

STUDENT AND PARENT GRIEVANCE PROCEDURE

Policy Code: 1740/4010

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 1742/5060, 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 formal process for certain types of complaints or if an informal process was not satisfactory. This policy provides a complaint procedure that may 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 copies of all applicable board policies.

B. DEFINITIONS

1. Days

Days means working days, exclusive of Saturdays, Sundays, vacation days or holidays, as set forth in the school calendar. In counting days, the first day shall be the first full working day following the receipt of the grievance. After May 1, time limits shall 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.

2. Final Administrative Decision

Final administrative decision means a decision of a school employee from which no further appeal to a school administrator is available.

3. Grievance

Grievance means a formal complaint regarding specific decisions made by school personnel that alleges that such decisions have adversely affected the person making the complaint. A grievance includes, but is not limited to, 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. 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.

4. Grievant

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

5. Official

Official means the school system personnel hearing and responding to the grievant.

C. TIMELINESS OF PROCESS

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

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

Failure by the grievant at any step of the process to appeal a grievance to the next step within the specified time limit shall be considered acceptance of the decision at the current 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.

D. GENERAL REQUIREMENTS

1. No reprisals of any kind will be taken by the board or by an employee of the school system against any grievant or other student or employee on account of his or her participation in a grievance filed and decided pursuant to this policy.
2. All meetings and hearings conducted pursuant to this policy shall be private.
3. The board and school system officials will consider requests to hear grievances from a group of grievants, but the board and officials have the discretion to respond to individual grievants.
4. The grievant may have a representative, including an attorney, at any stage of the grievance. However, any grievant intending to be represented by legal counsel must notify the appropriate school official in advance so that school personnel also will

have the opportunity to be represented by legal counsel.

E. PROCESS FOR GRIEVANCE

1. Reporting Grievance

- a. Whenever a student or parent or guardian believes that he or she has been adversely affected by a decision of a school employee, the student or parent or guardian may file a grievance as provided in this policy.
- b. A grievance must be filed as soon as possible but no later than 30 days after disclosure or discovery of the facts giving rise to the grievance. For a grievance submitted after the 30 day period that claims a violation, misapplication or misinterpretation of state or federal law, including discrimination, the superintendent or designee shall 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 system 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 or guardians should recognize that delays in reporting may significantly impair the ability of the school system to investigate and respond effectively to such complaints.
- c. A student or parent or guardian who has a grievance must provide the following information in writing to the principal: (1) the name of the school system employee or other individual whose decision(s) or action(s) is at issue; (2) the specific decision(s) or action(s) at issue; (3) any board policy, state or federal law, state or federal regulation, or State Board of Education policy or procedure that the parent or guardian 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 1742/5060 is appropriate and the principal shall address the concern following that board policy.
- d. Even if the principal is the employee whose decision or action is at issue, the student shall 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 designee.

2. Investigation

- a. The principal shall schedule and hold a meeting with the student and/or

parent or guardian within five school days of receiving the request. The student may be accompanied by a parent, legal guardian or other person who is in a position of *loco parentis* to the student.

- b. The principal shall conduct any investigation of the facts necessary before rendering a decision.

3. Response by Principal

- a. The principal shall provide a written response to the written grievance within 10 days of the meeting. The response shall include the principal'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 by law is considered confidential.
- b. A copy of the grievance and the principal's response shall be filed with the superintendent.

4. Response by Superintendent

- a. If the grievant is dissatisfied with the principal's decision, the grievant may appeal the decision to the superintendent. The appeal must be made in writing within five days of receiving the principal's decision.
- b. The superintendent may review the written documents and respond, or the superintendent may schedule and hold a conference with the grievant, principal, and any other individuals the superintendent determines to be appropriate within five school days after receiving the appeal. The student 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 shall provide a written response within 10 days after receiving the appeal. In responding, the superintendent may not disclose information about other students or employees that by law is considered confidential.

5. Appeal to the Board

If the grievant has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board of education policy or procedure, the grievant shall have a right to appeal a final administrative decision to the board of education (see Mandatory Appeals below). If a grievant has not alleged such specific violations, he or she may request a hearing before the board, which the board may grant at its discretion (see Discretionary Appeals below).

a. Mandatory Appeals

- 1) If the grievant is dissatisfied with the superintendent's response to his or her grievance and has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board of education policy or procedure, 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.

b. Discretionary Appeals

- 1) If the grievant is dissatisfied with the superintendent's response to his or her grievance but 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 of education policy or procedure, then within five days of receiving the superintendent's response, the grievant may submit to the superintendent a written request for a hearing before the board of education.
- 2) If the full board will be meeting within two weeks of the request for a hearing, the board will decide at that time whether to grant a hearing. Otherwise, the board chair shall appoint a three-person panel to review the request and determine if a hearing should be granted. The panel will report the decision to the board. The board may modify the decision of the panel upon majority vote at a board meeting.
- 3) If the board decides to grant a hearing, the hearing will be conducted pursuant to board policy 2500, Hearings Before the Board.
- 4) The board will provide a final written decision within 30 days of the decision to grant a hearing, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

F. SPECIAL CIRCUMSTANCES

1. Discrimination on the Basis of Sex

Sexual harassment complaint procedures are established in board policy 1745/4027, Sexual Harassment Complaint Procedure for Students. 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 shall 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 shall 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 shall be notified so that responsibility for the corrective steps may be delegated to the appropriate individual. If still not satisfied, the grievant may appeal the Title IX coordinator's response to the superintendent and board as provided in this policy. (See also policy 1710/4021/7230, Prohibition Against Discrimination, Harassment and Bullying, as it relates to the Title IX coordinator.)

2. **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/Americans With Disabilities Act ("Section 504/ADA") coordinator. The Section 504/ADA coordinator shall 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 disability. The Section 504/ADA coordinator shall 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 Section 504/ADA coordinator's responsibilities, the superintendent or designee also shall be notified so that responsibility for the corrective steps may be delegated to the appropriate individual. If still not satisfied, the student may appeal the Section 504/ADA coordinator's response to the superintendent and board as provided in this policy. (See also policy 1710/4021/7230 as it relates to the Section 504/ADA coordinator.)

3. **Grievance Involving a Decision of the Superintendent**

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 shall be used, except that the grievance shall be submitted to the Director of Human Resources, who shall forward the grievance to the board chairperson.

G. RECORDS

Records of discrimination complaints shall be maintained as required by 1710/4021/7230.

H. NOTICE

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

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. § 621 *et seq.*; Americans With Disabilities Act, 42 U.S.C. § 12134, 28 C.F.R. pt. 35; Rehabilitation Act of 1973, 29 U.S.C. § 705(20), 794, 34 C.F.R. pt. 104; 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.*, 29 C.F.R. pt. 1604; Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.*, 34 C.F.R. pt. 106; *Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance*, U.S. Department of Education, Office for Civil Rights, (1994); *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, U.S. Department of Education, Office for Civil Rights, (2001); G.S. 126-16, 150B-43 *et seq.*

Cross References: Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Harassment Defined (policy 1735/4025/7235), Sexual Harassment Defined (policy 1736/4026/7236), Responding to Complaints (policy 1742/5060), Sexual Harassment Complaint Procedure for Students (policy 1745/4027), Hearings Before the Board (policy 2500), Student Discipline Policies (4300 series)

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