

STUDENT GRIEVANCE POLICY & PROCEDURE

A "grievance" is defined as a complaint by or on behalf of a student alleging that a violation, misinterpretation, or inequitable application of an existing policy, rule, or regulation of the School District has been made by a district employee. The absence of or disagreement with existing policy, rule is not a "grievance". The purpose of this policy is to outline a procedure for addressing a student grievance. *Sexual harassment, and bullying complaints are not addressed through this procedure.* (See sexual harassment and bullying policies.)

When a complaint (grievance) is brought directly to the administration, teacher, or Board member, the person shall be directed to the procedure as set forth below.

PROCEDURE

1. A student or parent on behalf of the student having a complaint/grievance must first meet and discuss the concern with the employee involved. This step can be deemed completed by a parent/teacher conference or an informal mediation meeting involving the employee, the complainant and an administrator.
2. If the meeting between the person having the complaint and the employee does not resolve the concern or complaint, the person having the concern or complaint shall arrange a meeting with the Principal. The Principal shall prepare an intake report and with specificity, identify:
 - A. The employee involved;
 - B. What the rule or policy is involved;
 - C. What decision or action by the employee constitutes the basis of the grievance;
 - D. When the problem started;
 - E. What transpired at the informal meeting with the employee;
 - F. What the person filing the complaint requests as a resolution to the issue;
 - G. Any other pertinent facts, such as witnesses, location of the incident giving rise to the grievance.
3. The principal will provide a copy of the intake report to the employee involved. The employee shall, within 7 calendar days, provide the principal with a written response to the report. The person filing the grievance shall receive a copy of the employee's response.

4. The principal will make an initial determination of whether there is reasonable cause to investigate further, within 5 calendar days of the complainant receiving a copy of the employee's response. If the principal determines there is no reasonable cause to continue, each party will be advised that the complaint has been resolved or is dismissed.

(D) Within 7 days after the meeting between the complaining party, employee and principal, the principal shall make a determination as to the merits of the grievance and specify an administrative resolution. The person filing the grievance and the employee shall receive written notification of the principal's determination/resolution.

(E) If the complaining party or employee are dissatisfied with the principal's determination, he or she may, within 7 days of receiving the principal's written decision, appeal the decision to the Superintendent. The appeal shall be in writing (See Appendix B - Appeal To Superintendent).

5. The Superintendent shall review documentation relative to the appeal and within 10 days, at the Superintendent's discretion, may:

(A) Meet with the complainant and employee;

(B) Meet with the complainant, employee and principal;

(C) Discuss the matter with the principal, and shall;

(D) Uphold, reverse, or modify the principal's decision based on the record,

(E) Refer the matter directly to the Board.

6. Should the complainant or employee be dissatisfied with the Superintendent's decision, it may be appealed the School Board. The appeal shall be in writing (Appendix C - Appeal To School Board) and must be filed with the Business Manager within 7 days of the Superintendent's decision being received.

7. Upon receipt of an appeal to the Board, the Board, at its next meeting shall schedule a hearing. The following procedure shall be applicable at the Board hearing:

1. The hearing shall be in executive session.
2. Both parties have the right to be represented at the hearing.
3. The issue on appeal is whether the Superintendent's decision should be upheld, reversed or modified.
4. Both parties shall be given the opportunity to make an opening statement, with the party appealing the Superintendent's decision being given first opportunity.
5. The party appealing the Superintendent's decision shall present his or her case, followed by the other party. Both parties shall have the opportunity to ask questions of the others witnesses.
6. The Board may ask questions of any witness, or may ask the principal and Superintendent questions, in order to attempt to get a better understanding prior to making any decision on the grievance.
7. Both parties shall be given the opportunity to make a closing statement.
8. After the evidentiary portion of the hearing, everyone will be directed to leave the room except for the Board (and the Board's legal counsel if applicable) and the Board will continue in executive session.

9. The Board will reconvene in open session and a motion to uphold, reverse, or modify the Superintendent's decision shall be made and voted upon. *[The Board may in its discretion continue the proceedings and make a decision at a later date]*. The findings and decision consistent with the Board motion shall be in writing and the complainant, employee, Principal and Superintendent will receive copies after the same are approved by the Board at the next subsequent Board meeting.
10. Any party dissatisfied with the Board/Appeal Board decision may appeal the decision by filing an appeal to circuit court pursuant to SDCL 13-46-1.

NOTE: (1) Should the grievance be filed as the result of a decision by a Principal, the procedure as set forth above shall be followed, except that the Superintendent shall be the administrator initially addressing the grievance, and an appeal of the Superintendent's decision may be filed with the School Board.

Adopted: January 13, 1986

Reviewed _____

Amended: 2007, 2014

Complaining Party

APPENDIX B - APPEAL TO SUPERINTENDENT

DATE FILED: _____

THIS APPEAL IS MADE BY: _____

APPEAL OF THE PRINCIPAL'S DECISION IS MADE FOR THE FOLLOWING REASON(S) (*State exactly how and why you believe the Principal's decision is wrong*):

[illegible]

(Attach a copy of the Intake Form, the employee(s) written response, and the principal's decision.)

Date

Appellant

Date received

Superintendent

APPENDIX C - APPEAL TO THE SCHOOL BOARD

DATE FILED: _____

THIS APPEAL IS MADE BY: _____

APPEAL OF THE SUPERINTENDENT'S DECISION IS MADE FOR THE FOLLOWING REASON(S) (*State exactly how and why you believe the Principal's decision is wrong*):

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(Attach a copy of the Intake Form, the employee(s) written response, and the principal's decision the appeal to the Superintendent and the Superintendent's decision.)

Date

Appellant

Date received

By: _____
Business Manager