

The recommendation is to RESCIND this version of current policy 9130 and replace is with NEW policy 9130 Public Complaints. This procedure is recommended due to the fact that the entire policy is changed, including the title.

1

COMPLAINT PROCEDURE

2 ~~Students, parent(s)/guardian(s), employees, or community members should notify~~
3 ~~the Chief Administrative Officer if they believe that the School Board, its employees~~
4 ~~or agents have violated their rights guaranteed by the State or Federal Constitution,~~
5 ~~State or Federal statute, or Board policy, or have a complaint regarding:~~

6 A. ~~— Title II of the Americans with Disabilities Act;~~

7 B. ~~— Title IX of the Education Amendments of 1972;~~

8 C. ~~— Section 504 of the Rehabilitation Act of 1973;~~

9 D. ~~— Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq.;~~

10 E. ~~— Title VI of the Civil Rights Act, 42 U.S.C. 2000d et seq.;~~

11 F. ~~— Equal Employment Opportunities Act (Title VII of the Civil Rights~~
12 ~~Act), 42 U.S.C. 2000e et seq.;~~

13 G. ~~— provision of services to homeless students;~~

14 H. ~~— other complaints concerning District curriculum, instructional~~
15 ~~materials, programs, or staff.~~

16 ~~The Chief Administrative Officer (CAO) shall respond and endeavor to resolve~~
17 ~~complaints without resorting to this procedure and, if a complaint is filed, to address~~
18 ~~the complaint. Use of this procedure is not a prerequisite to the pursuit of other~~
19 ~~remedies and use of this procedure does not extend any filing deadline related to the~~
20 ~~pursuit of other remedies.~~

21 **Filing a Written Complaint**

22 ~~A person (hereinafter referred to as complainant) who wishes to avail himself/herself~~
23 ~~of this procedure may do so by filing a complaint with the CAO. The CAO may~~
24 ~~request the complainant to provide a written statement regarding the nature of the~~
25 ~~complaint or require a meeting with the parent(s)/guardian(s) of a student. If the~~
26 ~~complaint is an allegation against the Superintendent, the complaint shall be dually~~
27 ~~filed with both the Board Chair and the District General Counsel. If the complaint is~~

**THE SCHOOL BOARD OF
COLLIER COUNTY**

COMMUNITY RELATIONS
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- 1 ~~an allegation against the Board collectively and/or an individual Board member, the~~
- 2 ~~complaint should be filed with the District General Counsel.~~

1 **Investigation**

2 ~~The CAO or the District General Counsel will investigate the complaint or appoint a~~
3 ~~person to undertake the investigation on his/her behalf. If the complainant is a~~
4 ~~student, the student's parent(s)/guardian(s) will be notified that they may attend~~
5 ~~any investigatory meetings in which the student is involved. The complaint and~~
6 ~~identity of the complainant will not be disclosed except (1) as required by law or this~~
7 ~~policy; (2) as necessary to fully investigate the complaint, or (3) as authorized by the~~
8 ~~complainant. Within a reasonable time after the complaint was filed, the CAO or~~
9 ~~District General Counsel shall file a written report of findings with the~~
10 ~~Superintendent or Board Chair if the complaint is against the Superintendent.~~
11 ~~Sanctions against the offender will be made in accordance with applicable policy,~~
12 ~~law, or collective bargaining agreement.~~

13 **Decision**

14 ~~Within five (5) school days after receipt of the report, the Superintendent or Board~~
15 ~~Chair shall render a written decision, which shall be provided to the complainant, as~~
16 ~~well as the CAO or District General Counsel.~~

17 ~~This complaint procedure shall not be construed to create an independent right to a~~
18 ~~Board hearing.~~

19 ~~During the course of any investigative review, such review will be governed by the~~
20 ~~relevant provisions within F.S. 119.01 et seq.~~

21 Revised 12/9/10