

West Bonner County School District

COMMUNITY RELATIONS

4120

Patron Complaint Procedure

Members of the Board of Trustees have the legal responsibility pursuant to state law to operate and improve the educational system of West Bonner County School District. Trustees of the District become the final arbiter within the District for the resolution of disputes and conflicts concerning school policy, procedure and personnel that may from time to time arise. They recognize that it is a fundamental right of a citizen to have freedom of expression, including criticism of public agencies and policies. The Trustees also recognize that public employees are also citizens and have the right to protection and due process under the law. The Board is cognizant of the sometime conflicting rights involved in resolving disputes. In order to promote fairness, maintain an impartial process and promote an orderly and timely manner of procedure, the Board of Trustees adopts the following complaint procedures regarding disputes and conflicts that may from time to time arise among parents and students. In order to protect all parties concerned, all complaints shall be confidential and shall not be made public unless the law or procedure dictates otherwise.

Definitions

- **Board:** West Bonner County School District Board of Trustees
- **Administration:** Superintendent of West Bonner County School District or designee.
- **Complainant:** A school patron or student who in good faith complains of or asserts being adversely affected or harmed by a policy of the School District or an employee thereof; or a patron or student who believes that, with regard to a school district policy or employee, corrective action is or may be necessary.
- **Respondent:** A person or employee of the district against whom complaints are made.

Procedure

1. A complainant shall make an appointment with the respondent (s) involved, or in the event of a complaint against school procedure or policy, with the appropriate supervisor, at a time and place convenient to all parties. At this meeting, every attempt shall be made by both parties to reach an understanding and resolution of the problem resolved.
2. A complainant dissatisfied with results of such a meeting shall make an appointment with the respondent's supervisor and the respondent in an attempt to resolve the problem. The complainant, the affected respondent, and the affected respondent's supervisor, and no other person shall attend the meeting unless the complainant or respondent has given permission for their representative, spokesperson, or counsel to attend. This does not preclude any of the participants from being represented at the meeting by an attorney.
3. A complainant dissatisfied with the results of such a meeting and believing that the problem has not been resolved or sufficiently concluded shall be furnished a complaint form.

4. The complaint form shall be executed by the complainant and forwarded to the Superintendent or designee.
5. Upon receipt of the foregoing complaint, the Superintendent or designee shall serve a copy thereof on the appropriate supervisor in the event the complaint involves school policy or procedure and upon the appropriate respondent(s) and respondent(s)' supervisor in the event of a complaint against personnel, requesting that the supervisor and/or respondent(s) respond in writing. The Superintendent or designee shall investigate the allegations and facts complained of and proceed in the following manner:
 - a. The Superintendent shall have the discretion to resolve the issues raised by the complainant informally, or by means of a formal conference, or in written form. At the discretion of the Superintendent, if a formal conference appears appropriate, the parties shall be notified of the date, time and place of the meeting, at which time the matter shall be reviewed. The parties shall be given an opportunity to appear personally and present their facts and/or replies to the Superintendent. During the conference, the parties shall consist only of the complainant, the affected respondent, the respondent's immediate supervisor, and the Superintendent unless the complainant or respondent has given permission for others to attend. Parties may, however, be represented by an attorney without expressed permission. If the parties choose, the issue may be submitted entirely in writing, without a personal appearance.
 - b. Whether handled informally or by formal conference or in written form, the Superintendent or designee shall notify the parties in writing of the proposed disposition of the matter within ten (10) days of the receipt of the original written complaint by the Superintendent's office.
 - c. The time limit within which to make disposition of the complaint may be extended by mutual consent of all parties involved.
6. A Request for Review shall be deemed filed when received by the district office. A Request for Review shall contain the following:
 - a. A brief, concise statement of facts.
 - b. What issues or disputes remain unresolved?
 - c. A brief statement of the reasons the complainant feels that the Superintendent's decision did not adequately address his or her complaint.
 - d. What specific relief or resolution the complainant seeks.
 - e. The name of the person who shall be spokesperson should a hearing be held in the matter.

- f. The signature(s) of the complainant, or his or her representative.
 - g. Originals or copies of documents, if any, which are pertinent to and support the complaint shall be attached to the Request for Review.
7. After review of the Request for Review and the Superintendent's decision, the Board may take the following actions:
- a. If the board finds that the Superintendent has adequately addressed the concerns or complaint of the complainant, or that for any other reason no further action is necessary, the Board shall so inform the patron or student in writing; or
 - b. The Board may conduct a hearing on the matter.
8. If a hearing is held in no event shall said hearing or review be scheduled more than thirty (30) days subsequent to the Superintendent's receipt of the Request for Review, unless otherwise agreed upon between the parties.
9. Hearings shall be conducted by the Board, with the complaining party having the burden of proof and the duty to come forward with its information, facts and evidence.
- a. Hearings concerning school policy or procedures shall be open to the public.
 - b. Any hearing or review involving a complaint against a respondent shall be closed to the public unless otherwise requested by the person against whom the complaint is made.
 - c. The complainant and the respondent have the right to consult with or have in attendance at the hearing their representative, spokesperson, or counsel.
 - d. All hearings conducted pursuant to this policy, shall require all testimony to be given under oath
 - e. At the conclusion of the hearing, either party may make a closing argument or statement or may agree to submit its closing argument or statement in writing to the Board of Trustees.
10. Written Decision
- a. If a hearing is not held, a written decision shall be issued within 30 days after the Superintendent's receipt of the Request for Review. Said written decision shall include a brief statement of the reason for a Board's determination and shall be served upon the complainant by the U.S. Mail or shall be hand delivered and a certificate of said service shall be affixed to said final order and decision.

- b. If a hearing is held, the Board shall issue within thirty (30) days from the state of hearing and a decision in writing, detailing its findings of fact, conclusions and any appropriate order. Said written decision shall be served upon the complainant by U.S. Mail or hand delivery and certificate of said service shall be affixed to said final order and decision.
11. Any assertions by a complainant against school personnel shall be kept in a separate file apart from that employee's personnel file, and kept confidential with respondent having access to same, except if the materials are relevant to the evaluation of the employee. In that case, the materials shall be placed in the employee's personnel file as required by IC 33-518. The employee shall be provided timely notice of all materials placed in personnel file and shall be afforded the opportunity to attach a rebuttal to any such materials.

Procedure History:

Adopted on: March 12, 2008

Revised on: January 18, 2012