

STUDENT GRIEVANCE REGULATION

A. STUDENT GRIEVANCES

1. A student who alleges a complaint may first attempt to resolve the problem by discussing it with the building administrator. The building administrator may notify the actor of the problem. If the problem cannot be solved, the parties may proceed formally to Level One.

The following are not grievable:

- a. Placement of a student in a grade
- b. Transfers of a student between buildings
- c. Assignment of a student to a building
- d. Complaints of one student against another

2. LEVEL ONE - BUILDING ADMINISTRATOR

- a. Formal student grievances shall be filed using form 503.3-E1, no later than seven (7) days from the act precipitating the grievance, with the building administrator who shall be the Level One hearing officer. The student's parent, guardian or legal custodian must either sign the grievance or accompany the student when he/she files it. If, for any reason, a student is not in the building, the parent, guardian or legal custodian or the attorney shall be allowed into the building to file a grievance before or after school hours. The Level One hearing officer shall immediately, by telephone or mail, notify the student's (aggrieved party's) parent, guardian or legal custodian of the filing of a grievance.
- b. The hearing officer (building administrator) shall then investigate the facts and circumstances of the grievance and interview the aggrieved and actor and shall attempt to solve the grievance to their mutual satisfaction. The hearing officer (building administrator) shall then deliver a report of the grievance and a decision within three (3) school days. A copy of this regulation will be provided to the aggrieved party and his/her parents, guardian, or legal custodian.

3. LEVEL THREE - EXECUTIVE DIRECTOR OF STUDENT AND AT-RISK SERVICES

- a. Any interested party may appeal the Level Two decision to the Executive Director of Student Services, who shall be the Level Three hearing officer, by filing an appeal with the Assistant Superintendent of Administrative/Student Services (3) school days of delivery of the final Level Two decision.
- b. The Level Three hearing officer shall investigate the facts and circumstances, and, if the hearing officer deems it necessary, interview the aggrieved and actor. The Level Three hearing officer shall deliver a report of his/her actions and decisions within three (3) school days of the filing of the appeal.

4. LEVEL FOUR - SUPERINTENDENT

- a. Any interested party may appeal the Level Three decision to the Superintendent, who shall be the Level Four hearing officer, by filing an appeal with the Superintendent within three (3) school days of delivery of the final Level Three decision.
- b. The Level Four hearing officer shall investigate the facts and circumstances, and, if the hearing officer deems it necessary, interview the aggrieved and actor. The Level Four hearing officer shall deliver a report of his/her actions and decisions within three (3) school days of the filing of the appeal.

B. ACT OF DISCRIMINATION

1. Except as modified in this section the discrimination grievance procedure shall be the same as for any other grievance.
2. The building administrator shall, immediately upon hearing of an alleged act of discrimination, report the same by telephone or in person, to the Executive Director of Student and At-Risk Services. If the Executive Director of Student and At-Risk Services first hears of an alleged act of discrimination, the said Executive Director of Student and At-Risk Services shall immediately notify the building administrator. The Executive Director of Student and At-Risk Services shall contact the aggrieved within three (3) school days of being informed of the grievance to ascertain if the grievance has been resolved and to do what he/she can to improve the situation. He/she shall remain in contact with all other interested parties until the matter is finally resolved.
3. The Executive Director of Student and At-Risk Services shall be an interested party for all grievances alleging acts of discrimination.
4. Where the grievance involves an alleged act of discrimination, the times for filing and delivering decisions and appeals shall be the same as in other grievances except for the following:
 - a. Level One hearing officer decisions — three school days
 - b. Level Two hearing officer decisions — three school days
 - c. Level Three hearing officer decisions — three school days
 - d. Level Four hearing officer decisions — three school days

C. GENERAL - APPLICABLE TO ALL GRIEVANCES

1. Student Representation
 - a. If the aggrieved are three or fewer students, such students may represent themselves and each must be accompanied by their parent, guardian or legal custodian and each may be represented by an attorney.
 - b. If the aggrieved are more than three students, such students must select not more than three persons to represent them.

- i. only the parent, guardian or legal custodian and attorneys may act as representatives.
- ii. The students involved, their attorneys and their parent, guardian or legal custodian, whether designated as representatives or not, may attend any proceedings.
- iii. The actor may be represented at any proceeding by an attorney and/or a representative selected by the actor.
- iv. If the Level One hearing officer (building administrator) determines that the grievance will substantially affect more than just the aggrieved or the actor, the hearing officer may refuse to hear the grievance. In this event, the grievance shall be treated as a group grievance and the procedure shall be commenced at Level Four. The Level Four hearing officer shall have the right to send any such grievance to a lower level.
- v. In all cases where the aggrieved has selected a representative, the aggrieved shall notify the appropriate hearing officer of this fact, in writing, and the representative shall be substituted for the aggrieved or an interested party.

