



SCHOOL BOARD OF BREVARD COUNTY, FLORIDA
School Board Policy Executive Summary
 Form D

Policy Number:	9130 (NEW)
Title of Policy:	PUBLIC COMPLAINTS
Cabinet Member:	Christine Moore
Purpose of Revisions:	The purpose of this new policy is to ensure compliance with all applicable federal and state laws, Florida State Board of Education Rules, Board policies, administrative rules, procedures, and guidelines. In addition, the proposed revisions promote transparency and accountability.
Tentative Schedule:	<ul style="list-style-type: none"> • Cabinet – 9/19/22 • Work Session – 02/07/23 • Rule Development (Public Hearing) – 02/21/23 • School Board Meeting Information – 02/21/23 • School Board Meeting Approval – 03/07/23 • Effective Date – upon approval
Summary of Proposed Policy Revisions:	<ul style="list-style-type: none"> • The proposed language encompasses the suggested language from NEOLA. • To rectify any misunderstandings between the public and the District by direct discussions of an informal type among the interested parties. • Describe more formal procedures to be employed when such informal meetings fail to resolve the differences.
Specific Authority:	Legal References F.S. 119.071(2)(k) F.S. 1012.31
Next Steps:	<ul style="list-style-type: none"> • Training for BPS employees regarding revisions to policy and revised procedures

Neola Template

Book: Florida Policies for Update
Section: Vol. 22, No. 2, Mar. 2022
Title: REVISED POLICY - VOL. 22, NO. 2 - PUBLIC COMPLAINTS
Number: po9130

REVISED POLICY - VOL. 22, NO. 2

9130 - PUBLIC COMPLAINTS

Any person or group, having an interest in the operations of this District shall have the right to present a request, suggestion, or complaint concerning District personnel, the program, or the operations of the District. At the same time, the School Board has a duty to protect its staff from unnecessary harassment. It is the intent of this policy to provide the means for judging each public complaint in a fair and impartial manner and to seek a remedy where appropriate.

It is the desire of the Board to rectify any misunderstandings between the public and the District by direct discussions of an informal type among the interested parties. It is only when such informal meetings fail to resolve the differences shall more formal procedures be employed.

Any requests, suggestions, or complaints reaching the Board, Board members, and the administration shall be referred to the Superintendent for consideration according to applicable policies.

Matters Regarding a Staff Member

First Level

If it is a matter specifically directed toward an instructional or support staff member or an administrator, the matter must be addressed, initially, to the concerned staff member who shall discuss it promptly with the complainant and make every effort to provide a reasoned explanation or take appropriate action within the

staff member's authority and District policies or administrative procedures.

[] As appropriate, the staff member shall report the matter and whatever action may have been taken to the

_____.

[NOTE: This level does not apply if the matter involves suspected child abuse, substance abuse, or the health, welfare, and safety of a student that may require investigation or inquiry by school officials prior to approaching the instructional staff member (see below).]

Second Level

If the matter cannot be satisfactorily resolved at the First Level, it shall be discussed by the complainant with the staff member's supervisor and in compliance with provisions of a collective bargaining agreement, if applicable.

Third Level

If a satisfactory solution is not achieved by discussion with the _____, a written request for a conference shall be submitted to the Superintendent. This request should include:

- () the specific nature of the complaint and a brief statement of the facts giving rise to it;
- () the respect in which it is alleged that the complainant (or child of the complainant) has been affected adversely;
- () the action which the complainant wishes taken and the reasons why it is felt that such action be taken.

Should the matter be resolved in conference with the Superintendent, the Board shall be advised of the resolution.

Fourth Level

Should the matter still not be resolved, or if it is one beyond the Superintendent's authority and requires a Board decision or action, the complainant shall request, in writing, a meeting by the Board.

The Board, after reviewing all material relating to the case, shall

provide the complainant with its written decision.

grant a meeting.

before the Board.

before a committee of the Board.

The complainant shall be advised, in writing, of the Board's decision, no more than ____business days following the meeting. The Board's decision will be final on the matter, and it will not provide a meeting to other complainants on the same issue.

If the complainant contacts an individual Board member to discuss the matter, the Board member shall inform the complainant that s/he has no authority to act in his/her individual capacity and that the complainant must follow the procedure described in this policy.

Matters Involving Suspected Child Abuse, Substance Abuse, or Affects the Health, Welfare, and Safety of a Student

Alleged misconduct by District employees which involves suspected child abuse or substance abuse or affects the health, safety, or welfare of a student shall be reported to the Superintendent. The matter shall be investigated and, if necessary, appropriate action taken.

Matters Regarding the Superintendent

Should the matter be a concern regarding the Superintendent which cannot be resolved through discussion with the Superintendent, the complainant may submit a written request to the Board Chairman for a conference with

the Board. This request shall include:

the specific nature of the complaint and a brief statement of the facts giving rise to it;

the respect in which it is alleged that the complainant (or child of the complainant) has been affected adversely;

the reason that the matter was not able to be resolved with the Superintendent;

the action which the complainant wishes taken and the reasons why it is felt that such action should be taken.

The Board, after reviewing the request, may grant a meeting before the Board, or a committee of the Board, or refer the matter, if permitted by State law, to an executive session.

The complainant shall be advised, in writing, of the Board's decision within thirty (30) business days.

Matters Regarding District Services or Operations

If the request, suggestion, or complaint relates to a matter of District procedure or operation, it should be addressed, initially, to the person in charge and then brought, in turn, to higher levels of authority in the manner prescribed in "Matters Regarding an Instructional Staff Member".

Matters Regarding the Educational Program

If the request, suggestion, or complaint relates to a matter of District program, it should be addressed, initially, to the _____ and then brought, in turn, to higher levels of authority in the manner prescribed in "Matters Regarding an Instructional Staff Member".

Challenges to Material Used in a Classroom, Made Available in a School Library, or Included on a Reading List ~~(not Including Instructional Materials)~~

See Policy 2520 - *Selection and Adoption of Instructional Materials*/Policy 2521 - *Instructional Materials Program*.

~~The Board is responsible for the content of all instructional materials and any other materials used in a classroom, made available in a school library, or included on a reading list. Upon written request, an individual will be provided access to material or books specified in the written request that are maintained in a District library if such material or books are available for review. The school principal shall arrange for a convenient time to provide such access.~~

~~The following individuals may file an objection to any material used in a classroom, made available in a school library, or included on a reading list:~~

~~parents of students in the District~~

~~residents of the county~~

~~For purposes of this policy, "resident" means a resident of the county who has maintained his/her residence in Florida for the preceding year, has purchased a home that is occupied by him/her as his/her residence, or has established a domicile in Florida pursuant to F.S. 222.17.~~

~~All challenges under this policy shall be addressed as follows:~~

~~() The complaint is to be addressed to the _____, in writing, and shall include:~~

~~(-) author;~~

~~(-) title;~~

~~(-) publisher;~~

~~(-) the complainant's familiarity with the material challenged;~~

~~(-) sections challenged, by page and item;~~

~~(-) whether the challenged material contains content that is pornographic or prohibited under F.S. 847.012, is not suited to student needs and their ability to comprehend the material presented, or is inappropriate for the grade level and age group for which the material is used.~~

~~() Upon receipt of the information, the _____ (shall) (may),~~

~~(-) after advising the _____ of the complaint,~~

~~(-) and upon the _____ approval,~~

~~appoint a review committee which may consist of:~~

~~() one (1) or more instructional staff members including _____;~~

~~(-) one (1) or more Board members;~~

~~(-) one (1) or more lay persons knowledgeable in the area.~~

~~(-) The Superintendent shall be an ex officio member of the committee.~~

~~(-) The committee, in evaluating the questioned material, shall be guided by the following criteria:~~

~~(-) the appropriateness of the material for the age and maturity level of the students with whom it is being used~~

~~(-) the accuracy of the material~~

~~(-) the objectivity of the material~~

~~(-) the use being made of the material~~

~~() The material in question () may be () may not be withdrawn from use pending the committee's recommendation to the Superintendent.~~

~~() The committee's recommendation shall be reported to the Superintendent in writing within ___ business days following the formation of the committee. The Superintendent will advise the complainant, in writing, of the committee's recommendation and advise the Board of the action taken or recommended.~~

~~() The complainant may appeal this decision, within thirty (30) business days, to the Board through a written request to the Superintendent, who shall forward the request and all written material relating to the matter to the Board.~~

~~() The Board shall review the case and advise the complainant, in writing, of its decision within _____ business days.~~

~~No challenged material may be removed from the curriculum or from a collection of resource materials except by action of the Board, and no challenged material may be removed solely because it presents ideas that may be unpopular or offensive to some. Any Board action to remove material will be accompanied by the Board's statement of its reasons for the removal.~~

~~The Board shall discontinue use of any material challenged under this policy if it contains content that is pornographic or prohibited under F.S. 847.012, is not suited to student needs and their ability to comprehend the material presented, or is inappropriate for the grade level and age group for which the material is used.~~

~~For challenges to or complaints regarding instructional materials, please see Policy 2520—Selection and Adoption of Instructional Materials.~~

Confidentiality

Pursuant to State law, a complaint of misconduct against a District employee, and all information obtained pursuant to an investigation by the District of the complaint of misconduct, are confidential and exempt from inspection or copying until the investigation ceases to be active, or until the District provides written notice to the

employee who is the subject of the complaint, in the manner set forth below, that the District has either:

concluded the investigation with a finding not to proceed with disciplinary action or file charges, or

concluded the investigation with a finding to proceed with disciplinary action and/or to file charges. If the investigation results in such a finding, the District shall also file a legally sufficient complaint regarding the misconduct as required by State law and Policy 8141 - Mandatory Reporting of Misconduct by Certificated Employees.

Any material that is derogatory to an employee shall not be open to inspection for an additional ten (10) days after the employee has been notified either:

by certified mail, return receipt requested, to his/her address of record; or

by personal delivery. The employee's signature on a copy of the materials to be filed shall be proof that such materials were given to the employee, with the understanding that such signature merely signifies receipt and does not necessarily indicate agreement with its contents.

