

J-3600 © JII
STUDENT CONCERNS, COMPLAINTS,
AND GRIEVANCES

The Superintendent is directed to establish procedures whereby students may present a complaint or grievance regarding a violation of their constitutional rights, equal access to programs, discrimination, harassment, intimidation, bullying or personal safety provided that:

- The topic is not the subject of disciplinary or other proceedings under other policies and regulations of this District, and
- The procedure shall not apply to any matter for which the method of review is prescribed by law, or the Board of Education is without authority to act.

Bullying as defined below is prohibited in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. Anti-bullying shall be included as a part of the health education curriculum as set forth in [6.29.6.8 NMAC](#).

A complaint/grievance may be raised regarding one (1) or more of the following:

- Violation of the student's constitutional rights.
- Denial of an equal opportunity to participate in any program or activity for which the student qualifies that is not related to the student's individual capabilities.
- Discriminatory treatment on the basis of race, color, religion, sex, age, national origin, or disability.
- Harassment of the student which means knowingly pursuing a pattern of conduct that is intended to annoy, alarm or terrorize another person.
- Intimidation by another student.
- Bullying by another student which means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one (1) or more students in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. Bullying includes, but is not limited to, hazing, harassment, intimidation or menacing acts of a student which may, but need not be based on the student's race, color, sex, ethnicity, national origin, religion, disability, age or sexual orientation.
- Concern for the student's personal safety.

The accusation must be made within thirty (30) calendar days of the time the student knew or should have known that there were grounds for the complaint/grievance. The complaint/grievance shall be made only to an administrator or other professional staff member. That person shall elicit from the student the particulars determined by the Superintendent to be necessary for the complaint/grievance to be investigated. When the initial allegation is submitted in a manner other than on the prescribed form, the particulars of the complaint/grievance must be written on the form as immediately as possible after receipt of the complaint/grievance. The professional staff member may assist the student in completing the complaint/grievance form. The student should sign and date the form, however, unsigned forms are to be processed in the same manner as a signed form. A professional staff member or support staff member shall report behavior that falls within this policy, on the forms provided, upon becoming aware of such behavior.

When the professional staff member is other than the school administrator, it shall be the responsibility of the staff member to inform a school administrator as soon as feasible, but not later than the next school day following the day that the staff member receives the complaint/grievance. If the school administrator is included in the allegation, the complaint/grievance shall be transmitted to the next higher administrative supervisor. A failure by the professional staff member to timely inform the school administrator or next higher administrative supervisor of the allegation may subject the staff member to disciplinary action. The professional staff member shall preserve the confidentiality of

the subject, disclosing it only to the appropriate school administrator or next higher administrative supervisor or as otherwise required by law.

Any question concerning whether the complaint/grievance falls within this policy shall be determined by the Superintendent.

Students should file complaints on their own behalf. A parent or guardian may initiate the complaint process on behalf of an elementary school student. A parent or guardian (other than an elementary student's parent) who wishes to complain, should do so by completing the forms following policy KE on Public Concerns and Complaints.

A complaint/grievance may be withdrawn at any time. Once withdrawn, the process cannot be reopened if the resubmission is longer than thirty (30) calendar days from the date of the occurrence of the alleged incident. False or unproven complaint documentation about harassment, intimidation, or bullying shall not be maintained.

Retaliatory or intimidating acts against any student who has made a complaint under this policy and its corresponding regulations, or against a student who has testified, assisted or participated in any manner in an investigation relating to a complaint or grievance, are specifically prohibited and constitute grounds for a separate complaint.

Disposition of all complaints/grievances shall be reported to the Superintendent as the compliance officer for discrimination. The Superintendent will determine if the policies of the District have been appropriately implemented and will make such reports and/or referrals to the Board as may be necessary.

Knowingly submitting a false report or making false accusations under this policy shall subject the student to discipline up to and including suspension or expulsion. Where disciplinary action is necessary pursuant to any part of this policy, relevant District policies and regulations shall be followed.

