

STUDENT CONCERNS, COMPLAINTS, AND GRIEVANCES

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Time Considerations

1. "Days" as used in this regulation shall mean working school days from the first working school day in September through 31 May. After 31 May, "days" may mean calendar days if mutually agreeable to the student and the staff member involved.
2. The initial contact/conference shall take place within five days of the occurrence giving rise to the alleged complaint or within five days of the date that the student could logically have been expected to become aware of the occurrence.
3. A definite time will be established for all meetings.
4. Time limits are intended to expedite matters, but may be extended by mutual agreement.

Representation

1. In most instances, the initial contact/conference should involve only the student and the appropriate staff member.
2. The student or the staff member may be represented in the process by someone of his/her choice. The identity of any representative and the capacity in which he/she will serve is to be made known to the other party at least two days prior to any scheduled meeting at the administrative level. At the Board level, this information needs to be made known to the Board, via the Superintendent, at least five days prior to the scheduled meeting.
3. If a student or a staff member decides to have a representative at the initial contact/conference, then the process actually begins at the administrator level and is to be conducted by the staff member's immediate supervisor.
4. The identity of any representative and the capacity in which he/she will serve is to be made known.

Decisions

All decisions are to be clearly communicated, and at the administrative and Board levels, the decisions are to be communicated in writing.

Miscellaneous

1. When an administrator is first contacted by a student regarding an alleged complaint, the administrator shall give the student copies of the student complaint policy and regulation.
2. If the staff member initially contacted by the student is without authority to decide or act upon the matter or if that staff member is an inappropriate first step, he/she shall refer the student to the appropriate staff member. The student shall then discuss the complaint(s) with that staff member within three days of the referral.

Process

1. Non-Administrator Level
 - a. The student shall, in accordance with the "time considerations" part of this regulation, first discuss his/her alleged complaint with the appropriate staff member.
 - b. Within three days following the discussion, the staff member is to inform the student of his/her decision.
 - c. If the student is not satisfied with the decision, or if no decision has been rendered within three days following the discussion, he/she may discuss the complaint with the appropriate administrator. In such cases, the student shall:

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- (1) notify the involved staff member that he/she plans to discuss the complaint with the appropriate administrator; and
- (2) meet with that administrator within three days of receiving the decision, or if no decision has been rendered, within three days of the discussion.

2. Administrator Level

- a. The student shall, in accordance with the “time considerations” part of this regulation, discuss his/her alleged complaint with the appropriate administrator.
- b. The administrator shall first determine whether the alleged complaint is consistent with the philosophy and provisions of the student complaint policy and/or whether the student has met his/her obligations with respect to this regulation.
- c. If the administrator, using his/her discretion and/or professional judgment, determines that the student’s alleged complaint is not consistent with the philosophy and provisions of the policy and/or that the student has not met his/her obligations with respect to this regulation, the administrator shall so communicate that to the student within three days following the discussion.
- d. If the administrator, using his/her discretion and/or professional judgment, determines that the student’s alleged complaint is consistent with the philosophy and provisions of the policy and that the student has met his/her obligations with respect to this regulation, the administrator shall issue a written decision within three days following the discussion.
- e. If the student is not satisfied with the administrator’s complaint decision, or if no decision has been rendered within three days of the discussion, the student (following the same procedures and “time considerations”) may appeal to successively higher levels of administrators within the direct supervisory line, up to but not including the Superintendent. Such appeals must be in writing and submitted to the administrator within three days following the complaint decision or three days following when a decision was supposed to have been rendered. Such written submission shall state (1) the student’s name, (2) the specific State Board policy or the specific Seaford policy or regulation which has been misapplied or misinterpreted, or the specific staff member’s directive/decision which directly (or indirectly, in the case of a parent) and adversely affected the welfare of the student, and (3) what specific action the student desires to correct the complaint.

3. Superintendent’s Level

- a. If the student is not satisfied with the complaint decision received at the highest administrator level below that of Superintendent, or if no decision has been rendered within three days of the discussion that was held with that administrator, the student may appeal to the Superintendent. Such an appeal must be in writing and submitted to the Superintendent within ten days following the date that a complaint decision was rendered or should have been rendered at the administrator level. Such written submission shall state (1) the student’s name, (2) the specific State Board policy or the specific Seaford policy or regulation which has been misapplied or misinterpreted, or the specific staff member’s directive/decision which directly (or indirectly, in the case of a parent) and adversely affected the welfare of the student, and (3) what specific action the student desires to correct the complaint.
- b. Within five days following receipt of the written student communication, the Superintendent shall determine whether the written communication constitutes a complaint that is consistent with the philosophy and provisions of the student complaint policy and/or whether the student has met his/her obligations with respect to this regulation.
- c. If the Superintendent determines that the written communication does not constitute a complaint that is consistent with the philosophy and provisions of the policy and/or the student has not met his/her obligations with respect to the regulation, the Superintendent shall so communicate that to the student within five days following receipt of the written communication.

- d. If the Superintendent determines that the written communication does constitute a complaint consistent with the philosophy and provisions of the policy and the student has met his/her obligations with respect to this regulation, the Superintendent may render a decision on the merits of the complaint based upon the written communication submitted by the student and/or decide to meet with the student and any other parties involved. Within five days following such a meeting, the Superintendent shall issue a written decision.

4. Board Level

- a. If the student is not satisfied with the Superintendent's complaint decision or if no decision has been rendered within five days, the student may appeal to the Board of Education, within five days. Such an appeal to the Board of Education shall be in writing, stating the same three items required at the Superintendent's level.
- b. Within fifteen days following receipt of the written student communication, the Board shall determine whether the written communication constitutes a complaint that is consistent with the philosophy and provisions of the student complaint policy and/or whether the student has met his/her obligations with respect to this regulation.
- c. If the Board determines that the written communication does not constitute a complaint that is consistent with the philosophy and provisions of the policy and regulation, it shall so communicate that to the student within fifteen days following receipt of the written communication.
- d. If the Board determines that the written communication does constitute a complaint consistent with the philosophy and provisions of the policy and the student has met his/her obligations with respect to this regulation, the Board may choose to meet with the student or utilize the services of a hearing officer to meet with the student. Regardless, such a meeting should occur within fifteen days. The meeting shall be with the student and may include other involved parties. A court reporter will be present at the meeting.
- e. Within fifteen days following the date of such meeting, the Board shall render its decision to the student in writing. The decision of the Board shall be the final action within the Seaford School District. Any person or entity who is aggrieved by a decision of the Board may appeal to the State Board of Education by setting forth such grievance in a petition which shall be served by certified or registered mail within 30 days after receiving notice of the decision upon the Secretary of Education at the Delaware Department of Education.

EFFECTIVE: 5/23/83

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