

REGULATION

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BOARD OF EDUCATION

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PUBLIC COMPLAINTS AND GRIEVANCES

R 9130 PUBLIC COMPLAINTS AND GRIEVANCES

PUBLIC COMPLAINTS AND GRIEVANCES - NOT RELATED TO INSTRUCTIONAL AND RESOURCE MATERIALS

All complaints and grievances addressed to the Board of Education, Board members individually, school officials, or district staff members regarding a non-instructional matter raised by a student or parent/guardian of a student in the district shall be referred to the Superintendent for consideration in accordance with the following procedures. Please note that confidential matters and actions, such as those related to personnel matters, will not be discussed with the student/parent/guardian. This does not mean that the District will not address these matters appropriately, but certain details, information and actions may not be able to be shared in order to maintain aforementioned confidentiality.

- 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/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.



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- 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
 - a. If the matter cannot be satisfactorily resolved at the second level, the complainant may, within ~~three~~ **ten** working days (see Policy No. 9130) of his/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 ~~seven~~ **ten** working days (see Policy No. 9130) 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/her disposition of the complaint and shall, within ten working days (see Policy No. 9130) of the conference, provide a copy of the written disposition to the complainant and to the Board.
 4. Fourth level



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- 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 ~~three~~ **ten** working days (see Policy No. 9130) of his/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.
 - c. The Board shall, within forty-five calendar days (see Policy No. 9130) of the receipt of the request, conduct an informal hearing before a committee of Board members, in which the complainant will present his/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/her own behalf.
 - d. The Board shall, within ten calendar days (see Policy No. 9130) of the hearing, 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.



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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.
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.

**PUBLIC COMPLAINTS AND GRIEVANCES – RELATED TO
INSTRUCTIONAL AND RESOURCE MATERIALS:**

The following procedure will be used if an instructional or resource material is challenged by a student or parent/guardian of a student in the district.

Step 1: Teacher/School Librarian

1. Any misunderstanding or disputes between the student or parent/guardian of a student in the district and school district staff should, whenever possible, be settled by direct discussions among the interested parties.



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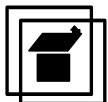
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2. When possible, the teacher/school librarian will speak directly with the parent/guardian of a district student to explain why the district has the material in question.
3. It is only when such informal meetings fail to resolve differences that more formal procedures shall be employed.

Step 2: School Administrator:

1. A student or parent/legal guardian of a district student who has an objection to the use of specific resource material accessed in the classroom and/or the school library must first request, in writing, a conference with the principal or principal's designee to discuss the use of the material. This can only be done after they have spoken with the teacher/librarian. The principal or designee will schedule the conference within ten (10) working days of receiving the request.
2. The Request for Reconsideration of Materials Form will be provided to the student or parent/guardian of a district student for completion prior to the conference.
3. At the conference, the principal or designee will review the concerns addressed in the Reconsideration of Materials Form and explain why the district has the material in question.
4. If the issue is not resolved at the conference and the parent/guardian or student would like to move forward with the material challenge then the following formal process will occur:
 - a. The principal or the designee shall provide an explanation of the process that will be followed moving forward to the student or parent/guardian if a district student.
 - b. The principal or designee will form the Schools' Material Review Committee using the criteria provided in this policy. A separate committee will be formed for each challenged material.



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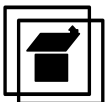
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- c. The Request for Reconsideration of Materials Form will be provided to
School Review Committee

Step 3: School Material Review Committee:

1. The principal or designee shall convene a School Materials Review Committee to review the challenged materials. The School Material Review Committee shall include, but not be limited to:
 - a. the school media specialist;
 - b. principal (or designee);
 - c. at least one (1) teacher(s) (excluding teacher involved);
 - d. one (1) parent/legal guardian (excluding requestor);
2. The principal shall also notify the Superintendent who will then notify the Board.
3. In preparation for its review:
 - a. Each member of the School Material Review Committee shall receive a copy of the completed Request for Reconsideration of Materials Form and any other information about the challenged material that the School Material Review Committee may want to see.
 - b. The School Material Review Committee shall meet to review the challenged material within fifteen (15) working days of receipt of the written Request for Reconsideration of Material Form.
 - c. A quorum of members must be present at the meeting in order for the School Material Review Committee to make a recommendation.
4. In reviewing the challenged material, the School Material Review Committee shall:
 - a. review the challenged material (i.e., poem, individual book, a section of a textbook, video, etc.);
 - b. have an understanding of the entire work.



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- c. survey evaluation documents on file and appraisals of the challenged material in professional reviewing sources;
 - d. determine the extent the challenged material supports the curriculum; and
 - e. weigh merits against alleged faults to form opinions based on the challenged material as a whole and not on passages isolated from the context;
5. The School Material Review Committee shall issue a recommendation. In doing so, the School Material Review Committee shall find:
- a. that the challenged instructional material does not meet the criteria and/or contains prohibited content under Resource Policy 2530 or any applicable state requirement. If this is the case, the School Material Review Committee shall recommend to the Board of Education that the District Materials Review Committee be convened to look over the material in question. A written explanation must also be provided OR
 - b. that the challenged instructional material does meet the criteria under Resource Policy 2530 and any applicable state requirement. The committee will present the Board of Education with a written explanation of the finding.
6. The principal shall state the School Material Review Committee's determination to the requestor in a letter, with copies to the committee members, the Superintendent, and the Board of Education. This letter will be written within five (5) working days after the School Material Review Committee makes its determination.
7. If the requestor requests an appeal, this appeal must be made in writing and submitted to the principal within ten (10) working days of the School Material Review Committee's determination.

