

**A. OPTIONS FOR RESOLVING COMPLAINTS**

The Transylvania County Board of Education (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. Policy 1742/5060, Responding to Complaints, identifies these different processes, including a mechanism for resolving complaints in an informal manner.

While the board encourages resolutions of complaints through informal means, it 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 or concern may contact the principal or superintendent for further information and copies of all applicable board policies.

**B. DEFINITIONS****1. Days**

Days are 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.

**2. Final Administrative Decision**

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

**3. Grievance**

A grievance is 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. 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 must be processed under policy 1720/4015/7225, Discrimination, Harassment, and Bullying Complaint Procedure.~~

4. Grievant

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

5. Parent

All references to parent include a student's parent, legal guardian, legal custodian, or another caregiver adult authorized to enroll a student under policy 4120, Domicile or Residence Requirements.

~~6. Official~~

~~The official is the school system 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 a school system 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 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 the grievant's 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 will be considered acceptance of the decision at the current step, unless the grievant has notified the appropriate school system 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 because 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 will 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 hear and respond to grievants individually.

4. The grievant may have a representative, including an 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. **At any meeting or hearing during the grievance process, a student grievant may be accompanied by a parent as well as a representative.**

#### 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 the 30 day period that claims a violation, misapplication, or misinterpretation of state or federal law, 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, ~~and guardians~~ should recognize that delays in filing a grievance 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 or action 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; and (4) the specific resolution desired. If there is not a specific decision or action at issue and no concern that state or federal law has been misapplied, misinterpreted, or violated, then the procedure established in policy 1742/5060 is appropriate, and the principal shall address the concern following that policy.

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- 133 d. Even if the principal is the employee whose decision or action is at issue,
- 134 the student **or parent** must submit the grievance first to the principal in
- 135 order for the principal to address the issue within the formal process. If,
- 136 however, the grievance claims that a state or federal law has been
- 137 misapplied, misinterpreted, or violated, the student **or parent** may submit
- 138 the grievance directly to the superintendent or designee.
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- 140 e. If a student **or parent** wants to initiate a formal grievance regarding a
- 141 decision by the superintendent that directly and specifically affects the
- 142 student **or parent**, the general process described in this policy will be used,
- 143 except that the grievance will be submitted to the assistant superintendent
- 144 of human resources, who shall forward the grievance to the board
- 145 chairperson.
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- 147 2. Investigation
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- 149 a. The principal shall schedule and hold a meeting with the ~~student and/or~~
- 150 ~~parent or guardian~~ **grievant** within five school days after the grievance has
- 151 been filed with the principal. ~~The student may be accompanied by a~~
- 152 ~~parent, legal guardian, or other person who is in a position of loco parentis~~
- 153 ~~to the student.~~
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- 155 b. The principal shall conduct any investigation of the facts necessary before
- 156 rendering a decision.
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- 158 3. Response by Principal
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- 160 a. The principal shall provide a written response to the ~~written~~ grievance
- 161 within 10 days of the meeting **with the grievant**. The response will include
- 162 the principal's decision regarding resolution of the grievance and the basis
- 163 for the decision. In responding, the principal may not disclose information
- 164 about other students or employees that is considered confidential by law.
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- 166 b. A copy of the grievance and the principal's response will be filed with the
- 167 superintendent.
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- 169 4. Response by Superintendent
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- 171 a. If the grievant is dissatisfied with the principal's decision, the grievant
- 172 may appeal the decision to the superintendent. The appeal must be made
- 173 in writing within five days of receiving the principal's decision.
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- 175 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 is considered confidential by law.

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'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 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 chairperson will appoint a three-person panel to review the request and determine whether to (1) deny the appeal; (2) review the superintendent's decision on the written record only; or (3) grant a hearing. 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 denies the appeal, the decision of the superintendent will be final and the grievant will be notified within five days of the board's decision.
- 4) If the board decides to grant a hearing, the hearing will be conducted pursuant to policy 2500, Hearings Before the Board.
- 5) The board will provide a final written decision within 30 days of the decision to grant an appeal, 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 1710/4021/7230), Discrimination, Harassment, and Bullying Complaint Procedure (policy 1720/4015/7225),~~ Responding to Complaints (policy 1742/5060), Hearings Before the Board (policy 2500), **Domicile or Residence Requirements (policy 4120)**, Student Behavior Policies (4300 series)

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