

1.7430 - 4.3700 STUDENT-PARENT GRIEVANCE PROCEDURES

Legal References: Title IX of the Education Amendments of 1972
G.S. 115C-47(c)
G.S. 126-6

Cross References: 1.7100 Prohibition Against Discrimination, Harassment, and Bullying
1.7200/4.3501/7.1512 Discrimination, Harassment and Bullying Complaint Procedure
4.3600 Code of Student Conduct
1.7420/5.0600 Responding to Complaints
2.5000 Hearings Before the Board

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 1.7420/5.0600, Responding to Complaints, identifies these different processes, including a mechanism for resolving complaints in an informal manner.

While the Board encourages resolutions of all complaints through informal means, it recognizes that, at times, a formal process may be necessary for certain types of complaints or when the informal process does not produce satisfactory results. This policy provides a complaint procedure that may be used as described below.

The purpose of this Grievance Procedure is to secure, at the lowest possible level, equitable solutions of the problems which arise from time to time to affect differences between parents and employees or between employees.

I. DEFINITIONS

A. Days: Except as otherwise provided herein, days are defined as "workdays," or days of the week (Monday through Friday) exclusive of Saturdays and Sundays. In counting days, the first day shall be the first full day following receipt of the grievance, date of decision, or date of hearing.

B. Final Administrative Decision: Decision above which no further appeal is available.

C. Grievance: A formal, written claim by a student and/or parent alleging that a specific decision made by a school employee has adversely affected the person making the complaint. A grievance may include, but is not limited to, allegations of the following:

- 1) that there has been a violation, misapplication or misinterpretation of state or federal law or regulations, Board policy, or administrative procedure; or
- 2) that a decision made and/or action taken by a Board employee is unfair, discriminatory, or otherwise not in a student's best interest.

The term "grievance" does not apply to 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 pursuant to Board policy 7.1512: Discrimination, Harassment and Bullying Complaint Procedure.]

- D. Grievant: The person making the complaint.
- E. Official: The person hearing and responding to the grievant.
- F. Parties in Interest: The grievant and the person(s) against whom the grievance is filed.

II. TIMELINESS OF PROCESS

- A. Filing deadline: Formal grievances should be filed as soon as possible, but not longer than 20 days after discovery or disclosure of the facts giving rise to the grievance. Failure by the grievant to appeal an official's grievance decision to the next step within the specified time limit shall be considered acceptance of the decision unless the grievant has notified the official who made the decision of a delay and the reason for the delay and that official has consented in writing to the delay.
- B. Delay in communication of decision: Except by mutual written agreement, failure by an official to communicate a decision within the specified time limit shall 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 all reasonable efforts to keep the grievant apprised of progress being made during any period of delay. Delays may not impermissibly interfere with the exercise of the grievant's legal rights.

III. PROCEDURE

- A. Non-Grievance Complaints: If there is no specific decision, action, or physical condition at issue, or no concern that federal or state law, federal or state regulation, State Board of Education policy or procedure, or Board policy or procedure has been misapplied, misinterpreted or violated, then the procedure established in Board policy 1.7420/5.0600, Responding to Complaints, is appropriate, and the Principal or his/her designee shall address the concern raised in the complaint following that policy.
- B. Formal Resolution: It is usually desirable for students, parents, teachers, and school administrators to resolve problems through free and informal communication. However, should such informal processes fail to satisfy the employee, then any student, parent, or group of students or parents may initiate and petition a formal grievance according to the process articulated in the following steps.

STEP ONE: Talk to the teacher. In most cases, differences and concerns can be handled by each student's teacher.

STEP TWO: The student's PAA if different from the teacher in Step One. PAAs are in the best position to help resolve any conflict.

STEP THREE: ~~Assistant Principal.~~ *Respective school Associate Director (Elementary, Middle, High)*

STEP FOUR: If the issue is not resolved at Step Three, either meet with the ~~Principal~~ (*Executive Director*) informally or file a formal written grievance with the Principal in accordance with the steps outlined in 1C above.

STEP FIVE: File a formal grievance with the Falls Lake Academy Board of Directors. All formal grievances must be filed in writing within 20 days of the Principal's notification of his/her findings and/or steps in response to your conversation(s) with him/her at Step Four. All formal grievances must include the following information:

- Name of the staff member or other person whose decision or action is at issue, or against whom the grievance is being filed.
- Specific decision(s), action(s), or physical condition at issue.
- The Board policy, state or federal law or regulation, or State Board of Education policy or procedure which you believe has been misapplied, misinterpreted, ignored, or violated.
- Specific resolution which you desire.

Once a formal written grievance is filed within the 20-day time limit which contains all the above pertinent information, the Board will respond within 10 days with a written response.

STEP SIX: In the unlikely event that the Board's response does not resolve the issue, you are entitled to an Appeal. Such appeals must be filed in writing within 5 days of your receipt of the Step Five response. The Board may either convene a full Board hearing or consider the Appeal in a regular or called meeting, at its discretion. Once the Board considers an Appeal, its subsequent decision is the final administrative remedy and the resulting decision is final.