

R 9130 Public Complaints and Grievances
9130 PUBLIC COMPLAINTS AND GRIEVANCES REGULATION

~~PUBLIC COMPLAINTS AND GRIEVANCES — NOT RELATED TO INSTRUCTIONAL AND RESOURCE MATERIALS~~

~~The following procedure will be used if a public complaint or grievance regarding a non-instructional matter is raised by a student or parent/guardian of a student in the district. 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.~~

~~**Step 1: Appropriate Chain of Command**~~

- ~~1. A student/parent/guardian will file their complaint/grievance via an email or written letter to the building principal or supervisor closest to the area of complaint/grievance if not related to a building-based matter.~~
- ~~2. Within 10 working days of the receipt of the complaint/grievance, the building principal/immediate supervisor will review the details and set up a meeting with the student/parent/guardian.~~
- ~~3. The principal/immediate supervisor will facilitate informal discussions among the interested parties to attempt to resolve the matter.~~

~~**Step 2: Appeal to Superintendent of Schools**~~

- ~~1. If the matter is unable to be resolved at the building administration/immediate supervisor level, the student/parent/guardian may file for an appeal to the superintendent of schools within 10 working days after the meeting via email or written letter.~~
- ~~2. If the complaint/grievance did not follow the correct chain of command, the superintendent of schools may deny the appeal and encourage the parent to pursue step 1 of these regulations.~~
- ~~3. Within 10 working days of receipt of the complaint/grievance, the superintendent of schools will schedule a meeting with the student/parent/guardian to hear their appeal.~~



- ~~4. Within 10 working days after the meeting, the superintendent of schools will produce a written decision regarding the student/parent/guardian's appeal and supply it via email or mail to the student/parent/guardian.~~

~~Step 3: Appeal to Board of Education~~

- ~~1. If the student/parent/guardian is not satisfied with the decision rendered by the Superintendent of Schools, they may appeal the complaint/grievance to the Board of Education via email or letter to the Board President within 10 days of receipt of the decision by the superintendent of schools.~~
- ~~2. Within 10 working days of receipt of the complaint/grievance, the Board of Education will schedule a hearing with the student/parent/guardian to hear their appeal.~~
- ~~3. Within 30 working days after the hearing, the Board President will produce a written decision regarding the student/parent/guardian's appeal and supply it via email or mail to the student/parent/guardian.~~

~~Step 4: Appeal to the Commissioner of Education~~

- ~~1. If the student/parent/guardian is not satisfied with the decision rendered by the Board of Education, they may appeal the complaint/grievance to the Commissioner of Education.~~

~~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 disputers 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.~~
- ~~2. When possible, the teacher/school librarian will speak directly with the student or parent/guardian of a district student, either in person or via~~



~~phone or video conferencing 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.~~
 - ~~c. The Request for Reconsideration of Materials Form will be provided to School Review Committee~~



~~Step 3: School Material Review Committee:~~

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~~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); and~~

~~e. a student member of the school's student council.~~

~~2. The principal shall also notify the Superintendent who will then notify the Board.~~

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~~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.);~~



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~~b. have an understanding of the entire work.~~

~~e. 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:~~

~~f. 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~~

~~g. 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.~~

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~~Step 4: District Level District Material Review Committee~~

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~~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 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.~~

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~~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.~~

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~~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.~~

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~~4. District Material Review Committee shall consist of, but not be limited to, the following:~~

~~a. the Team Leader of School Librarians (who shall serve as the Committee's chair) or another librarian designee;~~

~~b. the Assistant Superintendent of Curriculum and Learning or designee;~~



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- ~~c. the Assistant Superintendent of Access and Equity or designee;~~
- ~~d. one (1) school administrator (not from originating school);~~
- ~~e. one (1) parent/legal guardian representing the school grade (not from originating school);~~
- ~~f. one (1) appropriate grade level and subject area teacher (not from originating school)~~
- ~~g. one (1) appropriate subject resource/content teacher (not from originating school); and~~
- ~~h. one of the student representatives to the Board of Education~~

~~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 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;~~



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~~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 supports 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~~

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~~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.~~



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:~~

~~a. 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~~



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~~faults to form opinions based on the challenged materials as a whole and not on a passage isolated from 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:

~~a. 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.~~

~~b. 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.~~

~~e. 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.~~

~~d.b. The district will keep an updated list of all challenged and banned materials on the district's website.~~

All complaints addressed to the Board of Education, Board members individually, school officials, or district staff members shall be referred to the Superintendent for consideration in accordance with the following procedures.

A. Complaints Regarding a Teaching Staff Member Other Than an Administrator or Supervisor

1. First Level

a. The complainant will be directed to address the complaint to the teaching staff member.

b. The teaching staff member will make every reasonable effort to address the complaint and take appropriate action, if necessary, in



accordance with district policies and regulations and within the teaching staff member's authority.

- c. The teaching staff member will report the complaint in writing, and whatever action that may have been taken to resolve the complaint, to the teaching staff member's Principal or supervisor.

- 2. Second Level

- a. If the complaint cannot be resolved to the complainant's satisfaction at A.1. above, the complainant may appeal the teaching staff member's resolution to the teaching staff member's Principal or supervisor.
- b. The Principal or supervisor will take all reasonable and prudent steps to resolve the complaint and meet with the complainant to discuss the Principal or supervisor's resolution to the complaint.

