

Student and Parent Grievance Policy

I. INTRODUCTION

The Magellan Charter School seeks to promote harmony among its employees, faculty, students, and parents and to encourage equitable solutions to problems arising among them. The School believes that most concerns and differences are best addressed through open and honest communication conducted in an informal, respectful, and civil manner and that effective resolution depends on direct, prompt and constructive dialogue.

The Board recognizes that effective school governance requires that the primary responsibility for issues involving student discipline, curriculum, assessment, promotion and other day-to-day decisions regarding school management lies with the faculty, staff, and administrators. These individuals are best suited to resolve conflicts that arise with respect to these issues. The Board has the authority to appoint, employ, and remove the Administrator (“Head of School”), but primary responsibility and authority over faculty, staff and volunteer organizations of the School are vested in the Head of School.

II. INFORMAL RESOLUTION OF COMPLAINTS

A student or parent should first attempt to resolve any complaint through discussion with the relevant teacher(s) or other involved persons. If the student’s or parent’s concern is not adequately addressed through an informal discussion with the teacher and/or staff involved, the parent should next attempt to resolve the complaint with the Head of School.

While the Board encourages informal resolutions, the Board recognizes that a formal process for certain types of complaints is necessary. This policy provides a formal grievance procedure that can be used in those situations.

III. DEFINITIONS

A. Grievant

Person(s) filing a grievance. A grievant shall be a current student at Magellan Charter School, a parent of a current student at Magellan Charter School, or a group of parents and/or students.

B. Grievance

A formal written complaint by a grievant regarding a specific decision or action by school personnel that directly and adversely affects the grievant (or a student

on whose behalf a grievance is filed by the student's parent or guardian). A grievance must allege: a) violation, misapplication, or misinterpretation of a specifically identified state or federal law, regulation, Board policy, or administrative regulation; or b) discrimination against a student or parent on the basis of race, color, national origin, sex (including gender, gender identity, and sexual orientation), pregnancy, religion, age (over 40), or disability. This grievance policy does not apply to any matter for which the method of review is prescribed by law, for which there is a more specific policy providing a process to address the concern, or where the Board is without authority to act.

C. Days

Working days, exclusive of Saturdays, Sundays, vacation days, or holidays, for the Magellan Charter School's administrative office. In counting days, the first day will be the first full working day following receipt of the grievance.

D. Board or Committee

A committee of the Board of Directors designated by the chairperson to hear and decide the grievance.

E. Decision-Maker

The school personnel member hearing and responding to the grievant in accordance with this policy.

IV. GENERAL PROVISIONS

- A.** The purpose of this policy is to secure, at the lowest possible level, equitable solutions to the problems which arise from time to time and affect students and parents.
- B.** Information received in the grievance process will be held in confidence by the Board and its agents, except as required by law and this policy. A grievance is considered a confidential personnel record of the school employee whose action or decision is at issue, and may also include confidential student information. Confidentiality shall be maintained by all persons involved in the grievance, consistent with North Carolina school personnel file requirements and the Family Educational Rights and Privacy Act ("FERPA").
- C.** All persons involved in any grievance filed pursuant to this policy will conduct themselves in a professional manner at all times during the investigation and

hearing of the grievance.

- D.** No reprisals of any kind will be taken by the Board or by an employee of Magellan Charter School against any grievant or other student or employee on account of his or her good faith participation in a grievance filed pursuant to this policy. However, knowingly or recklessly making false statements is not protected under this policy.
- E.** Each decision at each step of the grievance will be in writing, setting forth the decision and reasons for the decision, and will be transmitted promptly to the grievant.
- F.** All meetings and hearings conducted pursuant to this policy will be private.
- G.** The grievant, Board, and school administration will cooperate in the reasonable investigation of any grievance.
- H.** An alleged violation of this policy regarding the handling of a particular grievance shall not give rise to a separate grievance but rather should be raised and addressed during the handling and appeal of the particular grievance.
- I.** If a grievance is filed by a group of persons, the Board and school officials have the discretion to respond to grievant(s), individually or as a group.

V. TIME LIMITATIONS

A. Timeliness for Grievant(s)

A grievance must be filed within thirty (30) days after the occurrence or omission giving rise to the grievance. Failure by the grievant at any step to appeal a decision to the next step within the maximum specified time limit will be considered acceptance of the decision as final and a waiver of any further appeals.