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Legal References

F.S. 119.071(2)(k)

F.S. 1012.31

**Proposed
New
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9130 - PUBLIC COMPLAINTS

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A. Matters Regarding a Staff Member

1. First Level

If it is a matter specifically directed toward an instructional or support staff member or an administrator, the matter must be addressed, initially, to the concerned staff member who shall discuss it promptly with the complainant and make every effort to provide a reasoned explanation or take appropriate action within the staff member's authority and District policies or administrative procedures.

As appropriate, the staff member shall report the matter and whatever action may have been taken to their direct supervisor.

2. Second Level

If the matter cannot be satisfactorily resolved at the First Level, it shall be discussed by the complainant with the staff member's supervisor and in compliance with provisions of a collective bargaining agreement, if applicable.

3. Third Level

If a satisfactory solution is not achieved by discussion with the staff member's direct supervisor, a written request for a conference shall be submitted to the Superintendent, or designee. This request should include:

- a. The specific nature of the complaint and a brief statement of the facts giving rise to it;
- b. The respect in which it is alleged that the complainant (or child of the complainant) has been affected adversely;
- c. The action which the complainant wishes taken and the reasons why it is felt that such action be taken.
- d. As appropriate, should the matter be resolved in conference with the Superintendent, or designee, the

Board shall be advised of the resolution.

4. Fourth Level

- a. Should the matter still not be resolved, or if it is one beyond the Superintendent's authority and requires a Board decision or action, the complainant shall request, in writing, a meeting by the Board.
- b. The Board, after reviewing all material relating to the case, shall provide the complainant with a written decision.
- c. The complainant shall be advised, in writing, of the Board's decision, no more than 30 business days following the meeting. The Board's decision will be final on the matter, and it will not provide a meeting to other complainants on the same issue.
- d. If the complainant contacts an individual Board member to discuss the matter, the Board member shall inform the complainant that s/he has no authority to act in his/her individual capacity and that the complainant must follow the procedure described in this policy.

B. Matters Involving Suspected Child Abuse, Substance Abuse, or Affects the Health, Welfare, and Safety of a Student

Alleged misconduct by District employees which involves suspected child abuse or substance abuse or affects the health, safety, or welfare of a student shall be reported to the Superintendent, or designee. The matter shall be investigated and, if necessary, appropriate action taken.

C. Matters Regarding the Superintendent

1. Should the matter be a concern regarding the Superintendent which cannot be resolved through discussion with the Superintendent, the complainant may submit a written request to the Board Chairman for a conference with the Board. This request shall include:
 - a. The specific nature of the complaint and a brief statement of the facts giving rise to it;
 - b. The respect in which it is alleged that the complainant (or child of the complainant) has been affected adversely;
The reason that the matter was not able to be resolved with the Superintendent;
The action which the complainant wishes taken and the reasons why it is felt that such action should be taken.
 - c. The Board, after reviewing the request, may grant a meeting before the Board, or a committee of the Board, or refer the matter, if permitted by State law, to an executive session.
 - d. The complainant shall be advised, in writing, of the Board's decision within thirty (30) business days.

D. Matters Regarding District Services or Operations

If the request, suggestion, or complaint relates to a matter of District procedure or operation, it should be

addressed, initially, to the person in charge and then brought, in turn, to higher levels of authority in the manner prescribed in "Matters Regarding **an Instructional** Staff Member".

E. Matters Regarding the Educational Program

If the request, suggestion, or complaint relates to a matter of District program, it should be addressed, initially, to the Superintendent's designee and then brought, in turn, to higher levels of authority in the manner prescribed in "Matters Regarding **an Instructional** Staff Member".

F. Challenges to Material Used in a Classroom, Made Available in a School Library, or Included on a Reading List

See Policy 2520 - Selection and Adoption of Instructional Materials/Policy 2521 - Instructional Materials Program.

G. Confidentiality

1. Pursuant to State law, a complaint of misconduct against a District employee, and all information obtained pursuant to an investigation by the District of the complaint of misconduct, are confidential and exempt from inspection or copying until the investigation ceases to be active, or until the District provides written notice to the employee who is the subject of the complaint, in the manner set forth below, that the District has either:
 - a. Concluded the investigation with a finding not to proceed with disciplinary action or file charges, or
 - b. Concluded the investigation with a finding to proceed with disciplinary action and/or to file charges. If the investigation results in such a finding, the District shall also file a legally sufficient complaint regarding the misconduct as required by State law and Policy 8141 - Mandatory Reporting of Misconduct by Certificated Employees
2. Any material that is derogatory to an employee shall not be open to inspection for an additional ten (10) days after the employee has been notified either by certified mail, return receipt requested, to his/her address of record; or by personal delivery. The employee's signature on a copy of the materials to be filed shall be proof that such materials were given to the employee, with the understanding that such signature merely signifies receipt and does not necessarily indicate agreement with its contents.

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Adopted _____

Legal References
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F.S. 1012.31