

Regulation

PROCEDURES FOR COMPLAINTS AND INQUIRIES

The Chesterfield Township Board of Education welcomes inquiries about and constructive criticism of the district's programs, equipment, operations and personnel. Any person or group having a legitimate interest in the school may present a request, suggestion, or complaint concerning school personnel, the educational program, instructional or resource materials, or the operations of the school.

Any misunderstandings or disputes between the public and school district staff should, whenever possible, be settled by direct, informal discussions among the interested parties. It is only when such informal meetings fail to resolve differences that more formal procedures shall be employed.

The board expects that reasonable efforts shall be made to resolve disputes at the lowest possible level. At the request of the complainant and the at the discretion of superintendent or the board of education, the processing of a complaint may be expedited and/or processed initially at higher levels in those exceptional circumstances warranted by the nature or emergent circumstances of the complaint. In addition, the timelines contained in these procedures may be extended at any level with the consent of the complainant.

Order of Complaint/Appeals

Complaints shall be addressed in the following order to ensure prompt and meaningful resolution:

A. Individuals having a general complaint regarding a situation, activity or procedure in a school that is not specific to any individual,

1. Principal
2. Superintendent
3. Board of Education

B. Individuals having a complaint (other than board members not in parental capacity) against a teacher or supervisor:

1. Teacher or supervisor first
2. Principal
3. Superintendent
4. Board of Education

C. Individuals having a complaint against the principal:

1. Principal
2. Superintendent
3. Board of Education

D. Individuals having a complaint against any custodian, secretary, cafeteria worker, lunch/recess aide, non-instructional aide, paraprofessional or individual not elsewhere specified:

1. Principal (if a building complaint) or school business administrator (if a business office or custodian complaint)
3. Superintendent
4. Board of Education

E. Individuals having a complaint against the superintendent:

1. Superintendent
2. Board of Education

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F. Board members having a complaint should not approach the employees of the district with complaints about them. If the matter is not resolved to the board member's satisfaction, he/she should contact the board president to see if it is a matter for Board Meeting Agenda.

Complaint/Appeal Protocol

Level One: Discussion Level

The first level of the handling of a complaint involves an informal discussion at the lowest possible level. The lowest level will vary, depending on the circumstances and the nature of the complaint. Generally, the lowest possible level shall be the employee whose decision or action is the subject of the complaint. For example, with respect to student and/or parent concerns about a classroom matter, the informal discussion and resolution should normally take place at the teacher level. With respect to the operation of a school, or in any cases of doubt, a complaint should be lodged with the principal.

Any allegations of child abuse or criminal activity shall be communicated to the principal or other designated administrator depending upon the circumstances. The principal or other administrator shall contact state agencies and law enforcement when required or warranted.

Level Two: Initial Appeal

If the informal discussion at Level One does not resolve the issue, the complainant may file a written appeal in accordance the structure set forth above in the "Order of Complaint/Appeals".

The written appeal shall include at a minimum the following information:

1. The name and contact information of person submitting the complaint;
2. Date and manner of the submission of initial complaint;
3. The outcome of the initial complaint;
4. A description of the basis of the appeal, including why the individual believes the handling of the initial complaint was in error; and
5. Any supporting documentation.

Teachers or other employees to whom the complaint was directed at Level One shall be advised of a Level Two Appeal and may be requested to attend a meeting related to the complaint. In any such meeting, the teacher or other employee shall have the right to representation.

The individual overseeing the appeal shall conduct such meetings and/or investigations as he/she deems appropriate and either resolve the matter informally or make an administrative determination on the matter.

If the appeal is not resolved informally, the individual handling the initial appeal shall issue his/her decision in writing within ten (10) calendar days of notice of the complainant's appeal. The decision shall set forth any findings of fact and convey the basis of the decision. The decision shall be forwarded to the complainant, the teacher or other staff member who addressed the complaint at Level One and the individual designated to oversee Level Three of the Appeals process.

Level Three:

In the event the complainant is dissatisfied with the determination made in Level Two, the complainant may appeal the matter by submitting a written appeal within ten (10) calendar days of the determination.

The appeal must set forth the determination being appealed, the basis for the appeal and the specific relief requested.

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Any documents to support the appeal should be attached to the appeal. In reviewing a matter on appeal, the individual overseeing the appeal shall conduct such investigation/review as he/she deems appropriate. The individual may, but is not required to meet with the complainant, and shall confer and consult with the principal and such other staff as he/she deems appropriate.

If the complaint is about a particular employee's decision or action, the employee shall receive a copy of the appeal and be provided an opportunity to submit a written response to the complaint within five (5) school days of receipt of the complaint.

The individual overseeing the appeal shall render a decision on the appeal within ten (10) calendar days of receipt of the appeal. The decision shall be communicated in writing to the complainant and any employees directly involved in the appeal process. The decision shall set forth any findings of fact and convey the basis of the decision.

Level Four: Appeal to the Board of Education

In the event the complainant is dissatisfied with the determination made by the superintendent, the complainant may file an appeal with the board of education.

Any such appeal must be in writing and filed in the board office within ten (10) calendar days of the superintendent's decision.

The written appeal must set forth the determination being appealed, the basis for the appeal and the specific relief requested.

If the matter is referred to the board, it shall be scheduled for review by the full board at its next possible meeting provided reasonable advance notice may be provided to the individuals involved in the appeal. The provisions of the Open Public Meetings Act shall apply to review of appeals by the full board. The board shall render a decision on the appeal within five (5) calendar days of its consideration of the appeal. The board's decision shall be communicated in writing to the complainant and any employees directly involved in the appeal process.

It is understood that any member of the community seeking redress who feels that satisfaction has not been received retains the right to carry the complaint to the next highest level of authority.

The board requests that all complaints be signed. Anonymous complaints shall be disregarded unless issues of health and safety are involved. The superintendent shall determine if an anonymous complaint shall be investigated.

Any administrator receiving a complaint shall refer the complainant to the appropriate individual in the chain of command.

Any board members who are contacted with complaints shall refer the complainant to the superintendent who shall refer the issue to the appropriate individual in the chain of command.

Complaints and Inquiries regarding board actions/operations

- A. Questions and/or complaints about board actions or operations may be made at the appropriate time during public board meetings (see policy 1120 Board of Education Meetings) or in writing to the office of the superintendent.
- B. The superintendent or his or her designee shall respond to all inquiries about district issues. When appropriate, he/she may require the issue to be put in writing. In the response, the superintendent shall indicate:

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1. If the information requested is restricted and the district is prohibited by law from providing the information requested;
2. The time frame in which the information requested will be available;
3. Whether the response will be given orally at a board meeting and/or in writing to the questioner:
 - a. If the information is of general interest, it will be given publicly at a board meeting and every attempt shall be made to respect and protect the confidentiality of those involved;
 - b. If the information is personal, or of interest only to the respondent, it will be given in writing. The board shall be copied on the written response unless privacy or legal issues prohibit such action;
4. How the questioner will be notified of the date and time of the board meeting if the response is to be given publicly;
5. Whether there will be any charge for duplication of materials and what those charges might be.

Procedure for Complaints And Inquiries Regarding Compliance with Federal Law

Inquiries about and constructive criticism of the district programs, equipment, operations and personnel subsidized through federal funding under the Every Student Succeeds Act of 2015 (ESSA) shall be addressed according to the following procedure. In most cases, it is possible to make a satisfactory adjustment by staff at the building level or by the superintendent at the district level. If this is not possible, complaints may be referred to the board of education for resolution.

Parents and community members who have specific concerns regarding the administration of education programs required by the Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act of 2015 should first attempt to settle their concerns locally as described above. If issues still remain, a complaint may be filed with either the New Jersey or the United States government.

A complaint is a written allegation that a school, school district, other agency authorized by a school district or the New Jersey Department of Education (NJDOE) has violated the law in the administration of education programs required by the ESSA. A complaint shall identify:

- A. The alleged ESSA violation;
- B. The facts supporting the alleged violation; and
- C. Any supporting documentation.

To initiate a complaint that a school, school district, or other agency authorized by a school district or the NJDOE has violated the administration of an education program, a complainant must submit a written complaint to the NJDOE, attention Burlington County Executive Chief School Administrator. An allegation may be submitted in writing or electronically. If a complaint is submitted electronically, a hard copy should also be sent to the NJDOE via regular mail.

A copy of the New Jersey procedures for processing the complaint may be obtained from the Office of the Burlington County Executive Chief School Administrator.

The New Jersey procedures require that the executive county superintendent coordinate the investigation of the complaint. When the investigation is complete, the executive county superintendent will notify the complainant in writing regarding the outcome of the investigation. If a violation has occurred, the assistant commissioner assigned to oversee the matter shall identify and impose the appropriate consequences or corrective action as required by regulation to resolve the complaint. If the complainant does not agree with the NJDOE's decision, the complainant may appeal to:

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United States Department of Education Secretary
Office of Hearings & Appeals
400 Maryland Avenue, SW
Washington, DC 20202-4611
(202) 619-9700
www.ed-oha.org

To initiate a complaint against the NJDOE alleging a violation of the administration of a program, a written complaint should be submitted to:

Chief of Staff New Jersey Department of Education
Office of the Chief of Staff
P.O. Box 500
Trenton, New Jersey 08625-0500
(609) 292-4442

If the complainant is unsatisfied with the resolution or the process, the complaint may be submitted to:

United States Department of Education Secretary
Office of Hearings and Appeals
400 Maryland Avenue, SW
Washington, DC 20202-4611
(202) 619-9700.

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