

Pittsfield School District

RESOLUTION OF DISPUTES BETWEEN INDIVIDUALS AND THE SCHOOL DISTRICT

Any complaint presented to the Board about school personnel, employees, students, or administration will be referred back to the superintendent of schools. The Board will not hear or review complaints until such complaints have first been brought forth through the appropriate and applicable administrative procedures and the superintendent and his/her designee has had a reasonable opportunity to seek to resolve the complaint.

The Board may decline to hear any complaint which will interfere with its ability to serve as an impartial trier of fact in any related student or personnel matter. This complaint procedure shall not supersede or modify any right held by employees of the district under federal law, state law, contract, or collective bargaining agreement.

To the extent it is deemed appropriate by the superintendent, an individual who is the subject of the complaint may be advised of the nature of the complaint and may be given an opportunity for explanation, comment, and presentation of facts. The superintendent shall seek to resolve the matter and report to the Board.

Complaints about the superintendent may be made directly to the Board through the chairperson, but only after reasonable efforts have been made by the complaining party to resolve their complaint directly with the superintendent. The Board may, to the extent it is appropriate, advise the superintendent of the nature of the complaint and may give the superintendent an opportunity for explanation, comment, and presentation of facts.

In the event a complaint is made directly to an individual Board member, the procedure outlined below shall be followed:

1. The Board member shall refer the person making the complaint to the superintendent for investigation. The superintendent may delegate the investigation to another administrator.
2. If the member of the public will not personally present the complaint to the superintendent or other administrator, the Board member shall then ask that the complaint be written and signed. The Board member will then refer the complaint to the superintendent for investigation.
3. If the person making a complaint believes that a satisfactory reply has not been received from the superintendent, he/she may request that the Board hear the complaint. The Board will hear and act upon the complaint, adhering to the due process procedure outlined below. The Board will act upon the complaint by majority vote. The Board may decline to act on any complaint which, in its sole

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judgment, would interfere with the superintendent's ability to properly administer the district. If the Board does hear and act upon the complaint, all Board decisions shall be final at the local level.

4. If the Board decides, in accord with Paragraph Three, to hear and act upon a complaint that pertains to personnel, employee, student, or administrative matters, it shall determine whether the complaint shall be heard in public or non-public session in accord with RSA 91-A:3 and the laws pertaining to student and family privacy rights. The Board shall also determine whether it is appropriate to inform the individual who is the subject of the complaint to the meeting and to provide said individual with further opportunity for explanation, comment, and presentation of facts to the Board.
5. If the superintendent is the subject of the complaint, the Board shall determine whether the complaint should be heard in public or non-public session in accordance with RSA 91-A:3. The Board may, to the extent it is appropriate, advise the superintendent of the nature of the complaint and may give the superintendent an opportunity for explanation, comment, and presentation of facts.

In accordance with Ed 204.01, the Board shall adhere to the following due process procedures prior to a party filing a dispute as a contested case with the New Hampshire Department of Education except when other rules govern the specific circumstances of the dispute:

1. Provide opportunity for a hearing when the legal rights, duties, or privileges of a party are threatened;
2. Provide notice of such a hearing;
3. Conduct a hearing in a manner assuring due process;
4. Establish an adequate record of all contested cases; and
5. Issue timely decisions and orders.

The Board shall provide an opportunity for a hearing if requested at which the following procedures shall apply:

1. The party, together with a parent / guardian, if applicable, or legal counsel, if applicable, may waive the right to a hearing as indicated above;
2. Formal rules of evidence shall not be applicable;

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3. The hearing shall either be public or non-public consistent with the provisions of RSA 91-A:3, II(a); and
4. During the hearing, the Board shall allow a party or a designated representative of the party, to examine any and all witnesses.

The Board shall include a statement that the Board has complied with all the requirements of RSA 91-A, including compliance with all the recordkeeping requirements of the law. The Board shall provide a written decision determined by a quorum of the Board which shall include notice that the decision may be appealed to the state board. The decision of the Board shall, at a minimum, include the following:

1. The date of the decision;
2. A description of the issue at dispute;
3. The Board's decision; and
4. The rationale for the Board's decision.

The written decision shall be considered a final decision at the local level.

A party may appeal a final decision of the Board to the state board within thirty calendar days of receipt of the written decision of the Board in accordance with RSA 541-A and Ed 200. The state board may waive the thirty-day requirement for good cause shown including, but not limited to, illness, accident, or death of a family member.

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