

STUDENT GRIEVANCE

Any student who perceives that he/she has been denied the right to freedom of speech and expression, and the rights granted him/her by Education Code, Government Code, Title V, and Baldy View Regional Occupational Program commission policies and procedures, has the right to redress of such grievances.

1. Level I - Informal Grievance Process

In order to resolve grievances at the point of origin, students should make every effort to resolve the issue through informal procedures. Any request or indication of intent in Level I may or may not be in writing, at the choosing of the grievant.

a. Step I

- (1) The grievant should verbally request a meeting with the teacher to attempt resolution of the grievance.
- (2) The teacher shall meet with the grievant within three school days after receiving the request.
- (3) If the grievance is resolved to the satisfaction of the grievant, the case is closed. If not, the grievant must verbally indicate to the teacher and the teacher's supervisor/Assistant Superintendent of Educational Services within five school days, his/her desire to proceed with Step II.

b. Step II

- (1) The grievant should verbally request a meeting with the Baldy View Regional Occupational Program (ROP) Coordinator and the Assistant Superintendent of Educational Services to attempt resolution of the grievance.
- (2) The Assistant Superintendent of Educational Services shall conduct the interview within five school days after receipt of the request. All Step I participants shall have the right to be present at this interview.
- (3) If the grievance is resolved to the satisfaction of the grievant, the case is closed. If not, the grievant shall, within three school days, inform the Assistant Superintendent of Educational Services, in writing, of his/her intention to proceed with Level II, the Formal Grievance Process.

STUDENT GRIEVANCE (continued)

2. Level II - Formal Grievance Process

Grievances referred to Level II, Formal Grievance Process, must be submitted in writing to the Superintendent on a prescribed form, available from the teacher. The written grievance shall contain a precise statement of the nature of alleged violation, shall specify the law, board policy, procedure, or rule claimed to have been misinterpreted or improperly applied, and shall also contain a concise statement of the remedy requested. The Assistant Superintendent of Educational Services involved in Level I shall submit a written report of what transpired in the Level I, Informal Grievance Process, concerning the grievance. This report should reach the Superintendent within five school days after conclusion of Level I, Step II.

a. Step III

The Superintendent or designee shall, within three school days after receipt of the report from the Final Step II, schedule a hearing by a review panel. The review panel shall be selected and convened for the hearing within five school days after receipt of the report.

All parties involved in the informal process shall have the right to be present at the hearing.

- (1) The Superintendent or designee shall arrange for a qualified person to serve as recorder during the hearing.
- (2) The written report and grievance submitted after Step II shall be made a part of the hearing.
- (3) All records or proceedings and review panel decisions shall be retained in a special grievance file to be maintained in the office of the Assistant Superintendent of Educational Services.
- (4) Within five school days after conclusion of the hearing, the record of proceedings and the recommendations of the review panel shall be submitted to the Superintendent or designee for review. A written decision will be sent to the grievant within three school days. Copies of this decision shall be given to the final Step II participants and such Step I participants as may be appropriate.

STUDENT GRIEVANCE (continued)

- (5) If the grievance is resolved to the satisfaction of the grievant, the case is closed. If not, the grievant must submit a written request to the Superintendent within five school days of his/her desire to proceed with Step IV.

b. Step IV

If the grievance is still unresolved, the Superintendent, at the written request of the grievant, shall request a hearing before the Commission. In all cases, the Commission's decision on the grievance shall be final and binding.

Stipulations

1. Time limits at any step may be extended by mutual consent of the parties concerned or by authorization of the Superintendent or designee.
2. A grievance may be withdrawn by the grievant at any level without prejudice and once withdrawn, that particular grievance cannot be presented again.
3. Failure of the grievant to appeal a grievance, at any level, within specified time limits shall be deemed acceptance of the decision rendered at that level.
4. If a teacher does not render a decision within the time limits set, the student may appeal to the next step.
5. Referral of the grievance to the Level II, Formal Grievance Process, must be in writing on a prescribed form available through the teacher and contain:
 - a. Precise statement of the nature of the complaint.
 - b. Supportive evidence, if any.
 - c. Specify law, board policy, procedure, or rule claimed to have been misinterpreted or improperly applied.
 - d. Concise statement of remedy sought.
 - e. Signature of the grievant.
6. No grievance shall be recognized unless it has been properly presented to the appropriate channel within 10 calendar days after the grievant had knowledge of, or should have been aware of, the circumstance upon which the grievance is based.

STUDENT GRIEVANCE (continued)

7. Any settlement of a grievance shall be applicable only to that particular grievance and shall not be binding authority for the disposition of any other grievance.
8. If it is the judgment of any teacher/supervisor/administrator that he/she does not have the authority to resolve the grievance, he/she may refer the grievance to the next step in the procedure.

Review Panel

The review panel shall be composed of three members as follows:

1. One of the three members shall be selected by the grievant.
2. The Superintendent shall select one of the three members.
3. The remaining member shall be selected by lot from staff members who indicate willingness to serve in this capacity. In the presence of the Superintendent and the final Step II supervisor, the grievant shall draw the name of one staff member who is eligible according to Item "C" in this section.
4. The panel member appointed by the Superintendent shall serve as chairperson.
5. The teacher involved in Step I processing of the particular grievance shall be ineligible to serve on the review panel for that grievance.
6. Only full-time regular staff members who have completed two consecutive school years of service in the ROP are eligible to serve on the review board.
7. The grievant and the final supervisor from Step II shall have the right to reject one person selected, provided the rejection occurs at the time of the drawing.
8. Persons selected to serve on the panel should have the opportunity to disqualify themselves in the event they believe they cannot make an objective decision.
9. In the event persons are rejected by the grievant and/or the Final Step II, and/or a person selected to serve on the panel disqualifies himself/herself, additional person(s) shall be drawn as required by item A-3 above.