Adopted: date of manual adoption

LEGAL REF.:

[28-1-2 NMSA](#) et seq. 6.12.7 NMAC

CROSS REF.:

[AC](#) - Nondiscrimination/Equal Opportunity

[ACA](#) - Nondiscrimination on the Basis of Sex

[JB](#) - Equal Educational Opportunities

[JIC](#) - Student Conduct

[JK](#) - Student Discipline

[JKD](#) - Student Suspension/Expulsion

[KE](#) - Public Concerns and Complaints

REGULATION**STUDENT CONCERNS, COMPLAINTS,
AND GRIEVANCES****Student/Parent Complaint Procedure****Seek Informal Resolution**

The Board encourages students and parents to discuss their concerns and complaints through informal conferences with the appropriate teacher, principal, or other campus administrator. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Filing a Formal Complaint**Step One: File a Formal Complaint**

If an informal conference does not result in a satisfactory resolution of a complaint, the student or parent may initiate the formal complaint process described below by timely submitting a completed district complaint form (available at all campus and central administrative offices) and any supporting material to the campus principal within ten business days of the date the student or parent first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint. A complaint that is not filed within this timeline may be dismissed, in writing, at any point during the complaint process. Because the Board encourages informal resolution, a student or parent may withdraw a formal complaint at any time.

The complaint should be filed with the lowest level administrator who has the authority to remedy the grievance. In most cases, this will be the campus principal. If the complaint form is not filed with the appropriate administrator, it will immediately be forwarded to the appropriate administrator.

Upon receipt of the formal complaint, the administrator must, within ten business days, set a conference with the student or parent to discuss the complaint. The administrator may then investigate the complaint further and will provide a written response within ten business days of the conference. This response will list the basis for the decision.

Step Two: Appealing the Decision

If the student or parent is not satisfied with the decision from Step 1, or if ten business days have elapsed after the hearing and there is no response from the district, the student or parent may submit a written appeal to the Superintendent. This request must be filed within ten business days of receiving the Step 1 decision, or if no response was issued, ten business days from Step 1 response deadline. Appeals of grade change request decisions will commence at Step 2. Appeal forms are available at all campus and central administrative offices.

Within ten business days of receiving the appeal, the Superintendent or Superintendent-designee will hold a conference to hear the appeal. Only the issues raised during the Step 1 process will be discussed at the conference. The Superintendent or designee will provide the appealing party a written response within ten days of the conference.

Step Three: Appeal to the School Board

If the student or parent is not satisfied at the decision made at Step 2, or if the Superintendent has not responded by the response deadline, the student or parent may appeal, in writing, to the School Board. The appeal must be filed within ten business days of the date of the Step 2 response, or if no response was issued, within ten days of the Step 2 response deadline.

The Board will inform the appealing party in writing of the date, time and place of the Board meeting at which the complaint will be heard. The Board will also inform the appealing party whether the request will be presented during the open or closed session of the meeting, in accordance with applicable state and federal law. At the hearing, the presiding officer shall set reasonable time limits for the presentation of each side's evidence and for rebuttal. All

proceedings at the Board meeting shall be recorded by audio recording.

The Board will then give oral notice of its decision by the conclusion of the Board next regularly scheduled board meeting following the meeting where the hearing was presented, or will provide written notice of its decision prior to the next regularly scheduled board meeting following the meeting where the hearing was presented. A failure give notice of the decision by this deadline means that the Superintendent's decision at Step 2 is upheld.

**STUDENT CONCERNS, COMPLAINTS
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STUDENT/PARENT COMPLAINTS ABOUT SCHOOL PERSONNEL

(This Form to be Submitted to the Employee's Supervisor)

Person against whom the complaint is made _____

Employee's position _____ School/dept. _____

Person(s) or group filing complaint _____

Complainant's address _____ Phone _____

Complainant's E-mail address _____

Date complaint is filed _____

Has problem been discussed with the employee?

Yes No Date _____

Has problem been discussed with the employee's supervisor?

Yes No Date _____

Summary of the charges (description of incident or event, including date, place, time, additional persons, alleged improper conduct, and suggested solution):

The projected solution

Indicate what you think can and should be done to solve the problem. Be as specific as possible.

Signature of complainant

Date

The administration shall give one (1) copy to the complainant and shall retain one (1) copy for the file.