

Policy Code: 1740/4010 Student and Parent Grievance Procedure

A. Options for Resolving Complaints

The Wake County Board of Education 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. Grievance

A grievance is a formal written complaint that a student or parent has been adversely affected by a final administrative decision and that the decision violated a specified federal law, State law, State Board of Education policy, State rule, or local board policy. 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. Recommended decisions are not grievable. Other matters that are not appropriate for grievances under this policy include:

- a. Claims of discrimination, harassment or bullying, including discrimination on the basis of disability, which must be processed under policy [1720/4015/7225](#), Discrimination, Harassment and Bullying Complaint Procedure;
- b. Appeals of long-term suspensions or expulsions, which are addressed in policy [4300](#) Due Process, Section E;
- c. Complaints about matters related to the identification, evaluation or educational placement of a child with a disability or other decisions of an IEP team, which should be pursued using the methods provided in the Parents Rights Handbook.

d. Claims that an item in a student record is inaccurate, misleading, or otherwise in violation of a student's privacy rights, which must be processed under policy [4700](#) Student Records, Section H.

2. Grievant

The grievant is the student or parent/guardian of a student making the claim.

3. 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.

4. 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.

For any time period provided by this policy, receipt of notification may occur through hand delivery, regular mail, or email.

C. Timeliness of Process

Failure by the 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 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. Grievances will generally be handled on an individual basis, rather than as a group. If grievants request to be heard as a group, the Board and school officials may grant or deny that request in their discretion.

4. A grievance may be voluntarily withdrawn at any level. Once a grievance is withdrawn, it cannot be reopened. If at any time during the grievance process the school system grants the relief request, the grievance shall be terminated at that time.

5. The student may be represented by a non-parent advocate or attorney at a Level 3 hearing before the Board of Education. No attorneys or advocates may attend the Level 1 meeting with a principal. If the grievant intends to be represented by legal counsel at Level 3, he or she must notify the Office of the Superintendent in advance so that school personnel and/or the Board also will have the opportunity to be represented by legal counsel.

E. Process for Grievance

1. Filing a Grievance

a. 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. Grievances filed after 30 calendar days will be reviewed by the school system as a complaint outside the grievance process.

b. All grievances must be submitted to the school principal, except:

1. Grievances regarding transportation issues should be directed to the Senior Director of Transportation.

2. Grievances regarding final administrative decisions of central office staff should be directed to the Chief of Staff, who will direct the grievance to the appropriate administrator. The designated administrator will follow the Level 1 grievance procedure in responding to the grievance.

3. For purposes of this policy the term “principal” shall also apply to the non-principal staff identified in subsections (b)(1) and (b)(2) above as it relates to their role in the grievance process.

c. A student or parent or guardian who has a grievance must provide the following information in writing: (1) the name of the school system employee or other individual whose decision is at issue; (2) the specific decision(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 administrative

decision 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.

d. Even if the principal is the employee whose decision is at issue, the student must submit the grievance first to the principal in order for the principal to address the issue within the formal process.

2. Level One

a. The principal shall schedule and hold a meeting with the student and/or parent or guardian within ten school days after the grievance has been filed with the principal. The student may be accompanied by a parent or guardian. **A copy of the filed grievance must be forwarded to the Superintendent designee within three days after the principal's receipt of the filing.**

b. The principal shall conduct any investigation of the facts necessary before rendering a decision.

c. The principal shall provide a written response to the written grievance within ten days of the meeting. The response will include the principal's decision regarding resolution of the grievance and the basis for the decision. In responding, the principal may not disclose information about other students or employees that is considered confidential by law.

d. A copy of the grievance and the principal's response will be filed with the Superintendent designee. The principal should maintain a record of the grievance, including the grievance, response, and any investigative or supporting documents provided by the grievant or relied upon by the principal. These documents should be forwarded to the Superintendent in the event of an appeal.

3. Level Two

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 ten days of receiving the written notice of the principal's decision and should specify the reasons for appeal.

b. The Superintendent or designee may review the written documents, gather any additional information he or she deems necessary, and respond in writing to the grievant. The Superintendent may affirm, reverse, or modify the principal's decision. The Superintendent shall provide a written response within thirty days after receiving the Level Two grievance. In responding, the Superintendent may not disclose information about other students or employees that is considered confidential by law.

4. Level Three

If the grievant is not satisfied with the Superintendent's decision, the grievant may submit a written appeal to the Board of Education within ten (10) days. Level Three grievance requests should be submitted in writing to the Superintendent, who will forward the information to the Board Chair.

- a. Upon receipt of the appeal, the Board Chair shall appoint a panel of not less than two members of the Board to hear and decide the grievance.
- b. The panel shall make reasonable efforts to meet and consider the appeal within twenty (20) days after the chairperson refers the grievance to the panel. Notice of the appeal hearing will be given to the parties.
- c. The panel shall review the grievance on the record unless it determines that additional information may be presented. No new evidence, written or verbal, may be presented without the prior knowledge and consent of both parties. Each party may make a brief oral presentation of no more than fifteen (15) minutes to summarize his or her position. The panel has the authority to ask questions, extend time limits, exclude extraneous or duplicative information, and otherwise maintain an efficient and fair appeal hearing. The hearing will be recorded and shall be held in closed session.
- d. The Board panel may affirm, reverse or modify the decision of the Superintendent. Level Two decision will be reversed only if the decision was:
 - 1) in violation of constitutional provisions;
 - 2) in excess of the statutory authority or jurisdiction of the school system;
 - 3) made upon unlawful procedure;
 - 4) affected by other error of law;
 - 5) unsupported by substantial evidence in view of the entire record as submitted; or
 - 6) arbitrary or capricious.

Substantial evidence refers to relevant evidence as a reasonable mind might accept as adequate to support a conclusion.

- e. The Board panel will provide a final written decision within 20 days of the Level Three hearing unless the panel determines that additional time is needed for further review. The decision of the Board panel shall be final.

F. Process for Appeals of Non-Grievances

1. If student or parent believes he or she was aggrieved by a final administrative decision but the complaint does not meet the definition of "grievance" in this policy because it does not allege a violation of a specified law or policy, the student or parent may still submit the complaint to the principal, and the principal will respond as provided under Level 1 of this Policy. If the complainant is not satisfied with the principal's response, the complainant may request review by the Superintendent as provided in Level 2. If the complainant is not satisfied with the Superintendent's response, the complainant may request a discretionary Board hearing by filing a written appeal within ten (10) days. The appeal shall state the specific reason(s) why a hearing is necessary and shall be submitted to the Superintendent.

2. The Superintendent shall forward timely appeals for a discretionary hearing to the Board Chair and Vice Chair. The Board Chair and Vice Chair will determine whether a discretionary hearing will be granted. **The Board Chair and Vice Chair are encouraged to consult with counsel to the Board when considering a request for a discretionary hearing.**

3. If the Chair or Vice Chair approves the request for a discretionary hearing, the grievant will be provided notification of the scheduled discretionary hearing. A discretionary hearing will follow the same procedures as a Level Three hearing.

4. If the Board chairperson and vice chairperson both deny the request for a discretionary hearing, the decision of the Superintendent will be final and the grievant will be notified of the decision to deny the appeal for a discretionary hearing.

G. 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.

H. 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.*

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