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## **EXPLANATION: PUBLIC CONCERNS AND COMPLAINTS**

MSBA has rewritten this policy for clarity and moved language from the procedure into the policy. MSBA has also merged language from policy JFH into this policy so that there is one process for students, parents/guardians and community members to bring concerns and complaints to the district.

The Missouri Department of Elementary and Secondary Education (DESE) has updated its No Child Left Behind Complaint Procedures. MSBA has worked with DESE to ensure that this policy meets the expectations of DESE's Federal Programs department. This policy has been revised to state that the district will provide all parents/guardians notice of this complaint procedure and DESE's complaint procedures.

A copy of the current version of DESE's No Child Left Behind Act of 2001 Complaint Procedures can be found on DESE's website at:

<http://dese.mo.gov/sites/default/files/qs-fedcomp-Complaint-Procedures.pdf>

Please note that the DESE procedure includes a provision for referring a complainant back to the district if a complaint is filed with DESE before the district had an opportunity to resolve the problem. However, the district is required to investigate and provide a response to the complaint within 45 calendar days if the complaint is filed with DESE. While DESE's Complaint Procedure does not address the timeline when a complaint is first filed with the district, MSBA has made the timelines similar so that there is no advantage for a member of the public to first file a complaint with DESE.

The federal programs covered by this policy and DESE's No Child Left Behind Act of 2001 Complaint Procedures are:

**Title I Part A: Improving Basic Programs Operated by Local Educational Agencies**

**Title I Part B: Student Reading Skills Improvement Grants**

**Title I Part C: Education of Migratory Children**

**Title I Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent or At-Risk**

**Title II: Preparing, Training, and Recruiting High Quality Teachers and Principals**

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**Title III.A.2: Language Instruction for Limited English Proficient and Immigrant Students (Accountability and Administration)**

**Title IV.A: 21st Century Schools (Safe and Drug-Free Schools and Communities)**

**Title VI: Flexibility and Accountability**

**Title VII.C: Indian, Native Hawaiian, and Alaska Native Education (Alaska Native Education)**

*MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.*

X	Board Secretary		Business Office		Coaches/Sponsors
	Facility Maintenance		Food Service		Gifted
	Human Resources	X	Principals	X	Library/Media Center
	Health Services	X	Counselor		Special Education
	Transportation	X	Public Info/Communications		Technology

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## PUBLIC CONCERNS AND COMPLAINTS

The Board recognizes that situations of concern to parents/guardians or the public may arise in the operation of the district. Such concerns are best resolved by addressing them at the level where the concern originated through communication with the appropriate staff members. The administration has developed procedures for addressing those issues, copies of which are available at each building. Any concern regarding federal programs administered by the Missouri Department of Elementary and Secondary Education (DESE) may also be appealed to DESE or the United States Department of Education as permitted or required by law.

If a complaint has been made and appealed in accordance with administrative procedures, the parent/guardian or member of the public may appeal the issue to the Board by submitting a written request to the superintendent or the secretary of the Board. The Board will address the complaint in an appropriate and timely manner. The Camdenton R-III School District is interested in resolving concerns and hearing complaints from the public regarding district programs and services so that they may be improved and better meet the needs of the students and the community.

The district encourages parents/guardians, students and other members of the public to first discuss concerns with the appropriate district staff prior to bringing the issue to the Board so that the issue may be thoroughly investigated and addressed in a timely fashion. The Board will not act on an issue without input from the appropriate district staff and may require a parent/guardian, patron or student to meet with or discuss an issue with district staff prior to making a decision in the matter.

The Board strictly prohibits discrimination or retaliation against any person for bringing a concern to the attention of the district or participating in the complaint process. This prohibition extends to relatives and others associated with the person who brought the concern or complaint. The Board directs all district employees to cooperate in investigations of complaints.