Step 4: District Level District Material Review Committee

1. The District Level Review Committee will be formed when either:
 - a. The School Materials Review Committee has found that the challenged instructional material does not meet the criteria and/or contains prohibited



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- content under Resource Policy 2530 or any applicable state requirement;
or
- b. If the requestor requests an appeal of the School Material Review Committee's determination, an appeal must be submitted to the principal in writing and made within ten (10) working days of the School Material Review Committee's decision.
2. Within twenty-four (24) hours of receipt of the appeal, the principal shall forward a copy of the appeal to the Superintendent, and the Board of Education, stating that such a review is being requested.
 3. The Superintendent (or his designee) shall convene a District Material Review Committee to meet in public to review the determination of the School Material Review Committee.
 4. District Material Review Committee shall consist of, but not be limited to, the following
 - a. the Director of Curriculum, Instruction and Assessment or designee;
 - b. one (1) school administrator (not from originating school);
 - c. one (1) parent/legal guardian representing the school grade (not from originating school);
 - d. two (2) appropriate grade level and subject area teachers (not from originating school).
 5. In preparation for its review:
 - a. each member of the District Material Review Committee shall receive a copy of the written appeal, the completed Request for Reconsideration of Materials Form, and any other information about the challenged material that the District Material Review Committee may want to see.
 - b. the District Material Review Committee shall meet in public to review the merits of the appeal within twenty (20) working days of receipt of the written appeal of the determination of the School Material Review Committee's decision regarding the Request for Reconsideration of



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Material Forma quorum of members must be present at the meeting in order for the District Material Review Committee to make a decision on the appeal.

6. In reviewing the challenged material, the District Material Review Committee shall:
 - a. Review the challenged material (i.e., poem, individual book, section of textbook, video, etc.);
 - b. Have an understanding of the entire work;
 - c. Review the recommendation of the Schools Material Review Committee;
 - d. Hear an oral presentation (ten minutes maximum) from the requestor filing the appeal.
 - e. Determine the extent to which the challenge materials support the curriculum; weighing the merits against alleged faults to form opinions based on the challenged materials as a whole and not on a passage isolated from the entire work.
7. The District Material Review Committee shall issue a recommendation to the Board of Education on the appeal. In doing so, the District Material Review Committee shall find:
 - a. that the challenged instructional material does not meet the criteria and/or contains prohibited content under Resource Materials Policy 2530 or any other applicable state policy) If this is the case, the Committee will recommend to the Board of Education that the District shall discontinue use of the material for any grade level or age group for which such use is inappropriate or unsuitable. The committee will present the Board of Education with a written explanation of the finding.

OR

 - b. that the challenged instructional material does meet the criteria under Resource Materials Policy 2530 and applicable state policy or other state law). The committee will present the Board of Education with a written explanation of the finding.



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Step 5: Board of Education Review:

1. If the District Materials Review Committee finds that the instructional/resource material should be removed the Board of Education will meet publicly within 14 working days to vote on the recommendations of the District Material Review Committee's determination. The committee's recommendation will be made public prior to the vote.

2. In preparation for its review:

each member of the Board of Education shall receive a copy of the District Materials Review Committee finding, the completed Request for Reconsideration of Materials Form, and any other information about the challenged material that the Board of Education Members may want to see.

3. Board of Education shall meet in public to review the merits of the District Materials Review Committee finding to remove the instructional/resource material in question within twenty (20) working days of receipt of the written determination from the District Materials Review Committee

4. In reviewing the challenged material, the Board of Education shall:
 - a. Review the challenged material (i.e., poem, individual book, a section of a textbook, video, etc.).

 - b. have an understanding of the entire work;

 - c. hear an oral presentation from the District Materials Committee Chairperson or designee outlining the reasons the committee believed that the challenged instructional/resource materials do not meet the criteria and/or contains prohibited content under Resource Materials Policy 2530 or any other applicable state policy and should be removed from the school and/ or district;

 - d. Determine the extent to which the challenge materials support the curriculum; Weigh the merits against alleged faults to form opinions based on the challenged materials as a whole and not on a passage isolated from



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the entire work. A two-thirds majority of the Board of Education must vote in favor of removal of the material for it to be removed from the district for a period of two years.

- e. A portion of the meeting must be set aside for public comment on this topic prior to the Board of Education voting on the material in question.

Outcome of challenges:

1. If the challenged resource is retained, the district will not convene a reconsideration committee relative to the same material for a period of five years.
2. A decision to sustain a challenge shall not be interpreted as a judgment of irresponsibility on the part of the professionals involved in the original selection or use of the materials.
3. If the material is removed after two years the District Material Review Committee will reconvene and reevaluate the material in question using the guidelines provided in this policy.
4. The district will keep an updated list of all challenged and banned materials on the district's website.

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