

Descriptor Term:
STUDENT GRIEVANCE PROCEDURE

Descriptor Code:
1.7550/4.3500

Legal References: G.S. 126-16; 150B-43 *et seq.*

Cross References: 1.7100/_____ Prohibition Against Discrimination, Harassment and Bullying;
1.7200/4.3501/7.1512 Discrimination, Harassment and Bullying Complaint
Procedure; 1.7420/5.0600 Responding to Complaints; 2.5000 Hearings Before
the Board; 4.3600 Code of Student Conduct

A. OPTIONS FOR RESOLVING COMPLAINTS

The board strives to resolve concerns and complaints of students and parents whenever possible. To this end, the board has provided opportunities for students and parents to express their concerns through processes established in board policies. Policy 1.7420/5.0600, Responding to Complaints, identifies these different processes, including a mechanism for resolving complaints in an informal manner.

While the board encourages resolutions of complaints through informal means, it recognizes that, at times, a formal process may be necessary for certain types of complaints or when the informal process does not produce satisfactory results. This policy provides a complaint procedure that may be used as described below.

Any parent or student who has questions about the options for proceeding with a complaint or concern may contact the principal or superintendent for further information and copies of all applicable board policies.

B. DEFINITIONS

1. Days

Except as otherwise provided herein, days are defined as days of the week (Monday through Friday) and are exclusive of Saturdays, Sundays. In counting days, the first day shall be the first full working day following the receipt of the grievance, date of decision or date of hearing.

2. Final Administrative Decision

A final administrative decision is a decision made by a school employee from which no further appeal to a school administrator is available.

3. Grievance

A grievance is a formal written complaint alleging that a specific decision made by school

personnel has adversely affected the person making the complaint. A grievance may include, but is not limited to, allegations that there has been a violation, misapplication or misinterpretation of state or federal law or regulations, school board policy or administrative procedure.

The term "grievance" DOES NOT include any matter for which the method of review is prescribed by law, for which there is a more specific board policy providing a process for addressing the concern, or upon which the board is without authority to act.

Claims of discrimination, harassment or bullying must be processed under policy 1.7200/4.3501/7.1512, Discrimination, Harassment and Bullying Complaint Procedure.

4. Grievant

The grievant is the parent, student or group of parents or students submitting the grievance.

5. Official

The official is the school system employee hearing and responding to the grievant.

B. TIMELINESS OF PROCESS

A formal grievance shall be filed as soon as possible, but no longer than 30 days after discovery or disclosure of the facts giving rise to the grievance. All grievances shall be filed in accordance with procedures defined in Subsection C.

Except by mutual written agreement, failure by the official at any step to communicate a decision within the specified time limit shall 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 shall make reasonable efforts to keep the grievant apprised of progress being made during any period of delay. Delays may not impermissibly interfere with the exercise of the grievant's legal rights.

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

C. PROCEDURE

1. Informal Resolution

It is usually desirable for a student or parent and the school official to resolve problems through free and informal communication. However, should such informal processes fail to satisfy the grievant(s) then a grievance may, at the option of the grievant(s), be processed pursuant to the steps set forth in this policy.

2. Formal Resolution of a Grievance

a. Reporting a Grievance

All grievances shall be in writing and the written statement of grievance shall remain the same throughout all steps of the grievance procedure.

The written grievance must include the following information:

- i. the name of the school system employee or other individual whose decision or action is at issue or against whom the grievance is filed;
- ii. the specific decision(s) or action(s) at issue;
- iii. any local board policy, state or federal law, state or federal regulation or State Board of Education policy or procedure that the grievant believes has been misapplied, misinterpreted or violated; and
- iv. the specific resolution desired.

If there is not a specific decision or action at issue or no concern that federal or state law, federal or state regulation, State Board of Education policy or procedure, or board policy or procedure has been misapplied, misinterpreted or violated, then the procedure established in policy 1.7420/5.0600, Responding to Complaints, is appropriate, and the principal shall address the concern following that policy.

b. Officials to Whom Grievance Shall Be Presented

The grievant(s) shall present the grievance in writing to his/her principal in order for the principal to address the issue within the formal process UNLESS the grievance alleges that a state or federal law has been misapplied, misinterpreted or violated, in which case the grievance may be presented instead to the superintendent or his/her designee.

