

POLICY KE

Las Cruces Public Schools

Related Entries: KE-R

Responsible Office: ~~Associate Superintendent of Instruction~~ Deputy Superintendent of Teaching and Learning

PUBLIC CONCERNS AND COMPLAINTS

I. PURPOSE

To ensure that inquiries, ~~concerns~~concerns, and complaints received from the public about Las Cruces Public Schools - including matters of instruction, operation and finance and personnel issues - are resolved as expeditiously and satisfactorily as possible.

II. BACKGROUND

- A. The LCPS Board of Education values public input. As elected officials, board members place a high value on open communication among and input from parents, students, school district staff and members of the community.
- B. The ~~board~~Board also believes it is essential to the effective operation of the school district that there is a process in place through which the public can pursue inquiries and, when necessary, complaints.
- C. Any public concern or complaint shall be considered under the Board policy most applicable to the concern or complaint.

III. POSITION

- A. Parents, students and community members with complaints or concerns regarding any aspect of LCPS shall be encouraged to seek a resolution at the lowest possible administrative level and by the informal process of cooperative agreement among the affected parties.
- B. When the results of the informal approach to a complaint are not satisfactory, the complainant should have the opportunity to pursue the matter through a formal complaint process.
- C. The Board recognizes that there are legal limits on its authority under law. The primary powers and duties of the Board include employing and negotiating the contract of the superintendent for the district, evaluating the superintendent, ~~creating~~creating, and adopting district policy, and reviewing and approving the budget. Under State rule (NMAC), the superintendent shall be accountable for student achievement; budget management; expenditure of funds; dissemination of information; district communications; development, implementation, and evaluation of the district's educational plan for student success and all other district business.

D. Any complaint or appeal of an administrative decision should not circumvent the chain of command. The Board may only take action as an appellate body, consistent with its statutory roles and responsibilities and authority to act. If the complaint from a member of the public involves the performance of the superintendent, the Board may ~~stop, look and~~ listen to the complaint regarding the performance concerns and ~~The Board~~ may address concerns regarding the superintendent's performance through the evaluation process. The Board may not take action to overturn a decision (e.g., personnel decisions of the superintendent) outside of its authority.

~~B.E.~~ The Superintendent of Schools shall establish a process for responding to inquiries and complaints from the public. That process shall provide at least the following steps and safeguards:

1. Encouragement of the informal process initially;
2. Provisions for a formal, documented, decision-making process regarding a complaint;
3. Provisions for the complainant's right to appeal a decision;
4. Establishment of reasonable time limits for the resolution of complaints;
5. Protection of individual rights ~~with regard to~~ regarding such matters as equity, access, due ~~process~~ process, and privacy; ~~however, the process shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require an evidentiary hearing or trial-like proceeding at any level.~~
6. Requirements for case records and files.

~~C.F.~~ When a complaint or concern is made directly to the Board of Education as a whole during a board meeting or to an individual board member, the issue shall be referred to the Superintendent or ~~their his/her~~ designee for resolution.

~~D.G.~~ The Superintendent of Schools shall promulgate a regulation for the enforcement of this policy.

IV. REVIEW

This policy shall be reviewed on an ongoing basis in accordance with the Board of Education policy review process.

~~November 15, 2011~~

Date Approved

History: Formerly Policy #170: Public Participation in School Affairs; 12.02.03: revised as Policy #170: Public Inquiries and Complaints, revised as Policy KE: Public Concerns and Complaints 11.15.11

Legal Reference: