

1 **A. OPTIONS FOR RESOLVING COMPLAINTS**
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3 The [Transylvania County Board of Education](#) (the “board”) strives to resolve concerns
4 and complaints of students and parents whenever possible. To this end, the board has
5 provided opportunities for students and parents to express their concerns through
6 processes established in board policies. Policy 1742/5060, Responding to Complaints,
7 identifies these different processes, including a mechanism for resolving complaints in an
8 informal manner.
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10 While the board encourages resolutions of complaints through informal means, it
11 recognizes that, at times, a formal process may be necessary for certain types of
12 complaints or if the informal process did not produce satisfactory results. This policy
13 provides a complaint procedure that may be used as described below.
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15 Any parent or student who has questions about the options for proceeding with a
16 complaint or concern may contact the principal or superintendent for further information
17 and copies of all applicable board policies.
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19 **B. DEFINITIONS**
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21 **1. Days**
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23 Days are working days, exclusive of Saturdays, Sundays, vacation days, or
24 holidays, as set forth in the school calendar. In counting days, the first day will be
25 the first full working day following the receipt of the grievance. After May 1,
26 time limits will consist of all weekdays (Monday – Friday) so that the matter may
27 be resolved before the close of the school term or as soon thereafter as possible.
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29 **2. Final Administrative Decision**
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31 A final administrative decision is a decision of a school employee from which no
32 further appeal to a school administrator is available.
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34 **3. Grievance**
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36 A grievance is a formal complaint regarding specific decisions made by school
37 personnel that alleges that such decisions have adversely affected the person
38 making the complaint. A grievance includes, but is not limited to, circumstances
39 such as when a student or parent believes that board policy or law has been
40 misapplied, misinterpreted, or violated. The term “grievance” does not include
41 any matter for which the method of review is prescribed by law, for which there is
42 a more specific board policy providing a process for addressing the concern, or
43 upon which the board is without authority to act. Claims of discrimination,

44 harassment, or bullying must be processed under policy 1720/4015/7225,
45 Discrimination, Harassment, and Bullying Complaint Procedure.

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47 **4. Grievant**

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

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52 **5. Official**

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

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57 **C. TIMELINESS OF PROCESS**

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

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62 Failure by the official at any step to communicate a decision within the specified time
63 limit will permit the grievant to appeal the grievance to the next step unless the official
64 has notified the grievant of the delay and the reason for the delay, such as the complexity
65 of the investigation or report. The official shall make reasonable efforts to keep the
66 grievant apprised of progress being made during any period of delay. Delays that
67 interfere with the exercise of the grievant's legal rights are not permitted.

68
69 Failure by the grievant at any step of the process to appeal a grievance to the next step
70 within the specified time limit will be considered acceptance of the decision at the current
71 step, unless the grievant has notified the official of a delay and the reason for the delay
72 and the official has consented in writing to the delay.

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74 **D. GENERAL REQUIREMENTS**

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76 1. No reprisals of any kind will be taken by the board or by an employee of the
77 school system against any grievant or other student or employee because of his or
78 her participation in a grievance filed and decided pursuant to this policy.

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80 2. All meetings and hearings conducted pursuant to this policy will be private.

81
82 3. The board and school system officials will consider requests to hear grievances
83 from a group of grievants, but the board and officials have the discretion to hear
84 and respond to grievants individually.

85
86 4. The grievant may have a representative, including an attorney, at any stage of the

87 grievance. However, if the grievant intends to be represented by legal counsel, he
88 or she must notify the appropriate school official in advance so that school
89 personnel also will have the opportunity to be represented by legal counsel.
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91 **E. PROCESS FOR GRIEVANCE**

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93 **1. Filing a Grievance**

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95 a. Whenever a student or parent or guardian believes that he or she has been
96 adversely affected by a decision of a school employee, the student or
97 parent or guardian may file a grievance as provided in this policy.
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99 b. A grievance must be filed as soon as possible but no later than 30 days
100 after disclosure or discovery of the facts giving rise to the grievance. For
101 a grievance submitted after the 30 day period that claims a violation,
102 misapplication, or misinterpretation of state or federal law, the
103 superintendent or designee shall determine whether the grievance will be
104 investigated after considering factors such as the reason for the delay; the
105 extent of the delay; the effect of the delay on the ability of the school
106 system to investigate and respond to the complaint; and whether the
107 investigation of the complaint is necessary to meet any legal obligations.
108 However, students, parents, and guardians should recognize that delays in
109 filing a grievance may significantly impair the ability of the school system
110 to investigate and respond effectively to such complaints.
111

112 c. A student or parent or guardian who has a grievance must provide the
113 following information in writing to the principal: (1) the name of the
114 school system employee or other individual whose decision or action is at
115 issue; (2) the specific decision(s) or action(s) at issue; (3) any board
116 policy, state or federal law, state or federal regulation, or State Board of
117 Education policy or procedure that the parent or guardian or student
118 believes has been misapplied, misinterpreted, or violated; and (4) the
119 specific resolution desired. If there is not a specific decision or action at
120 issue and no concern that state or federal law has been misapplied,
121 misinterpreted, or violated, then the procedure established in policy
122 1742/5060 is appropriate, and the principal shall address the concern
123 following that policy.
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125 d. Even if the principal is the employee whose decision or action is at issue,
126 the student must submit the grievance first to the principal in order for the
127 principal to address the issue within the formal process. If, however, the
128 grievance claims that a state or federal law has been misapplied,
129 misinterpreted, or violated, the student may submit the grievance directly

130 to the superintendent or designee.

