

Board Policy ACB

Federal Programs Policy Prohibiting Discrimination and Grievance Policy

Adopted: 4-9-2007

Effective: 4-9-2007

The Chamberlain School District 7-1 will not discriminate, in any of its policies and programs, on the basis of age, race, color, creed, national origin, ancestry, religion, sex or disability and will not violate any of the provisions of applicable federal programs, statutes or regulations (e.g., Title IX, Title I, Rehabilitation Act Section 504, Americans with Disabilities Act).

In compliance with applicable federal laws and regulations, the Chamberlain School District 7-1 has appointed the Superintendent of Schools to coordinate District programs and compliance with federal mandates prohibiting discrimination. The superintendent can be reached at 301 East Kellam Ave, P. O. Box 119, Chamberlain, South Dakota 57325 or by calling (605) 234-4477 or by e-mail at deb.johnson@k12.sd.us.

A parent, student, employee, or district stakeholder who has a complaint regarding the use of federal funds and is unable to solve the issue may address the complaint utilizing the Grievance Procedure in this policy.

Disputes addressing the enrollment, transportation and other barriers to the education of children and youth experiencing homelessness are also addressed under this procedure. Parents, guardians, and unaccompanied youth may initiate the dispute resolution process directly at the school they choose, as well as at the district or district's homeless liaison's office. The parent or guardian or unaccompanied youth shall be provided with a written explanation of the school's decision including the rights of the parent, guardian, or youth to appeal the decision. Students should be provided with all the services for which they are eligible while disputes are resolved.

GRIEVANCE PROCEDURE:

Definitions

- A. A grievance is a complaint by a student, parent or other patron of the District, employee, employee representatives or other concerned groups or advisory organizations based upon or concerning an alleged violation, misinterpretation or inequitable application of any existing policy, rule, regulation or program of the school district, state or federal statutes/regulations, regarding discrimination or concerning violations relating to federal programs.
- B. An employee is considered to apply to all persons employed by the school district.
- C. A student is considered to apply to all persons enrolled in the school district.
- D. An aggrieved person is the individual making the claim.
- E. The board means the Board of Education of the Chamberlain School District.
- F. Days shall mean calendar days. Time frames may be extended upon written mutual agreement.

I. Informal Procedure

Any person wishing to pursue the filing of a grievance should first utilize normal channels of communication involving the teacher, administrator or board in an attempt to seek clarification of areas of concern and resolve the problem. It is of utmost importance that students and employees first discuss areas of concern with their immediate supervisor to whom they are directly responsible prior to filing a grievance.

II. Formal Procedure

A. Level I

1. A grievance must be filed in writing within 90 days after the grievant knew, or should have known, of the act or condition on which the grievance is based and the specific remedy requested. The grievance shall be complete and specific as it relates to the facts from which the grievance arises.

2. The grievant shall file the formal grievance in writing with the designated federal programs coordinator.
3. Such coordinator or his designee shall respond in writing to said grievance within 15 days. If the grievant is not satisfied with this disposition of the complaint at this level, grievant may proceed to Level II.

B. Level II

1. If the aggrieved is not satisfied with the disposition at Level I, he or she may appeal that decision by filing in writing with the superintendent an appeal within 10 days of the receipt of the decision at Level I.
2. The notice of appeal shall include a copy of the Level I decision and with specific statement(s) or reason(s) why the Level I decision is being appealed (i.e., how or why the Level I decision is wrong).
3. At its next regular meeting, the board or its designated agent shall consider the grievance and may (A) schedule a time for a hearing before the Board, or (B) may designate an individual or committee (1) to investigate the grievance and to report to the Board, (2) to hold a hearing on the grievance and recommend to the Board and for the Board's approval the appropriate disposition of the grievance.
4. At any hearing before the Board or the Board's designee, the complainant shall have the opportunity to present evidence, including an opportunity to question parties involved, The standards of Due Process shall be adhered to and the Rules of Evidence shall be applicable to the degree necessary and appropriate for an orderly hearing and production of facts and evidence necessary for the Board to make an informed decision.
5. The board shall make a final decision thereon at the following regular or special board meeting, and the decision shall be in writing with a copy of the same provided to the complainant.
6. If the aggrieved is not satisfied with the disposition of the grievance by the Board, he/she may appeal the decision of the board as provided for in law.

C. Level III

Unresolved complaints pertaining to NCLB programs may be forwarded by the stakeholder to the South Dakota Department of Education for review.