

<b>McIntosh School District</b>	<b>NEPN Code: KLA</b>
<b>Policy Reference Manual</b>	

### **Complaint Policy for Federal Programs (including Homelessness)**

A parent student, employee, or district stakeholder who has a complaint regarding the use of federal ESEA funds and is unable to solve the issue, may address the complaint in writing to the district superintendent.

Disputes addressing the enrollment, transportation (including inter-district disputes), and other barriers to the education of children and youth experiencing homelessness are also addressed under this procedure. Parents, guardians, or emancipated youth (18 or older) shall be provided with a written explanation of the school's decision. Students should be provided with all services for which they are eligible while disputes are resolved.

- A. The superintendent will investigate, within one week, the circumstances of the complaint and render a decision, within two weeks, after receipt of the complaint.
- B. The superintendent will notify the complainant of the decision in writing.
- C. The complainant will be allowed one week to react to the decision before it becomes final.
- D. The complainant will either accept or disagree with the decision and will provide such acknowledgment in writing, addressed to the district superintendent.
- E. If the issue is not resolved with the superintendent, the complaint will be forwarded to the district's Board of Education for further review. The parent/guardian or emancipated youth shall be provided with a written explanation of the district's decision including the rights of the parent/guardian, or emancipated youth to appeal the decision.
- F. Unresolved complaints may be forwarded by the stakeholder to the South Dakota Department of Education for review.

*Bd. Approved 11/10/2010*

## **VI. Grievance Procedure:**

**Unresolved problems may be handled through the grievance process.**

### **Article I**

#### **Definition:**

- a.) A grievance is a complaint by a person or group having an interest in the operations of McIntosh PSD 15-1 against the school or an employee, that there may have been a violation, misinterpretation, or inapplicable application of an existing policy, contract, regulation or determination of the school board.
- b.) Included in this grievance procedure are complaints covering or relating to acts or comments perceived to be based on discrimination on the basis of race, national origin, color, sex, age, disability, and/or activity for which the McIntosh PSD 15-1 is responsible as required by state and federal law.

### **Article II**

#### **Purpose:**

- a.) The purpose of this procedure is to secure, at the lowest level, equitable solutions to problems that may arise from time to time concerning any of the afore-mentioned reasons found in the definition, and to facilitate this purpose. These proceedings will be kept as informal and confidential as possible while fulfilling the intent of the above definition throughout each or any level of the procedure.
- b.) When an informal solution is not possible, a written grievance must be filed. The written grievance must be filed on an approved Grievance Report Form. (Found in attachments). There must be a description in writing illustrating the harm created by the employee or the McIntosh PSD 15-1.
- c.) The grievance must be filed with the superintendent. Should the superintendent be a party in the grievance, said grievance will be filed with the school board president who will act as the sitting grievance manager.
- d.) The grievance must be filed within 10 calendar days after the person knew, or should have been aware, of an act or condition creating the grievance situation. If this condition is not met the grievance is barred except where prohibited by state or federal law. Grievances must be filed by June 30<sup>th</sup> each year except when that date is extended by the school board.
- e.) Upon receipt of the grievance the superintendent, or the board president as dictated in c. above, must within 5 working days, (including holidays and weekends) have a meeting with all parties involved. The person filing the grievance and any other party involved must be present. Attorneys or advocates representing any party may be present. The meeting will be informal.
- f.) At the meeting the individual in charge (superintendent or board president) will attempt to provide a solution for the problem set forth in the grievance. The superintendent or board president will attempt to offer solutions acceptable to each party. If an agreement is reached, a document will be drawn to indicate acceptance of all parties to the illustrated course of action.
- g.) The superintendent, or school board president, in all circumstances will maintain minutes of the meeting, and where possible, record the event. The minutes are to



reflect solutions and compromises that are discussed, and the reaction of each party, whether there is acceptance, or rejection of the suggestions made, and the reason. Minutes will reflect the beginning and completion time of the meeting. All parties will receive a written copy of the minutes within 10 calendar days.

- h.) If no solution can be reached it will be reflected in the minutes. Those minutes should also indicate the consensus of both parties to the fact that no compromise is possible.
- i.) In the event that a compromise does not occur, the superintendent or board president will arrange a Grievance Committee hearing. The aggrieved party will notify the superintendent/board president in writing, of this request for a hearing before the committee.
  - 1. The request for a grievance Committee hearing must be received within 5 working days of the completion of the meeting where a compromise could not be reached. A Grievance Procedure Report Form (Found in attachments) must be filed.
  - 2. The written grievance must contain a statement from the superintendent or board president that attests to the determination that an administration remedy attempt has been exhausted.
  - 3. The written grievance to the superintendent or board president must state in writing the nature of the grievance, and the individual(s) whom the grievance is filed against.
  - 4. The Grievance Committee must consist of 3 board members.
- j.) After consultation with the Grievance Committee chairperson, the superintendent or board president must notify all parties involved, in writing.
  - 1. The written notice must show the time, date, and place of the hearing.
  - 2. The hearing must be held within 5 working days of the filing of the hearing request with the superintendent or board president.
  - 3. The hearing will be private with the involved parties, their representatives, and witnesses during their testimony.
  - 4. The Grievance Committee will institute rules in accordance with due process.
  - 5. The decision of the Grievance Committee hearing will be in writing and sent to parties involved within 5 working days from the completion of the hearing.

The Grievance Committee's written decision will be sent to all parties by certified mail, return receipt. The decision will be final with the exception of those that may be appealed to a higher authority.

NOTE: Deadlines may be extended by mutual consent of all parties involved.

**In all matters related to the handbooks:**

**McIntosh PSD 15-1 Policy Manual NEPN Code BFE (CHD)**

**Approved August 13, 2008**

**Administration in Policy Absence:**

**"In the absence of board policy specifically covering any action that the Superintendent feels he or she must take for the orderly execution of the Superintendent's duties, he or she may take temporary action the he or she feels will be in harmony with the overall policy of the Board. However, the Superintendent will not be free to act when the action involves a duty of the board that by law cannot be delegated.**

**In each case in which the Superintendent must take such action, he or she will present the matter to the Board for its consideration at the next meeting."**

## GRIEVANCE PROCEDURE REPORT FORM

LEVEL - With superintendent or alternates

DATE: \_\_\_\_\_

Name (s) of person (s) filing this grievance:

\_\_\_\_\_

Home Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Nature of Grievance

Describe how you have been harmed, who harmed you, and the date the harm occurred.

Proposed Remedy or Solution following Investigation: \_\_\_\_\_

Signature of person(s) filing grievance: \_\_\_\_\_

Date Received in Superintendent's Office \_\_\_\_\_

Solution of Superintendent and Response of parties: \_\_\_\_\_

\_\_\_\_\_  
Superintendent's Signature

\_\_\_\_\_  
Date

Attach minutes of meeting with parties