In the event the grievance is regarding a decision by the superintendent that directly and specifically affects the grievant, the grievant shall present the grievance in writing to the assistant superintendent for human resources who shall forward the grievance to the board chairperson to be addressed by the board.

The person receiving the grievance hereinafter will be referred to as the "official."

3. Response by Official

- a. Unless the principal determines at the outset that review by the principal is inappropriate, the principal shall schedule and hold a meeting with the grievant within five (5) school days after the grievance has been filed with the principal. Any student grievant may be accompanied by a parent, legal guardian or other person who is in a position of *loco parentis* to the student.

In the event the principal determines at the outset that review by the principal is inappropriate, the principal shall forward the formal grievance to the superintendent who shall investigate and respond as provided in this or other board policy or, when appropriate, to the assistant superintendent for human resources, who shall forward the grievance to the board who shall investigate and respond as provided by board policy.

- b. The official shall conduct any investigation of the facts necessary before rendering a decision. The official may call a meeting with the grievant or any other party or witness related to the grievance.
- c. The official shall provide the grievant (s) with a written response to the grievance within fifteen (15) days after receipt of the grievance. The response shall include the official's decision regarding resolution of the grievance and the basis for the decision. In responding, the principal may not disclose information about other students or employees that is considered confidential by law.
- d. A copy of the grievance and the principal's response shall be filed with the superintendent or his/her designee.

4. Appeal to / Response by Superintendent

- a. If the grievant is dissatisfied with the official's response, within five (5) days of receipt of the official's response to the grievance, the grievant may appeal in writing the official's decision to the superintendent.
- b. The superintendent or his/her designee shall conduct any investigation necessary before rendering a decision. The superintendent may call a meeting with the grievant or any other party or witness related to the grievance. Any student grievant may be accompanied by a parent, legal guardian or other person who is in a position of *loco parentis* to the student.
- c. The superintendent or his/her designee shall provide the aggrieved employee(s) with a written decision within fifteen (15) days after receiving the appeal or grievance. In responding, the superintendent may not disclose information about other students or employees that is considered confidential by law.

5. Appeal to / Response by the Board

- a. If the grievant is dissatisfied with the superintendent's response, within five (5) days of receipt of the superintendent's response to the grievance, the grievant may appeal in writing the superintendent's decision to the board.
- b. A hearing shall be conducted pursuant to policy 2.5000, Hearings Before the Board. Notwithstanding the provisions of policy 2.5000, if the grievant has not alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board policy or procedure,

the board may choose to review the appeal of a grievance on the record only, without allowing oral presentations.

- c. The board or its committee shall provide a final written decision within thirty (30) days of hearing the appeal unless further investigation is necessary or the hearing necessitates that more time be taken to respond. The decision of the board or its committee may affirm, disaffirm or modify the decision of the superintendent. If the board designates a board committee to hear the appeal, the decision of the board's committee shall be final. If the full board hears the appeal, the decision of the Board shall be final.

D. GENERAL REQUIREMENTS

1. All parties in interest in any grievance filed pursuant to this policy shall conduct themselves in a professional manner at all times during the investigation and hearing of the grievance.
2. No reprisals of any kind shall be taken by the Board or by an employee of the school system against any grievant, other student, party in interest or employee on account of his/her participation in a grievance filed and decided pursuant to this policy.
3. Each decision shall be in writing, setting forth the decision and reasons therefore, and shall be transmitted promptly to all parties in interest.
6. All meetings and hearings conducted pursuant to this policy shall be private.
7. The board and school system will consider requests to hear grievances from a group of grievants, but the board and officials have the discretion to hear and respond to grievants individually.
4. The grievant may have a representative, including an attorney, at any appeal stage of the grievance. However, if the grievant intends to be represented by legal counsel, he/she must notify the appropriate school official in advance so that the board attorney or attorney for other school personnel also will have the opportunity to be represented by legal counsel.

F. NOTICE

The superintendent or his/her designee is responsible for providing effective notice to students, parents and school system employees of the procedures for reporting and investigating grievances.

G. RECORDS

Appropriate records shall be maintained in accordance with state and federal law.