2. Confidence

- a. All documents, communications and records dealing with the processing of a grievance shall be kept in a separate file and shall not be kept in the student's cumulative or the actor's (employee's) personnel file. Such documents, communications and records concerning student and actors shall be kept in the offices of Student and Supplemental Services and Human Resources, respectively.
- b. Nothing herein shall require any person to divulge any information acquired in confidence.

3. Grievances against hearing officers

In any case where the actor is the hearing officer, the procedure shall start at the next highest level, except that no grievance shall start at the Board Level (Level Five). If the actor is the Superintendent, the President of the Board of Education shall be the Level Four hearing officer.

4. Form

Each grievance shall state the nature of the grievance, the aggrieved, the actor, the names of any witnesses, and any other information deemed pertinent by the aggrieved. The District shall make the appropriate forms easily available in all buildings.

5. Reprisals

No reprisals of any kind shall be taken by the Board or by any employee of the District against any interested party or any representative or any other participant in the grievance procedure by reason of such participation.

6. Time

- a. If the grievance process cannot be completed by the time frame stated, a written communication regarding the delay will be provided to all parties with a copy to the Level Three hearing officer for review and action.
- b. Every effort will be made to have a grievance processed at times which will not require a replacement for the staff member involved for the performance of normal duties or disruption of student class time.
- c. In computing time, the first day, the day the actor acts, or the day of the grievance or appeal if filed, shall be excluded and the last day of the time limit included.
- d. Any grievance or appeal not timely taken shall be considered waived unless the hearing officer determines that a good cause has been shown that warrants waiving the time limits. If the hearing officer fails to deliver a decision within the specified time limits, the grievance or appeal shall be considered denied and this decision may be appealed unless the contrary is agreed to by the aggrieved and the actor.

7. Writing

All filings, appeals and decisions shall be in writing.

8. Group Grievances

If more than one grievance is filed involving substantially the same issue, the Level Four hearing officer shall have the right to consolidate them and treat them as one grievance filed by more than one person.

9. Delegation

Whenever a particular person is designated by this regulation to do a particular function, the function may be delegated by that person to a substitute, only if the named person is unable to do the function. A substitute for the Superintendent shall be the acting Superintendent. In the event of a substitution, the substitute shall notify all interested parties in writing on the day of such appointment.

10. Dissemination

The essence of this procedure shall, within the first two weeks of attendance, be given to all students in the secondary schools and mailed to all heads of household. The entire procedure shall be in each teacher's handbook and made known to all other employees.

D. DEFINITIONS

1. The actor is the person whose act caused the grievance.
2. The aggrieved is the person making the claim.
3. For purposes of the timeline, a day is between 7:00 a.m. and 6:00 p.m. on a day when school is in session. Anything occurring after 6:00 p.m. shall be considered to have happened the next day.
4. Delivery is accomplished when a writing is mailed or when personal service is accomplished. All decisions of the hearing officers shall be delivered to parent/guardians, involved District employees, building administrators, and other District personnel. Decisions of the hearing officers must be given to the aggrieved and the actor by personal service by either the hearing officer or a delegate. Personal service is accomplished by either: (1) mailing by certified mail to the recipient's address as shown in the school records; or (2) personally handing it to the recipient; or (3) handing it, at the dwelling house or usual place of abode, to any person residing therein who is at least eighteen years old; or (4) handing it to the parent, guardian or legal custodian or spouse of the recipient. When delivery is accomplished by personal service, other than by certified mail, the person making the delivery shall take the signed receipt of the person receiving the notice.
5. Filing is informing the appropriate person, in writing, that the aggrieved has a grievance or that the person filing is appealing a decision of a hearing officer. Only the aggrieved, parent, guardian or legal custodian or their attorney may file a grievance.
6. A grievance is a claim by a student questioning the interpretation or application of a board policy or Administrative Regulation or alleging a violation thereof.
7. The hearing officer is the person designated at each level of the procedure with whom grievances and appeals are filed and who shall hear grievances and their appeals. To the extent possible, the hearing officer shall have special training or experience in human relations.
8. The interested party is the aggrieved, the actor, the building administrator, and/or person designated by the Superintendent.
9. Words and phrases shall be construed as in the singular or plural number and as masculine, feminine or neuter gender according to the context.

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