

## Community Relations

### Public Complaints

~~The New Fairfield Board of Education (the “Board”) welcomes comments, suggestions, and constructive criticism of the schools, as such feedback can be used to improve the quality of the educational program and to equip the school district to perform its task more effectively. The following policy shall apply except: (1) when Board policy and district procedures establish a process and/or procedure for investigating and responding to complaints that does not include Board-level review or appeal, and (2) when there is a statutory right to hearing, e.g., residency and expulsion matters, when the statutory procedures shall prevail.~~

**Commented [1]:** Revised to avoid viewpoint discrimination.

**Commented [2]:** Revised to clarify scope of this policy. If another Board policy/procedure applies (e.g., non-discrimination, Title IX), the Board/district should follow those procedures.

Specific complaints about the conduct of the schools may originate with school personnel, students, parents, and other citizens. Persons making complaints about the school shall be referred to the most immediate level at which the problems can be resolved, and, as necessary, through lines of organization. ~~Anonymous complaints will not be formally considered since such complaints cannot be appropriately reviewed.~~ The subject of a complaint has a right to due process and to know the specifics of any complaint against him/her. ~~Anonymous complaints will be addressed in accordance with applicable law, but persons wishing to remain anonymous should be informed of this fact and should be encouraged to come forward if a complaint appears to have merit so that the complaint can be adequately and thoroughly addressed and investigated.~~

The Board is responsible for setting policy for the district, and, as the chief executive officer, the Superintendent is responsible for operational issues in the district, including all personnel matters. When Board members are approached directly by persons with concerns or complaints, they should decline to intervene directly and suggest that the complainant meet with the individual at the most immediate level, be it a teacher, principal or the staff member, preferably face-to-face at a scheduled meeting. Should the problem not be resolved at the lowest level, the complainant should proceed through the “chain-of-command,” e.g., from teacher to principal to Assistant Superintendent. Should a problem reach the Superintendent and not be resolved, the complainant may make a written request that the Board of Education review the matter.

The Superintendent shall transmit this request to the Board, along with his or her recommendation on whether the Board should hear the complaint. Discussion of any such request may take place in executive session if the matter is appropriate for executive session ~~and the Board votes to enter executive session in accordance with the Freedom of Information Act, but any decision to hear a complaint shall be made by public vote. Given that the Superintendent is responsible for supervising staff, the Board will generally decline to hear specific complaints concerning school personnel.~~ If the Board decides to hear the complaint, it shall schedule an informal hearing and notify the complainant and the Superintendent of the date and time of such informal hearing. The Board retains sole discretion as to whether to permit witnesses and how much time is to be allowed to the complainant in any such informal hearing. The Board also reserves the right to hear from the Superintendent, either at the hearing or thereafter, as it deems appropriate. Within thirty

**Commented [3]:** We recommend that the Board not hear complaints about personnel pursuant to this policy. Regarding teachers, the Board may need to fulfill its obligations pursuant to the Teacher Tenure Act. Regarding other unionized personnel, it will be bound by the terms of the CBA.

**Field Code Changed**

~~System.Object[]~~

(30) days of the conclusion of any such hearing, the Board shall inform the complainant of its decision, which shall be final.

~~If all other remedies have been exhausted and a complaint cannot be satisfactorily resolved, the complaint may be appealed to the Board of Education. No appeal will be heard by the Board and no charges or accusations against an employee will be investigated unless the accusations are reduced to writing, signed by the party making the complaint, and presented to the Board through the Superintendent.~~

**Commented [4]:** As to the first sentence in yellow highlight, the language above addresses requests for Board review.  
As to the allegations against employees, see comments above.

Field Code Changed

~~System.Object[]~~

P1312(b)

Community Relations

Public Complaints

The Board will not consider or act upon complaints that have not been explored at the appropriate level or complaints for which specific resolution procedures have been established that do not include Board review. If the Board decides to hear the complaint, the Board shall make a decision which shall be sent to all interested parties. The Board's decision is final.

**Commented [5]:** This will be difficult to implement, given the scope of the policy as written. However, we have recommended some language at the beginning of the policy to clarify the applicability of Policy 1312.

Upon receipt of a written petition signed by one percent of the voters or fifty voters, whichever is greater, the Board of Education shall hold a public hearing on any question relating to the provision of education offered by the Board as specified in the petition. Such hearing will be held within three weeks of the Board's receipt of the petition. If the question specified in the position involves confidential student information, the Board will ensure compliance with the Family Educational Rights and Privacy Act and related regulations and Board policy.

**Commented [6]:** This qualifying language is included in the statute.

- 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: **WILTON PUBLIC SCHOOLS**  
Wilton, Connecticut

eps-2/06

Sample policies are distributed for demonstration purposes only. Unless so noted, contents do not necessarily reflect official policies of the Connecticut Association of Boards of Education, Inc.

Field Code Changed

System.Object[]

## R1312(a)

*Wilton's regulation on this topic to consider/modify.*

### Community Relations

#### Public Complaints

Specific complaints about the conduct of the schools may originate with school personnel, students, parents, and other citizens. Such complaints can be resolved most expeditiously if they are taken first to the staff member or the administrator immediately in charge of the area in which the problem arises, then through successive administrative levels to the Superintendent, and subsequently to the Board of Education, if necessary. Whenever a complaint is made directly to the Board as a whole or to a Board member as an individual, it shall be referred to the Superintendent for study and possible resolution through normal channels.

If a specific employee is involved because of the circumstances, that employee shall be advised of the nature of the complaint and shall be given every opportunity for explanation, comment, and presentation of the facts as he/she sees them.

Failing to reach a satisfactory resolution to the problem or complaint with the staff member or administrator immediately in charge of the area in which the problem arises, the complainant shall be encouraged to ask for review and further consideration through successive administrative levels to the Superintendent, and subsequently the Board of Education, if necessary and appropriate, as indicated below. ~~Given that the Superintendent is responsible for supervising staff, the Board will generally decline to hear specific complaints concerning school personnel.~~

#### School Personnel

In instances where the complaint involves ~~sd~~ an employee, and unless another Board policy or district procedure applies, the administrator immediately in charge of the area in which the problem arises shall promptly provide the Superintendent or his/her designee with a written report including:

- A statement of the complaint prepared by the complainant and specifying the precise nature of the complaint. The statement must be signed by the complainant.
- A statement of the facts on both sides of the matter.
- A summary of the opportunities afforded both sides to be heard.
- A statement on how the complainant would propose to resolve the matter.
- A statement on how the staff member would propose to resolve the matter.
- A recommendation on how the complaint can best be resolved from the point of view of the administrator.

**Commented [7]:** If, for example, the complaint involves an allegation of discrimination or harassment, such policies must be followed.

**Commented [8]:** If disciplinary action is contemplated, employees have a right to Union representation.

Field Code Changed

System.Object[]

The Superintendent or his/her designee shall prepare a similar written report of his/her own if Board involvement becomes necessary to resolve the complaint. When reviewing such complaint, the Superintendent will ensure compliance with relevant collective bargaining agreement provisions and applicable law. The Superintendent may address such matters with the Board as appropriate.

System.Object[]

Field Code Changed

**R1312(b)**

**Community Relations  
Public Complaints**

**Instructional Materials**

If the complaint cannot be resolved at the building level, the Superintendent or his/her designee shall consider the matter and make a decision. If the Superintendent determines that a recommendation concerning the complaint would be helpful to him, he/she may decide to establish a review committee to make a recommendation concerning a response to the complaint. Such a committee shall be appointed by the Superintendent, and it shall be composed of one administrator with district responsibilities and five or more members selected from the administrative and instructional areas most closely concerned.

In their deliberations, the review committee shall consider the educational philosophy of the school district; the professional opinions of other staff members in the instructional area most closely concerned, as well as other competent authorities; reviews of the materials by reputable bodies; the teacher's own stated objectives in using the materials, and the objections of the complainant.

The findings and recommendation of the review committee as to the disposition of the complaint shall be in writing and be transmitted to the Superintendent or his/her designee. The Superintendent or his/her designee shall share the findings and recommendation of the review committee with the complainant and shall meet with the complainant for purposes of resolving the matter. After meeting with the complainant to review the findings and recommendation of the review committee, the Superintendent shall issue his/her decision on the complaint in writing to the complainant, with a copy to the members of the review committee and the Principal of the affected school.

The Superintendent shall submit to the Board the report from the district review committee, along with his/her recommendation, if Board involvement becomes necessary to resolve the complaint.

An individual student may be excused from using challenged materials. The teacher will then assign the student alternate materials of equal merit. Although individuals may be excused from using challenged materials, the use of challenged materials by class, school or district shall not be restricted until final disposition has been made in accordance with this regulation.

**Commented [9]:** This process is not required by law and creates unnecessary obligations for the district and the Board. Parents/guardians have the right to request curricular exemptions in five statutorily prescribed areas. Other than that, the district has discretion to decide the appropriate curriculum for students. If the district chooses to allow for "excusal from challenged materials," it must ensure that it treats similarly situated individuals in the same manner (equal protection). In addition, allowing for such non-mandatory excusals may become administratively unwieldy.

**Field Code Changed**

System.Object[]