Complaints regarding district compliance with nondiscrimination laws will be processed according to policy AC. Employee grievances will be processed in accordance with the established employee grievance procedure or as otherwise required by law. Other grievances or complaints for which there is a specific policy or procedure will be addressed pursuant to that policy or procedure.

All district employees are expected to answer questions, receive input and professionally address concerns and complaints of parents/guardians, students and other members of the public. If an employee is unable to answer a question or resolve an issue, the employee must direct the person or the question to the appropriate district employee.

### **Federal Programs**

In addition to general concerns and complaints, the Board is interested in resolving concerns regarding federal programs including, but not limited to, allegations that the district has violated a federal statute or regulation that applies to particular federal programs administered by the district or the Missouri Department of Elementary and Secondary Education (DESE) in accordance with Title I, Parts A, B, C, D; Title II; Title III, Part A.2; Title IV, Part A; Title VI; and Title VII, Part C of the No Child Left Behind Act.

The superintendent or designee is authorized to contact the district's private attorney for assistance in determining whether a violation has occurred. The superintendent or designee is authorized to immediately make changes to bring the district into compliance with federal law if the investigation determines that the law has been violated.

### **Notice**

The district will notify all parents/guardians of the process for filing a complaint with the district, including the process outlined in this policy. In addition, the district will provide all parents/guardians a copy of DESE's No Child Left Behind Act of 2001 Complaint Procedures. If a person files a complaint regarding one of the listed federal programs, the person will be provided another copy of DESE's No Child Left Behind Act of 2001 Complaint Procedures if the issue is not resolved at the district level.

### **Process for Resolving a Concern or Complaint**

The following steps are to be followed by parents/guardians, students or the public when concerns or complaints arise regarding the operation of the school district that cannot be addressed through other established procedures.

1. Concerns or complaints should first be addressed to the teacher or employee directly involved.
2. Unsettled matters from (1) above or concerns or complaints regarding individual schools should be presented in writing to the principal of the school. If the complaint is regarding a federal program listed above, the complaint must specify the federal law or regulation alleged to have been violated and the facts supporting the allegation. The principal will provide a written response to the individual raising the concern within ten business days of receiving the complaint or concern unless additional time is necessary to investigate or extenuating circumstances exist.

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3. Unsettled matters from (2) above or concerns or complaints regarding the school district in general should be presented to the superintendent or designee in writing. The superintendent or designee will provide a written response to the individual voicing the concern within ten business days of receiving the concern or complaint, unless additional time is necessary to investigate or extenuating circumstances exist.
4. If the matter cannot be settled satisfactorily by the superintendent or designee, a member of the public may request that the issue be put on the Board agenda, using the process outlined in Board policy. In addition, written comments submitted to the superintendent or the secretary of the Board that are directed to the Board will be provided to the entire Board.
5. For most complaints, the Board's decision is final. However, if the complaint involves one of the federal programs listed above, the individual may appeal the issue to DESE.

## Documentation and Release of Information

The district will maintain a copy of the complaint and documentation of any written resolution, when applicable, in accordance with law. If the complaint involves a federal program listed above, the superintendent or designee will complete a written summary of the investigation and, if a violation has occurred, a description as to how the matter was resolved. The written summary must be completed within 45 calendar days of the complaint being filed with DESE if the complaint is first filed with DESE.

Records will be released upon request when required by law. In situations where a violation of law has been alleged or determined or documents include legal advice or work product, the superintendent or designee will have the district's attorney review the documents before they are released to DESE, the person complaining or any other person.

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**Note:** *The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.*

Adopted: 08/08/1994

Revised: 01/12/2004;

Cross Refs: AC, Prohibition against Discrimination, Harassment and Retaliation  
BDDH, Public Participation at Board Meetings

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GBM, Staff Grievances  
IGBC, Parent/Family Involvement in Instructional and Other Programs  
IGBCA, Programs for Homeless Students  
~~JFH, Student Complaints and Grievances~~

Legal Refs: No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 - 7941

Camdenton R-III School District, Camdenton, Missouri

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