

MEMO

TO: Board of Education
CC: Central Office Administrators
FROM: Sarah Riss
DATE: February 29, 2016
RE: BOE Policy Subcommittee Report

Following are recommendations from the BOE Policy Subcommittee. These changes will be presented at our March 7th meeting and then placed on the consent agenda for approval during the March 28th meeting. Please feel free to contact one of the committee members with any questions.

Policy Subcommittee Recommendations

Policy	Title	Type of Change	Recommended Change
JFH	Student Complaints and Grievances	RESCIND	Merged into one policy with KL Approve as recommended by MSBA
KL-AP	Public Complaints	DELETE	Delete as recommended by MSBA
KL	Public Concerns and Complaints	Minor	Approved as recommended by MSBA with additional changes recommended by Policy Subcommittee
KG	Community Use of District Facilities		

Next Meeting Date:

Types of Changes:

Grammar	Grammatical
Minor	Minimal word changes not impacting current practice
Major	Major change that impacts current practice
Current	Changes that better reflect current practice

REFERENCE COPY

FILE: JFH
Basic

EXPLANATION: STUDENT COMPLAINTS AND GRIEVANCES

MSBA recommends districts RESCIND this policy. MSBA has revised policy KL (also in this update) to include student complaints and grievances.

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		Public Info/Communications		Technology

FILE: JFH
Basic

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FILE: JFH
Basic

~~STUDENT COMPLAINTS AND GRIEVANCES~~

Any alleged act of unfairness or any decision made by district personnel concerning an individual student, which the student and/or parents/guardians believe to be unjust or in violation of pertinent district policy or individual school rules, may be appealed to the school principal or other appropriate administrator. The following guidelines are established for a student to present concerns or to appeal decisions:

- ~~1. The principal will schedule a conference with the student and any staff members involved to attempt to resolve the matter. Parents/Guardians may be involved in the initial conference or a later conference for parents/guardians may be scheduled at the discretion of the principal.~~
- ~~2. Matters not resolved to the satisfaction of the student and/or parents/guardians from (1.) above may be submitted to the superintendent, who may first request review by the appropriate assistant superintendent. The superintendent will arrange a conference to consider the matter and will respond to all parties involved as to the decision and any action that will be taken.~~
- ~~3. Matters not resolved to the satisfaction of the student and/or parents/guardians from (2.) above may be submitted in writing to the Board. Matters submitted to the secretary of the Board in writing will be brought to the attention of the entire Board.~~
 - ~~A. The Board will respond, or may direct the superintendent to respond, to all matters brought to its attention under this policy. The decision of the Board shall be final.~~
 - ~~B. People who bring concerns to the Board during the "public commentary" or "other" agenda items of regular meetings (see policy BDDH) may still follow this appeal procedure.~~
 - ~~C. If necessary, a formal Board hearing may be scheduled to resolve the matter. The hearing will be an open meeting unless it concerns a topic which is an exception to the open meeting statute (see policy BDC).~~
- ~~4. All persons are assured that they may use these guidelines without reprisal.~~

The Board considers it the obligation of professional and support staff to respond to questions of students and parents/guardians in a positive, honest manner, and to refer to the appropriate administrator those questions outside their area of responsibility.

FILE: JFH
Basic

REFERENCE COPY

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.

Reviewed: 05/12/2014

Adopted: 09/13/1993

Revised: 01/10/2000

Cross Refs: IGBC, Parent/Family Involvement in Instructional and Other Programs
IGBCA, Programs for Homeless Students
IGDBA, Distribution of Noncurricular Student Publications
KL, Public Complaints

Webster Groves School District, St. Louis County, Missouri

REFERENCE COPY

FILE: KL-AP
Critical

EXPLANATION: PUBLIC COMPLAINTS

MSBA recommends that districts DELETE this procedure. The relevant portions of this procedure have been combined with policy KL.

