



STUDENT AND PARENT GRIEVANCE PROCEDURE

Policy Code: 1740

A. OPTIONS FOR RESOLVING COMPLAINTS

The Board strives to resolve concerns and complaints whenever possible. To this end, the Board has provided opportunities for students and parents to express their concerns through processes established in Board policies. Board policy 1330, Responding to Complaints, identifies these different processes and provides a mechanism for resolving complaints in an informal manner.

While the Board encourages informal resolutions, it recognizes that students and parents may want a more formal process for certain types of complaints or if an informal process was not satisfactory. This policy provides a grievance procedure that can be used as described below.

Any parent or student who is unclear of the options for proceeding with a concern may contact the principal's office or the Superintendent's office for further information and access to, or copies of, all applicable Board policies.

B. DEFINITIONS

Days: the working days, exclusive of Saturdays, Sundays, vacation days or holidays, as set forth in the school calendar. In counting days, the first day will be the first full working day following the receipt of the grievance. After May 1, time limits will consist of all weekdays (Monday - Friday) so that the matter may be resolved before the close of the school term or as soon thereafter as possible.

Grievance: a formal complaint regarding specific decisions made by school personnel or any situation occurring within the operation or normal procedures of the school which causes a student or parent to believe the student has been wronged. A grievance may be submitted in specific circumstances such as when a student or parent believes that Board policy or law has been misapplied, misinterpreted or violated. Any claims of discrimination on the basis of race, color, national origin, sex, pregnancy, religion, age or disability also may be submitted as a grievance.

Grievant: the parent or student or group of parents or students submitting the grievance.

Official: the school district personnel hearing and responding to the grievant.

The number of days indicated at each level should be considered a maximum and every effort should be made to expedite the process.

C. TIMELINESS OF PROCESS

Failure by the official at any step to communicate a decision within the specified time limit will permit the grievant to appeal the grievance to the next step unless the official has notified the grievant of the delay and the reason for the delay, such as the complexity of the investigation or report. The official will make reasonable efforts to keep the grievant apprised of progress being made during any period of delay. Delays

are not permitted that interfere with the exercise of any legal rights.

Failure by the grievant at any step to appeal a grievance to the next step within the specified time limit will be considered acceptance of the decision at that step, unless the grievant has notified the official of a delay, the reason for the delay and the official has consented in writing to the delay.

D. GENERAL REQUIREMENTS

1. No reprisals of any kind will be taken by the Board or by an employee of the school district against any grievant or other student or employee on account of his/her participation in a grievance filed and decided pursuant to this policy.
2. All meetings and hearings conducted pursuant to this policy will be private.
3. The Board and school district will consider requests to hear grievances from a group of grievants, but the Board and officials have the discretion to respond to individual grievants.

A student grievant may have a parent, legal guardian or other person who is in a position of *loco parentis* to the student present at any stage of the grievance according to the formal process defined here-in.. The grievant may have an attorney present at any formal stage of the formal grievance process.

E. PROCESS FOR GRIEVANCE

Reporting Grievance

1. A grievance must be filed as soon as possible but no longer than 30 days after disclosure or discovery of the facts giving rise to the grievance. For a grievance submitted after 30 days which claims a violation, misapplication or misinterpretation of state or federal law, including discrimination, the Superintendent or designee will determine whether the grievance will be investigated after considering factors such as the reason for the delay; the extent of the delay; the effect of the delay on the ability of the school district to investigate and respond to the complaint; and whether the investigation of the complaint is necessary to meet any legal obligations. However, students and parents should recognize that delays in reporting may significantly impair the ability of the school district to investigate and respond effectively to such complaints.
2. A student who has a grievance must provide the following information in writing to the principal: (1) the name of the school district employee or other individual whose decision or action is at issue; (2) the specific decisions(s) or actions at issue; (3) any Board policy or law that the parent or student believes has been misapplied, misinterpreted or violated; (4) and the specific resolution desired. If there is not a specific decision at issue and no concern that state or federal law has been misapplied, misinterpreted or violated, then the procedure established in Board policy 1330, Responding to Complaints, is appropriate and the principal will address the concern following that Board policy.
3. Even if the principal is the employee whose decision or action is at issue, the student will submit the

grievance first to the principal in order for the principal to address the issue within the formal process. If, however, the grievance claims that a state or federal law has been misapplied, misinterpreted or violated, the student may submit the grievance directly to the Superintendent or the Superintendent's designee.

Investigation

1. The principal will schedule and hold a meeting with the student within five school days of receiving the request.
2. The principal will conduct any investigation of the facts necessary before rendering a decision.

Response by Principal

1. The principal will provide a written response to the written grievance within ten days of the meeting. The response will include the principal's decision regarding resolution of the grievance and the basis for the decision. In responding, the principal cannot disclose information about other students or employees that by law is considered confidential.
2. A copy of the grievance and the principal's response will be filed with the Superintendent.

