

# REGULATION

## BAYONNE SCHOOL DISTRICT

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R 9130 PUBLIC COMPLAINTS AND GRIEVANCES

### R 9130 PUBLIC COMPLAINTS AND GRIEVANCES

All complaints and grievances addressed to the Board of 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 Administrator

##### 1. First Level

a. The complainant will be directed to address the matter to the staff member.

b. The staff member will be directed to discuss the matter directly with the complainant and to make every reasonable effort to explain the difficulty, and/or take appropriate action in accordance with district regulations and within his or her authority and district regulations.

c. The staff member will report the matter, and whatever action may have been taken to resolve the matter, to the principal.

##### 2. Second Level

a. If the matter cannot be satisfactorily resolved at the first level, the complainant may discuss the matter with the principal.

b. The principal will take all reasonable and prudent steps to resolve the complaint or to explain to the complainant why the matter cannot be resolved as the complainant wishes.

##### 3. Third Level



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a. If the matter cannot be satisfactorily resolved at the second level, the complainant may, within 10 days of his or her meeting with the principal, submit to the Superintendent a written request for a conference. The request shall include:

(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 request for conference will be sent to the Board of Education.

c. Within 10 days of the receipt of the request, the Superintendent shall conduct a conference, at a time convenient to the complainant, and attempt to resolve the 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 his or her disposition of the complaint and shall, within 10 days of the conference, provide a copy of the written disposition to the complainant and to the Board.

#### 4. Fourth Level

a. A complaint that is not resolved by conference with the Superintendent or that seeks a remedy beyond the Superintendent's jurisdiction may be appealed to the Board of Education.

b. The complainant may, within 10 days of his or 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.



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c. The Board shall, within 30 days of the receipt or the request or at the next Board meeting, conduct an informal hearing before a committee of Board members, in which the complainant will present his or 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 or her own behalf.

d. The Board shall, within 30 days of the hearing or at the next Board meeting, 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 a complaint 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.

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 ¶A3.

### C. Complaints About a Support 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 support staff member.



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2. Appeal at the second level of the complaint procedure will be to the support staff member's supervisor.

3. A complaint about a support staff supervisor 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 ¶A3.

### D. Complaints About a Program, Practice, or Operation

1. A complaint directed to a matter of district or school policy, procedure, program, or operation, including entitlement programs established by state or federal law, should be addressed, initially, to the administrator or department head most directly concerned with the matter, in accordance with ¶A1.

2. A complaint that cannot be satisfactorily resolved at the first level may be appealed to the Superintendent and, thereafter, the Board in accordance with the procedures set forth in ¶A3 and ¶A4.

### E. Complaints About Instructional and Resource Materials

1. Complaints about textbooks, library books, reference works, and other instructional materials used in the district will be made in writing and submitted to the Superintendent.

2. The complainant will complete and sign a complaint form available in the principal's office. The form will include

a. The title, author, and publisher of the work complained of;

b. The specific portions or language complained of (by page and item);

c. The complainant's familiarity with the work objected to;



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- d. The reasons for the objection.
  - e. The students or class for whom the work is intended; and
  - f. The way in which the work is used.
3. Within 10 days of the receipt of the complaint form, the Superintendent shall appoint a review committee consisting of
- a. The head of the department in which the work is being used,
  - b. A teacher in the subject area of the work,
  - c. A library staff member,
  - d. A Board member,
  - e. A lay person knowledgeable in the area of the work, and
  - f. The principal of a school in which the work is used.
4. The review committee will meet to evaluate the complaint and review the material objected to. The standards used by the committee will be those set forth in Policy No. 2530.
5. The committee will report its findings and recommendations to the Board.
6. The Board will receive the report of the committee. If the Board acts to remove the work complained of or to limit access to the work, its action will be accompanied by a statement of reasons for the removal or limitation.
7. A copy of the committee's report and the Board's action, if any, will be given to the complainant.



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8. The complainant will be informed that a decision of the Board may be appealed to the Commissioner of Education.

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