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	Health Services	X	Counselor		Special Education
	Transportation	X	Public Info/Communications		Technology

FILE: KL-AP
Critical

REFERENCE COPY

REFERENCE COPY

FILE: KL-AP

Critical

~~PUBLIC COMPLAINTS~~

~~The following procedures are established for the public to present concerns or appeal decisions regarding the operation of the district. This complaint resolution procedure applies to all programs administered by the Department of Elementary and Secondary Education (DESE) under the Goals 2000: Educate America Act and the Improving Schools Act (IASA).~~

- ~~1. Employee and student concerns and appeals are governed by policies GBM and JFH, respectively.~~
- ~~2. Complaints on behalf of individual students should first be addressed to the teacher/employee involved.~~
- ~~3. Unsettled matters from (2) above or matters concerning individual schools should be directed to the principal of the school.~~
- ~~4. Unsettled matters from (3) above or matters concerning the school district should be directed to the superintendent, who may first ask for review by the appropriate assistant superintendent. The superintendent will respond to all parties involved in a matter as to the decision and any action that will be taken.~~
- ~~5. Unsettled matters from (4) above should be brought to the Board in writing by the superintendent or the person requesting Board action. Matters submitted to the secretary of the Board in letter form will be brought to the attention of the entire Board.~~
 - ~~A. The Board will respond, or may direct the superintendent to respond, to all matters brought to its attention under this procedure. The decision of the Board shall be final.~~
 - ~~B. People who bring concerns to the Board during the "public commentary" or "other" agenda items of regular meetings (see policy BDDDB) may still follow this appeal procedure.~~
 - ~~C. The decision of the Board shall be final except in the case of complaints concerning the administration of federal programs. In that case the complainant may go to the appropriate section of the Department of Elementary and Secondary Education and from there on to the United States Secretary of Education.~~

~~The Board considers it the obligation of professional and support staff to respond to questions of parents/guardians and the public in a positive, honest manner, and to refer to the appropriate administrator those questions outside their area of responsibility. Accordingly, the district will~~

FILE: KL-AP
Critical

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~~inform patrons of this complaint procedure and its availability for lodging complaints against the local district or the state.~~

~~Complaints regarding district compliance with nondiscrimination laws will be processed according to the grievance procedure (AC-R) established for that purpose.~~

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~~*Note: The reader is encouraged to review policies and/or forms for related information in this administrative area.*~~

~~Implemented: 09/13/1993~~

~~Revised: 12/09/2002~~

~~Webster Groves School District, St. Louis, Missouri~~

REFERENCE COPY

FILE: KL
Critical

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

FILE: KL
Critical

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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)

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REFERENCE COPY

FILE: KL
Critical

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 Webster Groves 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 ^{expects} 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

committed to addressing

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 five business days of receiving the complaint or concern unless additional time is necessary to investigate or extenuating circumstances exist.

REFERENCE COPY

FILE: KL
Critical

3. Unsettled matters from (2) above or concerns or complaints regarding the school district in general should be presented in writing to the superintendent, who may first request review by the appropriate assistant superintendent. The superintendent or assistant superintendent will provide a written response to the individual voicing the concern within five business days of receiving the concern or complaint, unless additional time is necessary to investigate or extenuating circumstances exist. *or designee*
4. If the matter cannot be settled satisfactorily by the superintendent or assistant superintendent, 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. *designee*
- People who bring concerns to the Board during the "public commentary" or "other" agenda items of regular meetings (see policy BDDH) may still follow this appeal procedure.
- If a formal Board hearing is scheduled to resolve the matter, the hearing will be an open meeting unless it concerns a topic that is an exception to the open meeting statute (see policy BDC).
5. The Board will respond, or may direct the superintendent to respond, to all matters brought to its attention under this policy. 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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FILE: KL
Critical

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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.

Reviewed: 11/12/2012

Adopted: 09/13/1993

Revised: 12/11/2000; 09/13/2004;

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

Webster Groves School District, St. Louis, Missouri