

# REGULATION

## MONTGOMERY COUNTY PUBLIC SCHOOLS

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**Related Entries:** ABA, ACF, BLB, KLA  
**Responsible Office:** Chief Operating Officer

### Responding to Inquiries and Complaints from the Public

#### I. PURPOSE

To set forth procedures for responding promptly and equitably to inquiries and complaints from the public, including allegations of discrimination under applicable laws, unless otherwise committed to another process; for encouraging the informal resolution of such complaints whenever possible, and for reviewing administrative decisions involving such complaints. Personnel actions are the exclusive responsibility of the superintendent of schools and are not subject to public complaint procedures.

#### II. BACKGROUND

The provision of quality educational programs, activities, and services for the students of Montgomery County is best achieved by all parties working together. The Board of Education, as a matter of policy, encourages response to inquiries and complaints from the public at the local school or lowest possible administrative level and by an informal process of cooperative agreement among affected parties. Formal steps for resolving complaints should only be used after informal approaches have been unsuccessful in resolving the complaint. The process described below is designed to govern the resolution of disputes and review of administrative decisions, except in those cases where an alternative process is specifically provided by statute or another regulation, such as the *Individuals with Disabilities Education Act* (IDEA) or decisions regarding discipline of employees.

#### III. DEFINITIONS

In general, in this regulation, unless the context clearly requires otherwise, the following words have the meanings indicated.

- A. *Calendar day* means each day on the calendar, including Saturdays, Sundays, and legal holidays.
- B. *Work day* means a day, other than a Saturday, Sunday, or legal holiday, on which the central offices of the Montgomery County Public Schools (MCPS) are open for the transaction of business.

- C. *Contact* means completed communication by telephone, e-mail, or the deposit with the United States Postal Service of a written communication in a properly addressed envelope with prepaid first class postage.
- D. *Meeting* means a conference with a complainant and the principal or designee, or the superintendent of schools or designee. Where this regulation requires or authorizes a meeting, such meeting will be held, where practicable, within ten (10) work days of the receipt of a complaint or request for review of a decision.
- E. *Principal* means the principal/principal's designee of a school within MCPS. In the case of a unit that is not a school, the term "principal" or designee means the individual in charge of the unit.
- F. *Chief Operating Officer (COO)* is the designee for the superintendent of schools.

#### IV. PROCEDURES

##### A. Informal Process

The complaint from a member of the public should be resolved with the parties most directly involved as amicably, expeditiously, and satisfactorily as possible. Toward this end, the following steps will be followed:

1. Principals will inform the school community of the availability of the regulation that describes this complaint process. The regulation also identifies the appropriate administrators or other staff members who may be contacted for informal help with specific inquiries, concerns, or complaints.
2. A member of the public who has an inquiry, concern, or complaint is encouraged to discuss the matter with the principal or other designated administrator to seek an informal resolution.
3. The principal should attempt to resolve the matter at this early stage through reasonable informal methods.
4. No forms or formal documentation of this informal process are required under this regulation. However, the principal should make and retain a record of efforts made to informally resolve the complaint.
5. Although the first step in resolving problems is usually at the local school, other offices of the school system are available during this stage to assist complainants and principals in processing inquiries and complaints, provide general information, direct members of the public to the correct school or

administrative office, and bring affected parties together for a discussion of problems.

- a) The Board of Education staff can perform ombudsman functions and can provide general assistance in bringing affected parties together. The Board of Education staff serve members of the public who are uncertain of school system procedures; need general assistance; or have problems, complaints, information, or suggestions to bring to the attention of school officials.
- b) The Public Information Office can provide general information about the school system and its policies and procedures.
- c) Staff in the Office of the Chief Operating Officer (OCOO) and the Office of School Performance (OSP) may serve as a resource and provide information related to specific policies and procedures.
- d) The human relations compliance officer is a resource for members of the public who have a concern or question about a human relations matter involving race, color, national origin, religion, ancestry, gender, age, marital status, sexual orientation, or disability, or who feel that discrimination may have occurred within MCPS.

B. Formal Process - Review of Decision

- 1. When a concern or complaint is not resolved through the informal process, the principal will take the following action.
  - a) The principal or designee will furnish the complainant with both MCPS Form 270-8, *Complaint from the Public*, and a copy of this regulation that explains the formal process to be followed.
  - b) The principal or designee will advise the complainant to submit the complaint to the principal in writing, using MCPS Form 270-8: *Complaint from the Public*. This form should not be used if the complaint is a personnel matter. Complaints about personnel should be referred to the community superintendent or appropriate supervisor (if not a school complaint) only if not resolved at school or office level. The community superintendent will determine how complaints concerning personnel matters will be addressed following the appropriate MCPS policies and procedures.

Note: If the principal determines that a complainant's signed letter is intended to be a formal complaint and provides the minimum information necessary for considering the complaint, the principal should attach the letter to MCPS Form 270-8.

- c) Upon receipt of the written complaint, the principal who receives the complaint form will initial and date the form and open a file for the complaint.
  - d) The file will include all correspondence and other pertinent information upon which a final decision is based.
  - e) Within five (5) work days of receipt of the written complaint, the principal will contact the complainant and establish a date and time to discuss the complaint, if such a discussion has not already occurred, and will provide the complainant with the opportunity to present information through witnesses, documents, or other testimony. When possible the meeting should take place within ten (10) work days of the receipt of the complaint.
  - f) Within ten (10) work days of the receipt of the written complaint, or the date of the scheduled meeting, the principal will complete a written decision or will respond using MCPS Form 270-8: *Complaint from the Public* (a detailed response may be attached to the form); and a copy will be provided to the complainant.
  - g) If the complaint is complicated or otherwise cannot reasonably be decided within 10 work days, the principal may extend the time for a decision by not more than ten (10) additional work days and will inform the complainant of the extension.
2. If the principal does not contact the complainant for a meeting or make a decision within the time required, or if the complainant is not satisfied with the written decision, the complainant may request further review according to the following procedures.
- a) Chief Operating Officer (COO) or Designee
    - (1) Within 15 calendar days after the first to occur of (a) the date of the principal's written decision or (b) the date when a decision was required to have been made, the complainant may seek review by forwarding MCPS Form 270-8:

*Complaint from the Public* to the COO with a note explaining the basis for disagreeing with the decision.

- (2) Personnel in the COO's office will date and initial the form upon receipt. The Office of the Chief Operating Officer (OCCO) will assign the matter to the appeals/transfer team which will request delivery of a copy of the school/office file, and open a new file to be assigned to a hearing officer.
  - (3) If the available documentation indicates that the complainant never addressed the complaint to the principal, the hearing officer should advise the complainant to contact the school and seek resolution at that level.
  - (4) Within five (5) work days of receipt of the request for review, the staff on the appeals/transfer team may arrange a meeting to discuss the complaint. The complainant will be contacted regarding the date, time, and place of the meeting, if scheduled.
  - (5) Within fifteen (15) work days of the receipt of the request or scheduled meeting, the COO is expected to make a decision, unless further investigation requires additional time, in which case a ten (10) work day extension will be made with notification to the complainant. The decision shall be stated in writing, and copies will be provided to the complainant and the principal.
- b) Board of Education
- (1) If the complainant is not satisfied with the decision of the COO, he/she may appeal to the Board of Education. The appeal must be filed within 30 calendar days of the date on which the COO made the decision.
  - (2) Upon receipt of an appeal, the Board of Education will proceed in accordance with Policy BLB, *Rules of Procedure in Appeals and Hearings*.
3. Complaints regarding certain federal programs should be addressed as follows:

- a) A complaint under *Section 504 of the Rehabilitation Act of 1973* shall be addressed in accordance with Regulation ACG-RB, *Accommodations and Services for Students Qualifying Under Section 504 of the Rehabilitation Act of 1973*.
  - b) Complaints regarding the *Americans with Disabilities Act* shall be directed to the Human Resources Compliance Specialist, 7361 Calhoun Place, Suite 401, Rockville, MD 20855, 301-279-3361.
  - c) Complaints regarding *Title IX of the Education Amendment of 1972*, as amended, may be addressed to the Supervisor of Diversity Initiatives, 850 Hungerford Drive, Room 200, Rockville, MD 20850, 301-517-5916.
4. Students or parents pursuing a complaint of discrimination may contact the Chief School Performance Officer, OSP, 850 Hungerford Drive, Room 100, Rockville, MD 20850, 301-279-8715, or the Student Affairs Office, 301-279-4957, for advice and assistance. MCPS prohibits discrimination based on race, color, national origin, ancestry, religion, gender, age, marital status, sexual orientation, or disability.

C. Records and Files

1. At each level of the formal process, the office of the administrator making the decision will retain a copy of the case file.
2. When a decision is made, a copy of the written decision will be furnished to the complainant and administrator(s) who have handled the case at lower levels.
3. In the case of review, a copy of the case file will be furnished to the next higher administrative level.
4. At each level, the case file records are to be retained for 36 months following the settlement or other conclusion of the case, after which the records may be destroyed at the option of the administrator at each level. However, if the complaint involves a matter or subject for which a longer retention period is specifically provided for all records, that longer retention period will prevail for the complaint records as well.

5. The provisions for retention of records specified in this regulation will not apply if an agreement to destroy or retain the records is included in the formal decision process.

**D. Publication of Policy and Procedures**

The availability of MCPS Form 270-8 and the regulation regarding the resolution of complaints from the public will be announced periodically by each local school in a newsletter to parents, as well as published on the MCPS Web site.

***Regulation History:*** Formerly Regulation No. 270-9, November 3, 1972; directory information updated January, 1983; revised August 26, 1987; revised May 4, 1994; revised November 4, 1997; revised July 1, 2008.