131
132 e. If a student wants to initiate a formal grievance regarding a decision by the
133 superintendent that directly and specifically affects the student, the general
134 process described in this policy will be used, except that the grievance will
135 be submitted to the assistant superintendent of human resources, who shall
136 forward the grievance to the board chairperson.

137
138 **2. Investigation**

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140 a. The principal shall schedule and hold a meeting with the student and/or
141 parent or guardian within five school days after the grievance has been
142 filed with the principal. The student may be accompanied by a parent,
143 legal guardian, or other person who is in a position of *loco parentis* to the
144 student.

145
146 b. The principal shall conduct any investigation of the facts necessary before
147 rendering a decision.

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149 **3. Response by Principal**

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151 a. The principal shall provide a written response to the written grievance
152 within 10 days of the meeting. The response will include the principal's
153 decision regarding resolution of the grievance and the basis for the
154 decision. In responding, the principal may not disclose information about
155 other students or employees that is considered confidential by law.

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157 b. A copy of the grievance and the principal's response will be filed with the
158 superintendent.

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160 **4. Response by Superintendent**

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162 a. If the grievant is dissatisfied with the principal's decision, the grievant
163 may appeal the decision to the superintendent. The appeal must be made
164 in writing within five days of receiving the principal's decision.

165
166 b. The superintendent may review the written documents and respond or the
167 superintendent may schedule and hold a conference with the grievant,
168 principal, and any other individuals the superintendent determines to be
169 appropriate within five school days after receiving the appeal. The student
170 may be accompanied by a parent, legal guardian, or other person who is in
171 a position of *loco parentis* to the student.

172

173 c. The superintendent shall provide a written response within 10 days after
174 receiving the appeal. In responding, the superintendent may not disclose
175 information about other students or employees that is considered
176 confidential by law.

177
178 **5. Appeal to the Board**

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180 If the grievant has alleged a violation of a specified federal or state law, federal or
181 state regulation, State Board of Education policy or procedure, or local board of
182 education policy or procedure, the grievant will have the right to appeal a final
183 administrative decision to the board of education (see subsection E.5.a,
184 Mandatory Appeals, below). If a grievant has not alleged such specific violations,
185 he or she may request a board hearing, which the board may grant at its discretion
186 (see subsection E.5.b, Discretionary Appeals, below).

187
188 **a. Mandatory Appeals**

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190 1) If the grievant is dissatisfied with the superintendent's response to
191 his or her grievance and has alleged a violation of a specified
192 federal or state law, federal or state regulation, State Board of
193 Education policy or procedure, or local board of education policy
194 or procedure, the grievant may appeal the decision to the board
195 within five days of receiving the superintendent's response.
196
197 2) A hearing will be conducted pursuant to policy 2500, Hearings
198 Before the Board.
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200 3) The board will provide a final written decision within 30 days of
201 receiving the appeal unless further investigation is necessary or the
202 hearing necessitates that more time be taken to respond.

203
204 **b. Discretionary Appeals**

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206 1) If the grievant is dissatisfied with the superintendent's response to
207 his or her grievance but has *not* alleged a violation of a specified
208 federal or state law, federal or state regulation, State Board of
209 Education policy or procedure, or local board of education policy
210 or procedure, then within five days of receiving the
211 superintendent's response, the grievant may submit to the
212 superintendent a written request for a hearing before the board of
213 education.
214
215 2) If the full board will be meeting within two weeks of the request

216 for a hearing, the board will decide at that time whether to grant a
217 hearing. Otherwise, the board chairperson will appoint a three-
218 person panel to review the request and determine whether to (1)
219 deny the appeal; (2) review the superintendent’s decision on the
220 written record only; or (3) grant a hearing. The panel will report
221 the decision to the board. The board may modify the decision of
222 the panel upon majority vote at a board meeting.
223

224 3) If the board denies the appeal, the decision of the superintendent
225 will be final and the grievant will be notified within five days of
226 the board’s decision.
227

228 4) If the board decides to grant a hearing, the hearing will be
229 conducted pursuant to policy 2500, Hearings Before the Board.
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231 5) The board will provide a final written decision within 30 days of
232 the decision to grant an appeal, unless further investigation is
233 necessary or the hearing necessitates that more time be taken to
234 respond.
235

236 **F. NOTICE**

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238 The superintendent or designee is responsible for providing effective notice to students,
239 parents, and school system employees of the procedures for reporting and investigating
240 grievances.
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242 **G. RECORDS**

243
244 Appropriate records shall be maintained in accordance with state and federal law.
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246 Legal References: G.S. 115C-45(c); 126-16; 150B-43 *et seq.*
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248 Cross References: Prohibition Against Discrimination, Harassment, and Bullying (policy
249 1710/4021/7230), Discrimination, Harassment, and Bullying Complaint Procedure (policy
250 1720/4015/7225), Responding to Complaints (policy 1742/5060), Hearings Before the Board
251 (policy 2500), Student Behavior Policies (4300 series)
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253 Adopted: