

1-18 - APPEALS

1 - CHAPTER 1 - BOARD OF EDUCATION

1-18 APPEALS

Revisions History: 06/05/2018, 09/06/2016, 06/02/2015, 08/02/2011, 09/16/2008 Approved 11/12/2002

Related Policies & Documents: 1-18 AG (a)

The Board strives to resolve concerns and complaints of employees, students and parents whenever possible. To this end, the Board has provided opportunities for employees, students and parents to express their concerns through processes established in Board policies.

This policy provides employees, parents/guardians/custodians and students procedures for appeals of decisions made by a school official (teacher, administrator, or other support personnel). No reprisals of any kind will be taken by the Board or by an employee of the school system against any grievant or other student or employee because of his or her participation in a grievance filed and decided pursuant to this policy.

Persons who have difficulty preparing appeals because of writing or language difficulties shall receive assistance upon request. The grievant may have a representative, including an attorney, at any stage of the grievance. However, if the grievant intends to be represented by legal counsel, he or she must notify the appropriate school official in advance so that school personnel also will have the opportunity to be represented by legal counsel.

Unless another Policy or Administrative Guidelines to a Policy prescribes a process, appeals shall be governed by the following procedures:

A. Form of the Appeal - A person who has a grievance must provide the following information in writing to the appropriate official designated at each level below: (1) the name of the school system employee or other individual whose decision or action is at issue; (2) the specific decision(s) or action(s) at issue; (3) any Board policy, state or federal law, state or federal regulation, or State Board of Education policy or procedure that the parent or guardian or student believes has been misapplied, misinterpreted or violated; and (4) the specific resolution desired.

B. School and/or Department Level Appeals – Appeals of decisions made at the school or department level should begin at that level. Such appeals shall be made to the principal or director over the department within 30 days[1] of the decision-giving rise to the concern. The school administration or director will conduct any investigation of the facts necessary and respond to such appeals within 10 calendar days of receiving notice of appeal.

C. Superintendent Level Appeals – If the matter is not resolved at the school or department level, the employee, parent/guardian/custodian and/or student may file an appeal with the Superintendent. Such appeals shall be made in writing and mailed or hand delivered to the Superintendent's office not later than 15 calendar days after the notice of the school or department's decision. The Superintendent will conduct any investigation of the facts necessary and respond to such appeals in writing, within 10 calendar days of receiving notice of appeal. In responding, the Superintendent will not disclose information about other students or employees that is considered confidential by law.

D. Board Level Appeals – If the matter is not resolved at the Superintendent's level, the employee, parent/guardian/custodian and/or student may request an appeal to the Board of Education. Such appeals should be made in writing and mailed or hand-delivered to the Superintendent within 15 calendar days of being notified of the Superintendent's decision. All hearings will be heard by Board panels except when a full Board hearing is required by law. Board panel decisions represent the full Board and as such are not appealable to the full Board.

The Board of Education will hear appeals regarding:

1. The assignment of a long-term suspension (more than 10 days; more than 6 days for condensed academic terms) to or the expulsion of a student Article 27 of Chapter 115C of the North Carolina General Statutes. Parents/ guardians/custodians and/or students may submit written documents to support their case and will have the opportunity to appear before the Board panel to present their case in closed session. Legal counsel may be present.

Expulsion hearings will be heard by the full Board in closed session. Parents/guardians/custodians and/or students may appear before the full Board to present their case, and legal counsel may be present.

2. School Assignment Decisions, G.S. 115C-369

Appeals of school assignments will be considered by the Board in closed session. Parents/custodians/guardians and/or students may submit written documentation to support their case and will have the opportunity to appear before the Board panel to present their case in closed session. Legal counsel may be present.

3. Loss of credit or retention due to number of absences – Union County Public Schools Attendance Policy 4-1.

Appeals of loss of credit or retention due to the number of absences will be considered by the Board in closed session. Parents/guardians/ custodians and/or students may submit written documentation or sworn affidavits to support their case, but they will not appear before the Board.

4. Driver's license revocations, G.S. 20-11(N)(1).

Appeals of driver's license revocations will be heard by the Board in closed session. Parents/guardians/custodians and/or students may submit written documentation or sworn affidavits to support their case, but they will not appear before the Board.

5. The terms or conditions of employment or employment status of a school employee.

6. Any other decision that by statute specifically provides for a right of appeal to the local Board of education and for which there is no other statutory appeal procedure.

7. Appeals of a decision of the Superintendent that alleges violations of a *specified* federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board of education policy or procedure.

The Board will not hear appeals regarding the following subjects except as covered by section 7. above:

- A student's grade in a course or on a test.
- A decision regarding participation in extra-curricular activities.
- A student's schedule or the teacher assigned to teach that class.
- The classification of a student's absences as lawful or unlawful.
- Participation in commencement or promotion exercises.
- Short-Term Suspensions and any other disciplinary consequences which do not result in a removal from school.

In its sole discretion, the Board may choose to hear other appeals.

LEGAL REF.: 115C-45 (c), 115C-392

N.C.G.S. Chapter 115C, Article 27

N.C.G.S. 115C-369

N.C.G.S. 20-11(N)(1)

CROSS REF.: Board Policy 1-11, Closed Sessions

Board Policy 4-1, Attendance

Board Policy 4-3, Student Discipline

Administrative Guidelines for Board Policy 4-3, Code of Student Conduct

Board Policy 4-13, School Assignment

Board Policy 3-7b, Sexual Harassment Complaint Procedure for Employees

Board Policy 4-7b, Sexual Harassment Complaint Procedure for Students
Administrative Guidelines for Board Policy 4-7 Disability/Race
Discrimination/Harassment Complaint Procedure for Students

UNION COUNTY BOARD OF EDUCATION

APPROVED: 11/12/02

REVISED: 9/16/08

REVISED: 8/2/11

REVISED: 6/2/15

REVISED: 9/6/16 (Moved from Chapter 4 to Chapter 1)

REVISED: 6/5/18

[1] Days are working days, exclusive of Saturdays, Sundays, vacation days, or holidays, as set forth in the school calendar. In counting days, the first day will be the first full working day following the receipt of the grievance.

Policy References

115C-45 (c), 115c 392

N.C.G.S. Chapter 115C, Article 27

N.C.G.S. 115C-369

N.C.G.S. 20-11(N)(1)

1-11, Closed Sessions

3-7b, Sexual Harassment Complaint Procedure for Employees

4-1, Attendance

4-3, Student Discipline

Administrative Guidelines for Board Policy 4-3, Code of Student Conduct

4-7b, Sexual Harassment Complaint Procedure for Students

4-13, School Assignment

4-7, RACE DISCRIMINATION/ HARASSMENT COMPLAINT PROCEDURE FOR STUDENTS

4-7, DISABILITY DISCRIMINATION HARASSMENT COMPLAINT PROCEDURE FOR STUDENTS