

Rule 5145.4

Students

Grievance Procedure

Definitions:

- A. Grievance: A formal written complaint
 - 1. setting forth the allegation that there has been a violation, misinterpretation or inequitable application of any district policy or practice relative to anti-discrimination legislation;
 - 2. specifically identifying the policy or statute violated, misinterpreted or inequitably applied;
 - 3. furnishing sufficient background concerning the alleged violation, misinterpretation or inequitable application to identify persons, actions, and/or omissions that led to the allegation.
- B. Grievant: Any student or parent aggrieved by a decision or condition under the guidelines of anti-discrimination legislation.
- C. Title IX Officer: The school district employee designated to coordinate compliance efforts with anti-discrimination legislation and charged with the responsibility of investigating complaints.
- D. 504 Officer: The school district employee designated to coordinate compliance efforts with anti-discrimination legislation and charged with the responsibility of investigating complaints.

Miscellaneous Provisions:

- A. A grievance must be filed within 90 days of the date the grievant knew or should have known of the circumstances that occasioned the grievance.
- B. No person shall suffer recrimination or discrimination because of participation in this grievance procedure.
- C. Whenever possible, hearings shall be scheduled during a mutually convenient time that does not conflict with the regularly scheduled school programs.
- D. Students and parents shall be free to testify regarding any grievance filed hereunder.

- E. The student and/or parent reserve the right to suspend the services of the student government representative and seek whatever help they see fit.
- F. Confidentiality of the substances of the grievance will be observed by all participants pending resolution of the grievance or final decision by the Board.
- G. Nothing contained herein shall be construed so as to limit in any way the ability of the district and the grievant to resolve any grievance mutually and informally.
- H. If other statutory procedures are available, these grievance procedures need not be followed.

Procedure:

- A. The parent or student should first discuss the issue with the principal or his/her designee with the objective of solving the matter informally. A student may be accompanied by the parent or guardian filing a complaint on the student's behalf. The Title IX or 504 officer may also be called into the discussion.

If a student and/or parent feels that discriminatory action has been taken involving the student, the student and/or parent may bring it to the attention of the Student Government of the school. It will then be the responsibility of the Student Government to explain the grievance procedure to the student and/or parent and then represent and advise the student and/or parent throughout the procedure.

1. **Grievance Level I**

- a. The grievant shall prepare and file the grievance with the principal, or his designee, and the Title IX or 504 officer.
- b. Within ten calendar days of the grievance having been filed, the Title IX or 504 officer shall investigate the complaint with the parties concerned in the grievance.
- c. Within five calendar days after the conclusion of the investigation, the Title IX or 504 officer shall issue to the principal of the school and to the grievant a written report setting forth findings and recommendations for the resolution of the conflict.

- d. The grievance shall be considered resolved if within 10 days (1) the grievant and the school district accept the recommendation of the

Title IX or 504 officer or (2) if the grievant fails to proceed with action at Grievance Level II.

- e. If no written report has been issued within the time limits set forth in "c" above, or if the grievant or district rejects the recommendations of the Title IX or 504 officer, the grievant shall be free to file the grievance at Level II.

- B. In the event the matter is not resolved informally within a reasonable period of time, the following procedure shall be adhered to with complete confidential status at each level.

- 1. **Grievance Level II (District Level)**

- a. The grievant shall file the grievance with the Superintendent within 10 days of the date of the report that has been issued or should have been issued by the Title IX or 504 officer.
 - b. Within ten days of the receipt of the grievance, the Superintendent shall cause a hearing to be conducted with all parties in interest to the grievance.
 - c. Within five days of the completion of the hearing, the Superintendent shall prepare and issue a report setting forth recommendations for the resolution of the grievance.
 - d. The grievance shall be considered resolved if within 10 days (1) the grievant accepts the recommendations of the Superintendent or (2) if the grievant fails to file the grievance at Level III within the time limits set forth herein.

- C. If the grievant rejects the recommendations of the Superintendent, or if the Superintendent fails to issue a report within the time limits set forth above, the grievant shall be free to file the grievance at Level III within ten days following the date of the recommendation which has been issued or should have been issued by the Superintendent.

- D. In any matter wherein the law requires a hearing before the Board of Education such law shall apply, and the hearing so conducted shall be the third step of this procedure.

- E. In any matter whereof the law does not require a hearing before the Board of Education, the third step of this procedure shall be conducted by a mutually selected compliance panel.

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1. **Grievance Level III**

- a. The grievant shall file the grievance by delivering it to the Board of Education within the time limits set forth herein. Such filing shall name the person selected by the grievant to sit upon an ad hoc compliance panel.
- b. Within five days of the Board meeting at which the grievance was received, the President of the Board shall appoint one member to the compliance panel.
- c. The two members so selected shall meet and mutually agree upon a third panel member who shall be the chairperson of the panel. In the event the two members are unable to agree upon a third, they shall request the presiding judge of the county court to appoint the chairperson.
- d. Within 15 days of the filing of the grievance at Level III, the compliance panel shall convene, hear the testimony of all interested parties, and seek such legal guidance as it deems necessary. The compliance panel shall have the authority to call witnesses and to establish the procedures for the hearing.
- e. Within 25 days of the filing of the grievance at Level III, the compliance panel shall issue its findings of fact and specific recommendations for the resolution of the grievance to both the grievant and the Board of Education. The grievance shall be considered resolved if the recommendations of the panel are accepted by the Board.
- f. The actual and necessary expenses of the panel shall be borne by the Governing Board. Fees, if any, of panel members, shall be paid by the parties who appointed them, and fees, if any, of the panel chairperson shall be paid by the district.

Post Grievance Procedure Resolution:

In the event that the grievance remains unresolved at the termination of this grievance procedure, the grievant is free to pursue such litigation or statutory remedy as the law may provide.

Rule

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