

Policy Code: 1740/4010 Student and Parent Grievance Procedure

A. Options for Resolving Complaints

The board encourages the resolution of concerns and complaints whenever possible. To this end, the board has provided opportunities for students and parents to express their concerns through processes established in board policies. Board policy 1742/5060, Responding to Complaints, identifies these different processes and provides a mechanism for resolving complaints in an informal manner.

While the board strongly encourages informal resolutions, the board recognizes that students and parents may want a more formal process for certain types of complaints or if the informal process did not produce satisfactory results. This policy provides a grievance procedure that can be used as described below.

Any parent or student who is unclear of the options for proceeding with a concern may contact the principal's office or the superintendent's office for further information and copies of all applicable board policies.

B. Definitions

1. Days: the 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 of a school employee from which no further appeal to a school administrator is available.
3. Grievance: 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 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.
4. Grievant: the parent or 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.

C. Timeliness of Process

The number of days indicated at each level should be considered a maximum and every effort should be made to expedite the process.

Failure by school district personnel 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 school district personnel has notified the grievant of the delay and the reason for the delay, such as the complexity of the investigation or report. School district personnel will make reasonable efforts to keep the grievant apprised of progress being made during any period of delay. Delays are not permitted that interfere

with the exercise of any legal rights.

Failure by the grievant at any step to appeal a grievance to the next step within the specified time limit will be considered acceptance of the decision at that step, unless the grievant has notified school district personnel of a delay, the reason for the delay, and school district personnel 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 district against any grievant, other student, or employee on account 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 district will consider requests to hear grievances from a group of grievants, but the board and school district personnel have the discretion to respond to an individual grievant.
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 district personnel in advance so that school district 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. A grievance must be filed as soon as possible but no longer than thirty (30) days after the occurrence or the disclosure or discovery of the facts giving rise to the grievance. For a grievance submitted after thirty (30) days which claims a violation, misapplication, or misinterpretation of state or federal law, including discrimination, harassment or bullying, the superintendent or designee will 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 district to investigate and respond to the grievance; and whether the investigation of the grievance is necessary to meet any legal obligations. However, students and parents should recognize that delays in reporting may significantly impair the ability of the school district to investigate and respond effectively to such grievances.
- b. A student or parent who has a grievance must provide the following information in writing to the principal: (a.) the name of the school district employee or other individual whose decision or action is at issue; (b.) the specific decision(s) or actions at issue; (c.) any board policy or law that the parent or student believes has been misapplied, misinterpreted, or violated; (d.) and the specific resolution desired. If there is not a specific decision at issue and no concern that state or federal law has been misapplied, misinterpreted or violated, then the procedure established in board policy 1742/5060, Responding to Complaints, is appropriate and the principal will address the concern following that board policy.
- c. If the principal is the employee whose decision or action is at issue, the student or parent may submit the grievance first to the principal in order for the principal to address

the issue within the formal process or directly to the superintendent or his/her designee. If the grievance claims that a state or federal law has been misapplied, misinterpreted, or violated, the grievant should submit the grievance directly to the superintendent or the superintendent's designee.

d. If a student or parent wants to initiate a grievance regarding a decision by the superintendent that directly and specifically affects the student or parent, the general process described in this policy will be used, except that the grievance will be submitted to the senior executive director of human resources or designee who shall forward the grievance to the board chairperson.

2. Investigation

a. The principal, or the superintendent or his/her designee as appropriate, will schedule and hold a meeting with the grievant within five (5) school days of receiving the request

b. The principal, or the superintendent or his/her designee as appropriate, will conduct any investigation of the facts necessary before rendering a decision.

3. Response by Principal

a. The recipient of the grievance will provide a written response to the grievance within ten (10) days of meeting with the grievant. The response will include the principal's decision regarding resolution of the grievance and the basis for the decision. In responding, the principal cannot disclose information about other students or employees that by law is considered confidential.

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

4. Response by Superintendent

a. If the grievant is dissatisfied with the principal's decision, the grievant may appeal the decision to the superintendent. The appeal must be made in writing within five (5) days of receiving the principal's decision.

b. The superintendent or his/her designee may (a) review the written documents and respond or (b) schedule and hold a conference with the grievant and principal, and any other individuals the superintendent or his/her designee determines to be appropriate, within five (5) school days after receiving the appeal.

c. The superintendent or his/her designee will provide a written response within ten (10) days after receiving the appeal. In responding, the superintendent or his/her designee cannot disclose information about other students or employees that by law is considered confidential.

5. Response by 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 Mandatory Appeals). 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 Discretionary Appeals).

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 in writing within five (5) days of receiving the superintendent's response. The written appeal must state the basis of the appeal, including the reason the grievant believes the superintendent's response is inconsistent with school board policy or state or federal law.
- 2.) A hearing will be conducted pursuant to policy 2500, Hearings Before the Board.
- 3.) The board will provide a final written decision within thirty (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 (5) 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.) At its discretion, the board may conduct a hearing pursuant to board policy 2500, Hearings Before the Board.
- 5.) The board will provide a final written decision within thirty (30) days of the decision to grant a hearing 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, and board policy.

Legal Reference: Title VI of the Civil Rights Act of 1964, [42 U.S.C. § 2000d](#) *et seq.*, [34 C.F.R. pt. 100](#);

Title VII of the Civil Rights Act of 1964, [42 U.S.C. § 2000e](#) *et seq.*; Title IX of the Education Amendments of 1972, [20 U.S.C. § 1681](#) *et seq.*, [34 C.F.R. pt. 106](#); Equal Employment Opportunity Commission's "Final Amended Guidelines on Discrimination Because of Sex"; Age Discrimination in Employment Act of 1967, as amended, [29 U.S.C. §621](#) *et seq.*; The Rehabilitation Act of 1973, [29 U.S.C. § 706](#)(8), [794](#), [34 C.F.R. pt. 104](#); The Americans with Disabilities Act, [42 U.S.C. § 12134](#), [28 C.F.R. pt. 35](#); Office of Civil Rights, Sexual Harassment Guidance: Harassment of Students by School Employees, Students or Third Parties, 62 Fed. Reg. 12,034 (1997); Office of Civil Rights, Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance, 59 Fed. Reg. 11,448 (1994); [G.S. 126-16](#), [150B-43](#) *et seq.*

Cross Reference: Responding to Complaints (board policy 1742/5060), Hearings Before the Board (board policy 2500), Domicile or Residence Requirements (board policy 4120), Student Behavior Policies (4300 series)

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Chapel Hill-Carrboro Schools
