

AR 1312.4 PUBLIC COMPLAINTS CONCERNING ELEMENTARY AND SECONDARY EDUCATION ACT PROGRAMS

Informal Review of Complaints

The following procedures will govern the receipt and resolution of complaints.

Filing a Complaint

Any district resident may file a written complaint alleging that the district has failed to comply with the requirements of the Elementary and Secondary Education Act as set forth at 20 USC 6301-7941; or with school and district accountability requirements set forth at AS 14.03.123 and 4 AAC 06.800-899. The complaint must be submitted to the Superintendent.

In order to be reviewed, the complaint must include the following:

1. A statement describing the provision of law that the school or district has allegedly violated;
2. A statement of the facts supporting the alleged violation;
3. The name and address of the complainant; and
4. A description and documentation of prior efforts to resolve the concern informally.

If a complainant is unable to put a complaint in writing due to a disability, or reading or language barriers, district staff shall assist him/her to file the complaint.

Investigation of Complaint

Within five business days after receiving the complaint, the Superintendent will assign an investigator to conduct an informal review of the complaint. The investigator will be an employee of the district, may not have taken part in the action that is the subject of the complaint, and may not have a personal or financial interest in the subject matter of the complaint.

The investigator may conduct interviews of the complainant and district employees, and may request information and documents necessary to complete a review of the complaint. The complainant and district employees are expected to fully cooperate with the investigation.

Written Recommendation

Within 60 days after the date the complaint was assigned to the investigator, the investigator shall submit to the Superintendent and the complainant, a written recommendation setting forth one of the following determinations:

1. The complainant did not provide complete information for the investigator to review and therefore the Superintendent need not respond to the complaint. This finding does not bar the Superintendent from taking additional action based on the information already received; nor does it preclude the complainant from submitting a new complaint with the additional information, or from pursuing remedies available under state or federal law.
2. The complainant's allegations, even if true, do not establish a violation of 20 USC 6301-7941, AS 14.03.123, or 4 AAC 06.800-899 and therefore the Superintendent need not respond to the complaint. This finding does not bar the Superintendent from rejecting the investigator's recommendation and taking additional action; nor does it bar the complainant from pursuing

remedies available under state or federal law.

3. A violation of 20 USC 6301-7941, AS 14.03.123, or 4 AAC 06.800-899 is likely to have occurred, based on information available to the investigator, and that the Superintendent should take action to correct or stop the violation. This finding does not bar the Superintendent from rejecting or declining to act upon the investigator's recommendation; nor does it bar the complainant from pursuing remedies available under state or federal law.

The written recommendation will also advise the complainant of his or her right to file a complaint with the Department of Education and Early Development under the procedures set forth at 4 AAC 06.888.

No Reprisals

Neither the complainant, the investigator, nor any other individual cooperating in the investigation shall be subject to retaliation or reprisals. An employee who engages in retaliation is subject to disciplinary action, up to and including termination.

Added 3/2015

9/92

Adopted 1/2023