

STUDENT AND PARENT GRIEVANCE PROCEDURE

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. Board policy 1742, Responding to Complaints, identifies these different processes, including mechanisms for resolving complaints concerning curriculum and instructional materials, disciplinary consequences, special education programs, and claims of discrimination or bullying.

While the Board encourages resolution of complaints through informal means, the Board recognizes that, at times, a formal process may be necessary for certain types of complaints or if the informal process did 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 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.

Final Administrative Decision: a decision of a school employee from which no further appeal to a school administrator is available.

Grievance: a formal complaint regarding a specific decision made by school personnel that alleges that such decision has 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. 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 in violation of Policy 1710 or claims of

discrimination on the basis of a disability in violation of Policy 1730 must be processed under Policy 1720, Discrimination, Harassment and Bullying Complaint Procedure or Administrative Procedures 1730-P as applicable.

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

Official: the school district employee 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 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 of the grievant.

Failure by the grievant at any step of the process to appeal a grievance to the next step within the specified time limit will be considered acceptance of the decision at the current 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 officials 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 a parent, legal guardian or attorney, at any stage of the grievance. However, if the grievant intends to be represented by legal counsel, he or she 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. Filing a 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 30 days that claims a violation, misapplication or misinterpretation of state or federal law, 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 filing a grievance may significantly impair the ability of the school district to investigate and respond effectively to such complaints.
- c. A student, parent or guardian 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, state or federal law, state or federal regulation, or State Board of Education policy or procedure that the parent or student believes has been misapplied, misinterpreted or violated; and (4) 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, Responding to Complaints is appropriate, and the principal will address the concern following that Board policy.
- d. 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.
- e. If a student, parent or guardian wants to initiate a formal grievance regarding a Final Administrative Decision by the Superintendent that directly and specifically affects the student, the general process described in this policy will be used, except that the grievance will be submitted to the Assistant Superintendent of Human Resources, who shall forward the grievance to the Board chairperson.

2. Investigation

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

3. Response by Principal

- a. 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.
- b. A copy of the grievance and the principal's response will 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 in writing within five days of receiving the principal's decision.
- b. The Superintendent or designee may review the written documents and respond or the Superintendent or designee 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 written 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 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.

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 will have the right to appeal a Final Administrative Decision to the Board of Education (see subsection E.5.a., Mandatory Appeals, below). If a grievant has not alleged such specific violations, he or she may request a board hearing, which the Board may grant at its discretion (see subsection E.5.b., Discretionary Appeals, below).

a. Mandatory Appeals

- 1) If the grievant is dissatisfied with the Superintendent 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 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 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 of Education 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 Chairperson and the Board Vicechairperson will review the request and determine if a hearing should be granted or will appoint a three-person panel to review the request and determine if a hearing should be granted. The Board chairperson or the panel will report the decision to the Board. The Board may modify the decision of the Chairperson or 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 policy 2500.

- 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. 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.

G. RECORDS

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

Legal References: G.S. 115C-45(c); 126-16; 150B-43 *et seq.*

Cross References: Prohibition Against Discrimination, Harassment and Bullying (policy 1710), Discrimination, Harassment and Bullying Complaint Procedure (policy 1720), Nondiscrimination on the Basis of Disabilities (policy 1730); Responding to Complaints (Board policy 1742), Hearings Before the Board (policy 2500), Student Behavior Policies (4300)

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