- 3. Third Level

- a. If the complaint cannot be resolved to the complainant's satisfaction at A.2. above, the complainant may, within **ten** five working days of their meeting with the teaching staff member's Principal or supervisor, submit a written request for a conference to the Superintendent. The written request shall, at a minimum, include the specific nature of the complaint and a statement of the facts giving rise to it.
- b. A copy of the complainant's written request for a conference will be submitted to the Board by the Superintendent.
- c. Within **ten** seven working days of the Superintendent's receipt of the written request for a conference, the Superintendent shall conduct the conference, at a time convenient to the complainant and the Superintendent, and attempt to resolve the complaint informally.
- d. The Superintendent shall record in writing their disposition of the complaint and shall, within ten working days of the conference,



submit a copy of their written disposition to the complainant and the Board.

4. Fourth Level

a. A complaint that is not resolved to the complainant's satisfaction by a conference with the Superintendent at A.3.c. above or that seeks a remedy beyond the Superintendent's authority may be appealed by the complainant to the Board.

(1) The complainant shall, within three working days of their receipt of the Superintendent's written disposition, submit a written request with supporting documentation to the Superintendent for an informal hearing before the Board. The complainant's request, along with the Superintendent's disposition at A.3.d. above, shall be provide to the Board.

b. The Board shall decide whether to grant or deny the complainant's request for an informal hearing and provide their decision in writing to the complainant within **ten** five working days upon receiving the request for an informal hearing.

(1) If the Board denies the request for an informal hearing, the Board shall render a decision on the appeal and provide the decision in writing to the complainant within ten working days.

(2) If the Board grants the request for an informal hearing, the Board shall schedule the informal hearing within forty-five working days upon receiving the request for an informal hearing. At the conclusion of the informal hearing, the Board shall render a decision and provide the decision in writing to the complainant within ten working days at the conclusion of the informal hearing.

(a) The Board may designate a committee of the Board to conduct an informal hearing with the complainant.



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(b) The Board may permit the complainant to present witnesses.

(c) The Board will comply with the provisions of the Open Public Meetings Act and Bylaw 0162 regarding any public complaints, where applicable.

5. Reasonable efforts will be made to expedite time sensitive complaints.

B. Complaints Regarding a Support Staff Member

1. The complaint procedure set forth in A.1. above will be followed and the complainant will be directed to discuss the complaint first with the support staff member, if appropriate.

2. If the complaint cannot be resolved to the complainant's satisfaction at A.1. above, the complainant may follow the complaint procedure set forth in A.2. above.

3. If the complaint cannot be resolved to the complainant's satisfaction at A.2. above, the complainant may, within three working days of their meeting with the support staff member's supervisor, submit to the Superintendent a written request for a conference in accordance with A.3. above.

4. A complaint that is not resolved to the complainant's satisfaction by a conference with the Superintendent at A.3.c. above or that seeks a remedy beyond the Superintendent's authority may be appealed to the Board of Education in accordance with A.4. above.

C. Complaints Regarding an Administrative Staff Member or Supervisory Staff Member

1. The complainant shall discuss the complaint first with the administrative staff member or supervisory staff member who is the subject of the complaint.

2. An appeal of the discussion with the administrative staff member or supervisory staff member will be made directly to the Superintendent in accordance with A.3. above.



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3. A complainant wanting to appeal the Superintendent's written disposition to the Board of Education shall follow the appeal procedures as outlined in A.4. above.

D. Complaints Regarding a Program, Practice, or Operation

1. A complaint regarding a district or school policy; procedure; program; or operation, including entitlement programs established by State or Federal law, should be addressed, initially, to the Superintendent who will refer the complaint to the appropriate administrator or supervisor.

2. A complaint that cannot be resolved to the complainant's satisfaction at D.1. above may be appealed to the Superintendent and, thereafter, the Board of Education in accordance with the procedures set forth in A.3. and A.4.

E. Complaints Regarding Textbooks, Instructional Supplies, and Resource Materials

1. Complaints regarding textbooks, instructional supplies, and resource materials used in the district shall be submitted in writing by the complainant to the Superintendent.

2. The written complaint shall, at a minimum, include:

a. The title, author, and publisher of the material at issue;

b. Sections of the material to which the complainant objects (by page(s) and item(s));

c. An explanation of the reason(s) for the objection;

d. The students or class for whom the material is intended; and

e. The way in which the material is used or presented to students.

3. Within seven working days of the receipt of the written complaint, the Superintendent shall appoint a review committee consisting of:

a. The head of the department in which the material is being used;



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- b. A teaching staff member in the subject area of the material;
- c. A Board of Education member;
- d. The Principal of the school in which the material is used or presented; and
- e. Any other staff member designated by the Superintendent.
- 4. The review committee will meet to evaluate the complaint and review the material at issue.
 - a. The standards used by the review committee to review textbooks will be those set forth in Regulation 2510.
 - b. The standards used by the review committee to review instructional supplies will be those set forth in Regulation 2520.
 - c. The standards used by the review committee to review resource materials will be those set forth in Regulation 2530.
- 5. The review committee will report its findings and recommendations to the Superintendent within fifteen working days upon the appointment of the review committee.
- 6. The Superintendent will submit the review committee's findings and recommendations to the Board at the next regularly scheduled Board meeting.
- 7. If the Board acts to remove the material at issue or to limit access to the material at issue, its action will be accompanied by a statement of reasons for the removal or limitation.
 - a. The Board shall render its decision within forty-five working days of receipt of the review committee's findings and recommendations.
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8. A copy of the review committee's findings and recommendations and the Board's action, if any, will be given to the complainant within five working days of the Board's action.

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9. The complainant will be informed, in writing, that a decision of the Board may be appealed to the Commissioner of Education as permitted by law.

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