

## STUDENT GRIEVANCE POLICY AND PROCEDURE

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Policy overview: Specifies the process to file a student grievance.

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### **I. Complaints related to internal administrative practice or educational issues**

- A. Overview: The philosophy of Kawaikini New Century Public Charter School is to resolve grievances with dialogue. The purpose of this policy is to establish a process for resolving complaints when earnest dialogue alone is insufficient. This policy is not intended to replace informal discussion and resolution of grievances. This policy applies to parents and other interested parties only; faculty and staff of Kawaikini NCPCS should adhere to the Grievance Solving Procedure set forth in the employee handbook.
- B. Definition: A "Grievance" shall mean a complaint that has been filed by a student or by a student's parents or guardians on his/her behalf. This student grievance procedure is not applicable to situations for which other appeal and adjudication procedures are provided in state laws or in which the Governing Board of Kawaikini is without authority to act. Normal channels of communication, from student to teacher to administrator to Board, shall be used whenever feasible, in seeking clarification of questions of concern to the student, before the grievance procedure is utilized.
- C. Purpose: The primary purpose of the procedure is to secure, at the earliest level possible, equitable solutions to a claim of a complaint, if the claim is justifiable. The proceedings shall be kept confidential at each level of this procedure.
- D. The number of days indicated at each level shall be regarded as a maximum, and every effort shall be made to expedite the process. However, the time limits specified may be extended by mutual agreement of the complainant and the administration. In the event a complaint is filed on or after May 1, the time limits stated hereafter shall include all calendar days so that the matter may be resolved before the close of the school term or as soon as possible thereafter.
- E. Level One: Present Orally: A student with a complaint shall first present it orally and informally to his/her teacher.
- F. Level Two: Present In Writing: If the complaint is not promptly resolved at Level One, the complainant may present a formal claim in writing (including all supporting statements and evidence) to the School's Executive Director. Within ten (10) school days after receiving the written complaint the

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Executive Director shall state his/her decision in writing, with all supporting reasons and evidence.

- G. Level Three: Appeal: Within ten (10) school days after receiving the decision at Level Two, the complainant may appeal the decision to the Resolution Committee of the school. This appeal shall be in writing and shall be accompanied by the original complaint and copies of all previous supporting statements, evidence, and decisions. The Resolution Committee shall evaluate the evidence and render a decision within ten (10) school days that either (a) Affirms the decision reached at Level Two; or (b) Refers the matter to the Governing Board for Level Four consideration.
- H. Level Four: File With Governing Board: If the complainant deems it desirable to carry the complaint beyond the decision reached in Level 3, he/she may within ten (10) school days file his/her complaint with the Governing Board by submitting to the Board President or Secretary the original complaint and copies of all previous supporting statements, evidence, and decisions. If the complainant or Board wants their attorney present they must notify the other party at least 5 days before the meeting.
- I. Placed on Agenda: Upon receiving the complaint, the matter shall be placed upon the agenda of the Governing Board for consideration at the next regular meeting of the Board, and a final determination shall be made within thirty (30) calendar days from said meeting.
- J. Withdrawal: A complaint may be withdrawn by the complainant at any level without prejudice or record.
- K. Hearing and Decisions: At each of the above four levels the complainant shall be given the opportunity to be present and to be heard. All decisions at each level (with the exception of Level One) shall be in writing and shall include supporting reasons. Copies of all decisions and recommendations shall be furnished promptly to all parties of Interest.
- L. Reprisals: No reprisal of any kind shall be taken by or against any party of legitimate interest or any legitimate participant in the grievance procedure by reason of such participation.
- M. Preservation of Records: All proceedings external to the decisions of the Governing Board shall be destroyed. However, any complainant who wishes the proceedings (relative to his/her own complaint) to be placed in his/her school records may achieve such action by filing a written request therefore.

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- N. Disclaimer: In the adoption and implementation of this grievance procedure, it shall be understood that the Governing Board is not a court of law and that rules of jurisprudence shall not apply.

### **II. Complaints related to board policy and charter compliance**

- A. The Governing Board will address grievances related to alleged violations of board policy or charter compliance. Aggrieved Parties may also present to the GB a grievance related to alleged violations of charter school laws and regulations, or federal and state laws and regulations.
- B. Any complaint directed to the GB must be submitted to the Board President or Secretary in writing with a detailed explanation of the problem and description of steps taken to date to resolve the issue. Written responses from any Kawaikini staff involved in the issue also must be provided to the Board.
- C. During the next board meeting, where the problem is reported, the Aggrieved Party, if currently a parent or guardian of an enrolled student, will have the opportunity for comment and presentation of evidence. The Board may render a decision and resolution, or may choose to investigate the grievance further.
- D. If further investigation is necessary, the Board will allocate reasonable time and resources to resolve the matter and send a written response to the Aggrieved Party within a reasonable time period not to exceed sixty (60) days.
- E. If the Aggrieved Party is not satisfied with the Board's resolution, the party may appeal the grievance to the Charter School Review Panel.

### **III. Complaints related to charter school laws and regulations**

- A. An Aggrieved Party has the right to file a complaint directly with the Hawaii State Public Charter School Commission if the party believes that Kawaikini has violated any provision of charter school law or regulations. As with all complaints, the Aggrieved Party should first raise the grievance directly with the Kawaikini Governing Board as indicated above.
- B. The Hawaii State Public Charter School Commission will then comply with its own policies regarding how it will respond to the complainant, and will determine internally whether it will conduct any investigation to ensure that Kawaikini is in compliance with charter school law and regulations.

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- C. If the Hawaii State Public Charter School Commission fails to address the complaint to the Aggrieved Party's satisfaction, the party may submit the complaint to the Hawaii State Board of Education.

### **IV. Complaints related to federal and state laws and regulations**

- A. If the complaint involves an alleged violation of federal or state law or regulation other than charter school law and regulation, the party may file a complaint directly with the State Board of Education. In all cases, the State Board of Education's response shall constitute the final resolution of the grievance.

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ADOPTED:	6/17/10
REPLACES:	
SOURCE:	
LEGAL BASIS:	
DOCUMENTS IMPACTED:	Student/Parent Handbook