B. Timeliness for Decision-Makers

The time limits specified for Step 1 decision-makers below assume a relatively simple grievance and the ready availability of the decision-maker, witnesses, or other persons from whom the decision-maker may need information in order to make a fair and informed decision. The Board recognizes that these typical conditions are not always the case for every grievance and that decision-makers may in good faith need additional time in some circumstances. A decision-maker

who recognizes that he or she needs additional time should endeavor to notify the grievant in writing before the time limit passes, and provide an estimated date for the decision. Decision-makers shall endeavor to meet the specified time limits but failure to do so shall not be considered a violation. To protect a grievant against undue delay, the failure of a grievant to receive a written Step 1 decision within the maximum time limit specified below shall enable the grievant to proceed to the next level. A Step 1 decision issued after the specified maximum time limit may be considered by the Board or committee at Step 2.

The time limit specified below for the Step 2 decision by the committee shall be considered a guideline and goal, not a mandate.

VI. PROCEDURE

All grievances shall be submitted in writing on a grievance form prescribed by the Head of School. The written statement of grievance will remain the same throughout all steps of the grievance procedure.

A. Step 1 - Conference with Head of School

1. The grievant will present the grievance in writing to the Head of School, who will forward copies to appropriate personnel according to this policy. The written grievance will include the following information: (1) the name of the Magellan Charter School employee whose decision or action is at issue; (2) the specific decision or action at issue; (3) the specific state or federal law, regulation, Board policy, or administrative regulation that the grievant believes has been misapplied, misinterpreted or violated, if any; (4) and the specific resolution desired by the grievant.
2. The Head of School shall schedule a meeting to take place at a mutually agreed upon time within five (5) days after receipt of the grievance, if feasible, and no later than ten (10) days. If the grievant is a student, the student may be accompanied by a parent, legal guardian, or other person who is in a position of *in loco parentis* to the student at the Step 1 meeting. The Head of School shall have discretion on how to conduct this meeting. Before, during, or after the meeting, the Head of School may speak with any person and obtain any information needed in order to make a fair and informed decision.
3. The Head of School will provide the grievant with a written response to the grievance within five (5) days after the meeting, if feasible, and no later than ten (10) days. In responding, the Head of School shall not

disclose information about other students or employees that by law is considered confidential. A copy of the grievance and the Head of School's response will be filed with the Board chair.

B. Step 2 - Appeal to the Board of Directors

1. If the grievance has not been resolved at Step 1, within ten (10) days of receipt of the Step 1 decision, the grievant may submit a written appeal request to the Board chairperson. The Board chairperson shall designate a committee of three (3) Board members to hear and decide the grievance on behalf of the full Board. The chairperson or committee chair shall arrange for a hearing within thirty (30) days after receipt of the Step 1 appeal and shall give written notice of the hearing to the grievant and the Head of School.
2. At least three (3) days prior to the Step 2 hearing, the Head of School shall provide the committee and the grievant with a hearing packet, which shall include the written record from Step 1, the Step 1 written decision, and relevant correspondence subsequent to the Step 1 meeting. No new evidence, written or verbal, may be presented without the prior knowledge and consent of the grievant and the Head of School, or upon a majority vote of the committee. The chairperson or committee chair shall have discretion on how to conduct the Step 2 hearing.

Each party, including the Head of School, may have one (1) representative at the hearing before the committee. If the representative will be an attorney, the committee chair must be provided at least three (3) days' notice. The committee may be assisted by counsel, whether or not the party is represented by counsel.

3. The committee will endeavor to render a written decision within thirty (30) days of receipt of the request for Board review, or ten (10) days after the Step 2 hearing, whichever is later. The Step 2 decision of the committee may affirm, disaffirm, or modify the Step 1 decision of the Head of School. The decision of the committee will be final.

VII. WITHDRAWAL OF GRIEVANCE

A grievance may be withdrawn at any point during the grievance process prior to the issuance of a final decision by the committee. If a grievance is withdrawn, the grievance

and the allegations contained therein will be deemed resolved.

VIII. GRIEVANCE AGAINST HEAD OF SCHOOL

If a grievant wants to initiate a formal grievance in regard to an action or decision made by the Head of School that directly and specifically affects the grievant, the general process described in this policy will be used except the grievance will be submitted directly to the Board chairperson and the procedure will commence at Step 2.

IX. RECORDS

Appropriate records will be maintained in accordance with federal and state law.

Adopted: March 23, 2022