Response by Superintendent

1. The following guidelines will be used in conducting administrative hearings at the Superintendent level for grievances appealed from the principal's decision and for hearings related to Board policies 4400 Attendance, 4351 Short-term Suspension, and 4353 Long-term Suspension, 365 Days Suspension, Expulsion.
2. In the case of a grievance, the appeal must be made in writing within five days of receiving the principal's decision. In cases related to Board policies 4400, 4351 and 4353, timelines specified in those policies will be followed.
3. The Superintendent or designee may review the written documents and respond, hold a conference or hearing with the parties involved, or schedule a hearing within five school days after receiving the written appeal or as specified in Board policies referenced above. Any hearing held shall be conducted pursuant to the administrative hearings procedures.
4. When an administrative hearing is conducted, it will be informal and conducted in private.
5. The hearing may be attended by the Superintendent or designee, the principal and administrative assistants, along with the student, the student's parents and, if desired, a representative, and any persons the Superintendent or designee deems necessary.
6. The principal or other representatives of the school have the burden of proving the violation of Board policy or school standards or rules and the appropriateness of the recommended consequence for the violation.

7. The school representatives present first the witnesses and documentary evidence against the student. Next, the student or his/her representative may present evidence, including any documents and witnesses. Witnesses should be present only when giving information.
8. Both the principal or school representative and the student or his/her representative may examine the witnesses presented by the other side. The Superintendent or designee has the power to limit questioning by any person, if such questioning is unproductive, unnecessarily lengthy, repetitive or irrelevant.
9. The Superintendent or designee may consider the school records of the student, as well as documents produced in the hearing and the testimony of any witnesses. Formal rules of evidence do not apply and the Superintendent or designee may rely on evidence that a reasonably prudent person would consider in the conduct of serious affairs.
10. The Superintendent or designee will provide for making a record of the hearing, including any findings or conclusions made by the Superintendent or designee.
11. The Superintendent will provide a written response within 10 days after receiving the appeal. In responding, the Superintendent cannot disclose information about other students or employees that by law is considered confidential.

Appeal to the Board

1. If the grievant is dissatisfied with the Superintendent's response, the grievant may appeal the decision to the Board within five days of receiving the Superintendent's response.
2. A hearing will be conducted pursuant to Board policy 2500, Hearings Before the Board.
3. The Board will provide a final written decision within 30 days of receiving the appeal unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

F. SPECIAL CIRCUMSTANCES

Discrimination on the Basis of Sex

Sexual harassment complaint procedures are established in Board policy 1737. For other complaints of discrimination on the basis of sex, if the grievant is dissatisfied with the principal's written response, the grievance may be appealed to the Title IX coordinator. The Title IX coordinator will review the written documents and may conduct any factual inquiry and hold a conference as necessary to make a determination of whether there was discrimination on the basis of sex. The Title IX coordinator will provide a written response within 10 days of receiving the grievance unless additional time is necessary to complete any investigation. If the corrective steps involve actions outside of the scope of the Title IX coordinator's responsibilities, the Superintendent or designee also will be notified so that responsibility for the corrective steps can be delegated to the appropriate individual. If still not satisfied, the student may appeal the Title IX coordinator's response to the Superintendent and Board as provided in this policy. (See also policy 1710 as it

relates to the Title IX coordinator.)

Discrimination on the Basis of Disability

If the student alleged discrimination on the basis of a handicapping condition or disability and the student is dissatisfied with the principal's written response, the grievance may then be appealed to the Section 504 coordinator. The 504/ADA coordinator will review the written documents and may conduct any factual inquiry and hold a conference as necessary to make a determination of whether there was a discrimination on the basis of disability. The coordinator will provide a written response within 10 days of receiving the grievance unless additional time is necessary to complete any investigation. If the corrective steps involve actions outside the scope of the 504 coordinator's responsibilities, the Superintendent or designee also will be notified so that responsibility for the corrective steps can be delegated to the appropriate individual. If still not satisfied, the student may appeal the 504 coordinator's response to the Superintendent and Board as provided in this policy. (See also policy 1710 as it relates to the 504 coordinator.)

Appeal of Superintendent's Decision

If a student wants to initiate a formal grievance in regard to a certain decision made by the Superintendent that directly and specifically affects the student, the general process described in this policy will be used except the grievance will be submitted directly to the Superintendent.

G. RECORDS

Records of discrimination complaints will be maintained as required by 1710.

Legal References: Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., 34 C.F.R. pt. 100; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq.; Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., 34 C.F.R. pt. 106; Equal Employment Opportunity Commission's "Final Amended Guidelines on Discrimination Because of Sex"; Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621 et seq.; The Rehabilitation Act of 1973, 29 U.S.C. 706(8), 794, 34 C.F.R. pt. 104; The Americans With Disabilities Act, 42 U.S.C. 12134, 28 C.F.R. pt. 35; Office of Civil Rights, Sexual Harassment Guidance: Harassment of Students by School Employees, Students or Third Parties, 62 Fed. Reg. 12,034 (1997); Office of Civil Rights, Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance, 59 Fed. Reg. 11,448 (1994); G.S. 126-16, 150B-43 et seq.

Cross References: Prohibition Against Discrimination and Harassment (policy 1710), Responding to Complaints (Board policy 1330), Sexual Harassment Complaint Procedure for Students (policy 1737), Hearings Before the Board (policy 2500)

Adopted: 03/08/99

Revised: 3.8.10