

## SERVICES and OPERATIONS

### Section 10 Comments and Complaints

#### A. Communications to the Board

The ESU #13 Board recognizes the necessity for open communication with member school districts, students, parents, employees and patrons but is also aware that a procedure for processing concerns and complaints is imperative to efficient operations of ESU #13. It is the intent of the Board that concerns and complaints be resolved at the lowest possible level.

1. Complaints Made to Individual Board Members. Members of the Board have no authority or power to act on behalf of the Board or ESU #13 except when acting as a member of the entire Board at a duly called board meeting or when acting with express, specific authority granted by the Board or by law. The Board and ESU #13 shall not be bound in any way by the action or statement on the part of any individual Board member or committee, except when such statement or action is taken or made in conformance with express, specific authority granted by the Board or by law.

Should any member of the Board be approached with a concern or complaint, the member should:

- a. Listen attentively to the concerns but not take any inflexible position.
  - b. Instruct the individual about ESU #13's process for resolving concerns and complaints and direct the individual to the appropriate complaint or grievance procedure or to the administrator for information concerning such procedures. If the concern or complaint involves an employee, the individual should be informed to discuss the matter with the employee first.
  - c. Inform the administrator of the concern.
2. Complaints Made to the Board. Concerns or complaints may be made to the Board at a duly called Board meeting at such time as the agenda provides for public participation or comment.

In the event the complaint involves a personnel matter relating to an employee of ESU #13, the individual raising the complaint shall be directed to first exhaust the appropriate complaint or grievance procedure. The Board shall not respond or take action on such a complaint until such complaint or grievance procedure has been exhausted, unless it is

determined by the Board, under the circumstances, that an immediate response or action is required.

Individuals raising concerns or complaints involving non-personnel matters which may be the subject of a complaint or grievance procedure may also be directed to first use such complaint or grievance procedure.

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B. Complaints or Concerns of Employees

Employees are to inform ESU #13 of any complaints or concerns about the operations of ESU #13 using the established chain of command (immediate supervisor, next higher level supervisor, etc.) on all matters that require administrative attention; that is, on all matters or issues that their job responsibilities require them to report to a supervisor.

It is important to the efficient and successful operation of ESU #13 and a duty of all ESU #13 employees to share any such complaints or concerns in a responsible, professional manner such as to: (1) not disrupt the proper functioning of their office, department, or position, (2) not undermine the authority of their co-workers, supervisors, or superiors, (3) maintain close working relationships with their co-workers, supervisors, and superiors, and (4) ensure that all applicable laws and regulations are followed. All employee official communications must be accurate, demonstrate sound judgment, and promote the ESU #13 mission. Employees must ensure that all applicable laws and regulations are followed by ESU #13 and its employees. In the event an employee becomes aware of any such non-compliance, the employee is to report such to the employee's immediate supervisor (or the next higher level, if the supervisor is responsible for the problem) and maintain the confidentiality of the report so that the problem can be appropriately corrected in the best interests of ESU #13.

Employees are to use the appropriate complaint or grievance mechanism for matters involving discrimination or harassment or other established mechanism specific to the nature of the complaint or concern.

ESU #13 will not tolerate unlawful retaliation against an employee for engaging in legally protected activity. A protected activity includes an employee's act of opposing an unlawful practice prohibited by employment discrimination or other laws that protect the conduct in question. Any act of unlawful retaliation by a supervisor or other employee may result in serious disciplinary action up to and including termination. Any employee may file a complaint with the administrator or appropriate Director if the employee feels that they have experienced unlawful retaliation in any form.

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### C. Comments and Complaints of Parents and Patrons

Parents and patrons may file comments/complaints with the administrator. Forms are available in the office of each building. These forms are intended to help resolve issues, arbitrate disputes, facilitate understanding, recognize achievements, and commend success.

Forms that have been properly filed with the administrator which directly involve a staff member shall be forwarded to the staff member's immediate supervisor for analysis, discussion, and resolution. The forms shall be retained in a separate confidential file in the office of the staff member's immediate supervisor for a period of three years. At the end of the three year period they may be discarded. Comment forms shall not be placed in the staff member's personnel files unless deemed appropriate by the administrator or immediate supervisor.

It is the policy of ESU #13 to encourage communications from parents concerning when a parent believes it to be appropriate for the student to be excused from testing, classroom instruction, surveys and other educational experiences that the parent may find objectionable. The administrator or designee shall make a provision on the complaint form hereinabove described for receiving information from a parent concerning what specific testing, classroom instruction, or other educational experience the parent finds objectionable, the basis for the parent's objection and a proposed solution for dealing with the objection that would be satisfactory to the parent. The notifications required by law to be given to parents on matters affecting privacy are to be given by the school district in which the student is enrolled. Complaints concerning such matters shall be resolved consistent with the applicable policies of the school district in which the student is enrolled.

Legal Reference:	Nebraska Statute: 79-533 (parental involvement) 20 U.S.C. § 1232h (surveys)
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### D. Complaints Involving Instructional Materials

Instructional materials are to be selected by the ESU #13 administration and approved by the ESU #13 Board in a manner that best meets the educational and instructional objectives of ESU #13 and the needs of those served by ESU #13. Occasional objections to materials may be voiced despite the care taken in selection and qualification of the personnel selecting materials.

The following procedures apply to complaints involving instructional materials:

1. Complaints must be presented in writing to the administrator. The complaint must specify: the name of the author, title, the publisher, and the objections by page and items; or in case of materials other than printed material, written information specifying the precise nature of the objection shall be given. The statement must be signed and identified in such a way that a

proper reply will be possible. The administrator or designee may develop a specific complaint form for this purpose.

2. The administrator will acknowledge the receipt of the complaint and answer any questions regarding procedure.
3. The administrator will then notify the department Director and the employee(s) involved. The administrator will determine whether the complaint should be considered an individual request or if an ESU #13-wide review committee shall be activated to reevaluate the material.
4. The use of challenged materials shall not be restricted until final disposition has been made by the appropriate review committee; however, individuals may be excused from using challenged materials.
5. In considering the challenged materials, the review committee shall consider the educational philosophy of ESU #13, the professional opinions of teachers or employees of the same subject and of other competent authorities, review of materials by reputable bodies, the complainant's stated objections in using or use of the materials.
6. The ESU #13 review committee shall make a determination on the complaint within a reasonable time period considering the nature of the challenged materials, the current or pending use, scheduling conflicts of committee members, and the complexity of the objections made. The findings of the ESU #13 review committee shall be a matter of written record and transmitted to the administrator who will determine how interested parties shall be notified.
7. In the event the complainant is not satisfied with the findings of the ESU #13 review committee, the complainant may request that the complaint be reviewed by the ESU #13 Board. The Board will then determine whether to consider the complaint beyond the action of the ESU #13 review committee; if the Board chooses to do so, the Board will proceed to consider the complaint. A decision by the Board (either to not proceed further on the complaint, or to respond as a Board to the complaint) shall conclude the appeal process available within the ESU #13 system.
8. Once resolved, the same or substantially similar complaints involving the same or similar materials need not be reviewed using the foregoing complaint process and instead may be resolved by the administrator or designee.

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