

STUDENT GRIEVANCE POLICY & PROCEDURE

A. A "grievance" is defined in as a complaint by a student (or parent on a student's behalf) based upon an alleged violation, misinterpretation, or inequitable application of any existing policies, rules, or regulations of the School District. The absence of or disagreement with existing policy, rules or regulations is not a "grievance" under this policy. The purpose of this policy is to outline a procedure for addressing a student grievance. *Sexual harassment complaints are addressed through the Policy Prohibiting Sexual Harassment and not through this policy.*

B. It is the belief of the Board that often grievances arise as the result of a misunderstanding, which may be resolved through the mutual efforts of the person having the concern/complaint and the employee involved. For that reason, every effort should be made by all parties involved to resolve the concern or complaint at the lowest procedural level. It is only in those situations that the concern or complaint cannot be resolved to the mutual satisfaction of the complaining party and the employee that the administration and then ultimately the Board should be involved.

C. When a complaint (grievance) is brought directly to the administration, Board or an individual Board member, the person having the complaint/ concern/grievance shall be directed to the procedure as set forth below. The following procedure is designed to ensure the proper balance in protecting the rights of the person(s) bringing the complaint and the rights of the person against whom the complaint is made. It is only when the concern/complaint/ grievance cannot be mutually resolved at the complainant/employee level or not resolved at the administrative level will the Board become involved and act as a fair and impartial finder of fact and decision maker.

COMPLAINT 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.
2. (A) 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 submit the complaint in writing to the principal (Appendix A - Complaint Form). The person making the complaint shall, with specificity, identify (1) the employee involved, (2) what the problem is, (3) who was offended by the employee's conduct, (4) when the problem started, (5) what transpired at the meeting held pursuant to paragraph #1, (6) what the person filing the complaint requests as a resolution to the concern/complaint, and (7) any other pertinent facts, such as witnesses, location of the incident giving rise to the concern/complaint, etc.

(B) The principal will provide a copy of the complaint to the employee involved. The employee shall, within 5 working days, provide the principal with a written response to the complaint. The person filing the complaint shall receive a copy of the employee response.

(C) The principal will schedule a meeting between the complainant, employee and principal, with the meeting to be held within 10 days of the complainant receiving a copy of the employee=s response.

(D) Within 10 days after the meeting between the complaining party, employee and principal, the principal shall make a determination as to the merits of the complaint and administrative resolution. The person filing the complaint 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/ resolution, he or she may, within 10 days of receiving the principal=s written decision, appeal the decision to the Superintendent of Schools. The appeal shall be in writing (Appendix B - Appeal To Superintendent).

3. (A) The Superintendent shall review documentation relative to the appeal and at his or her discretion, may (1) meet with the complainant and employee, (2) meet with the complainant, employee and principal, (3) discuss the matter with the principal, and shall (4) uphold, reverse, or modify the principal=s decision based on the record (i.e., the written complaint, employee response, and principal=s written determination) or refer the matter directly to the Board.

(B) Within 15 school days from the date the appeal was filed with the Superintendent, the Superintendent shall in writing, with copies provided to the complainant, employee and principal, either uphold, reverse or modify the principal=s decision, or give notice the matter has been referred to the Board.

(C) Should the complainant or employee be dissatisfied with the Superintendent=s decision, he or she may appeal the decision to the Board of Education. The appeal shall be in writing (Appendix C - Appeal To Board Of Education) and must be filed with the Business Manager within 10 days of the Superintendent=s decision being received.

4. Upon receipt of an appeal to the Board, the Board, at its next meeting shall (a) schedule a hearing before the entire Board or (b) appoint as an Appeal Board a sufficient number of Board members necessary to conduct official business who shall be responsible for scheduling and conducting the hearing. The following procedure shall be applicable at a 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 give 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 other=s witnesses.

6. The Board may ask questions of any witness, or may ask the principal and/or Superintendent questions, in order to attempt to get a better understanding prior to making any decision on the complaint.
7. Both parties shall be given the opportunity to make a closing statement, with the party appealing the Superintendent=s decision being give first opportunity.
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 review the evidence presented.
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 complaint/grievance be filed as the result of a decision by a Principal, the procedure as set forth in #1 and #2 above shall be followed, except that the Superintendent shall be the administrator addressing the concern/complaint, and an appeal of the Superintendent=s decision may be filed with the Board of Education.

(2) Should the complaint/grievance be filed as the result of a decision by the Superintendent, the procedure as set forth in #1 and #2 above shall be followed and the Board will designate an individual (such as but not limited to a retired school administrator, school board member of school administrator from another school district) to be the administrator addressing the concern/complaint and an appeal of the administrative decision may be filed with the Board of Education.

Adopted: January 13, 1986

Amended: September 10, 2007

Reviewed: July 11, 2022

APPENDIX A - COMPLAINT/GRIEVANCE FORM

DATE FILED: _____

PERSON FILING THE COMPLAINT: _____

ADDRESS/PHONE # (HOME, WORK): _____

EMPLOYEE INVOLVED: _____

NATURE OF COMPLAINT/GRIEVANCE (with specificity, identify what happened, when, where, the person(s) offended by the employee=s conduct and how/why he or she was offended, etc.):

(use additional sheets if necessary).

AT THE MEETING HELD PURSUANT TO STEP 1, WHEN WAS IT HELD, WHAT HAPPENED AT THE MEETING AND THE OUTCOME OF THE MEETING:

(use additional sheets if necessary).

RESOLUTION REQUESTED: _____

date

Complaining Party

APPENDIX B - APPEAL TO SUPERINTENDENT

DATE FILED: _____

APPEAL OF THE PRINCIPAL=S DECISION IS MADE FOR THE FOLLOWING
REASON(S) [WITH SPECIFICITY, STATE HOW OR WHY THE PRINCIPAL=S DECISION
IS BELIEVED TO BE WRONG] : _____

ATTACH A COPY OF THE COMPLAINT FILED (FORM A) WITH THE PRINCIPAL, THE
EMPLOYEE(S) WRITTEN RESPONSE, AND THE PRINCIPAL=S DECISION.

date

Appellant

date received

Superintendent

APPENDIX C - APPEAL TO BOARD OF EDUCATION

DATE FILED: _____

APPEAL OF THE SUPERINTENDENT=S DECISION IS MADE FOR THE FOLLOWING REASON(S) [WITH SPECIFICITY, STATE HOW OR WHY THE SUPERINTENDENT=S DECISION IS BELIEVED TO BE WRONG] : _____

ATTACH A COPY OF THE COMPLAINT FILED (FORM A) WITH THE PRINCIPAL, THE EMPLOYEE=S WRITTEN RESPONSE, THE PRINCIPAL=S RESPONSE, APPEAL TO PRINCIPAL (FORM B) AND THE SUPERINTENDENT=S DECISION.

date

Appellant

date received

By: _____
Business Manager