resolve complaints. If approached directly with a complaint, however, Board members should listen to the complaint and show their concern by referring the complainant to the Board chair who may in turn refer it to the Superintendent or Designee as deemed appropriate.” Board Policy 1312.
    - Individual ASC members should not personally investigate or attempt to resolve complaints. You should direct the complainant to address the local site administrator to begin the complaint process.

Community Complaints

- Four Types of Community Complaints
  - Complaints Concerning School Personnel
  - Complaints Concerning Instructional Materials
  - Complaints Concerning Discrimination
  - Complaints Concerning ESEA Programs

Complaints Concerning School Personnel (BP/AR 1312.1)

- First step: Complaints concerning school personnel should be made directly by the complainant to the person against whom the complaint is lodged.
- Second step: If the complaint cannot be resolved informally by the persons involved, the complainant may submit the complaint in writing to the school principal or immediate supervisor.
  - If the written complaint concerns the Superintendent or designee, it shall be initially filed with the Board.
  - The principal or immediate supervisor shall investigate and attempt to resolve the complaint to the satisfaction of the person(s) involved.
- Third step: If the complaint remains unresolved after review by the principal or the immediate supervisor, the principal shall refer the written complaint, together with a report and analysis of the situation, to the Superintendent or designee.
  - Complainants should consider and accept the Superintendent or designee's decision as final. However, the complainant, the employee, or the Superintendent or designee may ask to address the School Board regarding the complaint.

Complaints Concerning School Personnel (Board Hearing)

- No party to a complaint should address the Board, either in closed or open session, unless the Board has received the Superintendent or designee's written report concerning the complaint.
- Complaints before the Board concerning an employee that may tend to be prejudicial to the employee's reputation or character shall be addressed in executive session of the Board.
- All parties to a complaint, including the school administration, **may** be asked to attend a Board meeting or part of such meeting for the purpose of presenting all available evidence and allowing every opportunity for explaining and clarifying the issue.
- The decision of the Board following the hearing shall be final.

Complaints Concerning Instructional Materials (BP/AR 1312.2)

- “The Board expects and trusts the Superintendent and staff are well qualified to consider complaints concerning instructional materials. The Superintendent or designee’s decision is the final response from the district administration.”
  - However, if the complainant finds the decision of the Superintendent or designee unsatisfactory, he/she **may** request that the matter be placed on the agenda of a regular Board meeting. The request shall be made in writing and addressed to the President of the Board of Education as well as the Superintendent or designee.

Complaints Concerning Instructional Materials (Process)

- Complaints must be in writing and specific.
- Individual students may be excused from using challenged materials, with alternate materials provided to that student. However, the challenged materials will continue to be used during the review process.
- Upon receipt of complaint, the principal will acknowledge receipt and the Superintendent will determine whether the complaint should be considered on an individual basis or whether a review committee should be convened.
- A review committee may be formed under the direction of the Superintendent or designee. It shall be composed of five or more staff members selected by the Superintendent or designee from relevant administrative and instructional areas.

Complaints Concerning Instructional Materials (Review Committee)

- In deliberating challenged materials, the review committee shall consider the educational philosophy of the district; the professional opinions of other teachers of the subject and of other competent authorities; reviews of the materials by reputable bodies; the teacher's stated objectives in using the materials; and the objections of the complainant.
- The review committee shall determine the extent to which the challenged material supports the curriculum, the educational appropriateness of the material, and its suitability for the age level of the student.
- Within 30 days of being convened, the review committee shall summarize its findings in a written report and submit it to the Superintendent or designee for final action. The Superintendent or designee shall notify the complainant of his/her decision no later than 60 days after the complaint was filed.
- The report of the review committee together with the Superintendent or designee's recommendation **may** be brought to the School Board for consideration and final decision.

Complaints Concerning Discrimination (BP/AR 1312.3)

- “[T]he School Board seeks to ensure that students, regardless of ethnicity, race, religion, disability, gender identity, sexual orientation or socioeconomic background, do not disproportionately experience suspension, expulsion, other disciplinary actions, nor any form of discrimination.”
- Complaints are filed with Assistant Superintendent as the Compliance Officer.
- The Compliance Officer shall hold an investigative meeting within five days of receiving the complaint or attempting to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative and the district's representatives to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses.
- To ensure that all pertinent facts are made available, the compliance officer and the complainant may ask other individuals to attend this meeting and provide additional information.

Complaints Concerning Discrimination (Decision and Appeal)

- Within 30 days of receiving a complaint, the Compliance Officer must provide a written report with findings and corrective action, if applicable.
- Within five days of receiving the district's written decision, the complainant may appeal the Compliance Officer's decision to the School Board. The Board shall consider the matter at its next regular Board meeting or at a special Board meeting convened in order to provide a Board hearing and written district decision within 60 days of the district's initial receipt of the complaint or within an extended time period that has been specified in a written agreement with the complainant.
- Complainant may have additional appeal rights to the Alaska and federal Departments of Education.

Complaints Concerning ESEA Programs (BP/AR 1312.4)

- Within five business days after receiving the complaint, the Superintendent will assign an investigator to conduct an informal review of the complaint. The investigator will be an employee of the district, may not have taken part in the action that is the subject of the complaint, and may not have a personal or financial interest in the subject matter of the complaint.
- Within 60 days the investigator will provide a report to the Superintendent, who then determines whether to take corrective action.
- Complainant has the right to appeal to the DEED.

Personnel Complaints (BP 4144/4244/4344)

- Only used for complaints by District staff.
- A "complaint" shall be defined as an alleged misapplication of the district's policies, regulations, rules or procedures not addressed by an applicable negotiated agreement.
- Informal step: informal complaint resolution.
- First step: If a complaint has not been satisfactorily resolved by informal procedures, the complainant may file a written complaint with the immediate supervisor or principal within 60 days of the act or event which is the subject of the complaint.
- Second step: If a complaint has not been satisfactorily resolved at Step 1, the complainant may file the written complaint with the Superintendent or designee within five working days of receiving the answer at Step 1.
- Third Step: Board appeal.

Personnel Complaints (Board Appeal)

- If a complaint has not been satisfactorily resolved at Step 2, the complainant may file a written appeal to the School Board within five working days of receiving the answer at Step 2.
- An appeal hearing shall be held at the next regularly scheduled Board meeting which falls at least 12 days after the appeal is filed. This hearing shall be held in executive session if the complaint relates to matters properly addressed in executive session.
- The Board shall make its decision within 30 days of the hearing and shall mail its decision to all concerned parties. The Board's decision shall be final.

Questions?

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