

REGULATION

ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

Related Entries: Policy JCH/902.08

Responsible Office: OFFICE OF THE SUPERINTENDENT/STUDENT SUPPORT SERVICES

STUDENT COMPLAINTS RELATED TO POLICY, REGULATION, OR LAW

A. PURPOSE

To establish procedures to implement Board Policy JCH providing a mechanism for the review and resolution of student complaints in cases of alleged violation or misapplication of policy, regulation, or law.

B. BACKGROUND

Student complaints are alleged violations or misapplication of policy, regulation, or law.

These complaints should be resolved at the lowest administrative level that is feasible. However, it is critical that students have an opportunity to process legitimate complaints through appropriate channels for prompt resolution.

C. PROCEDURES

1. Each school shall accept and consider individual and group complaints. If formal legal advice is deemed necessary by either party or if the case alleges a violation of law that may lead to litigation, the complaint shall proceed immediately to the Superintendent and timelines listed for Level IV shall not apply. Although a complaint need not allege a specific violation of law, complaints alleging violation of law under this regulation, include but are not limited to Section 504 of the Rehabilitation Act of 1973 (Section 504), The Americans with Disabilities Act of 1990 (ADA), Title VI of Civil Rights Acts of 1964, Title IX of the Education Amendment of 1972, as well as the counterparts of these laws under Maryland state law.
2. Due Process
 - a. Informal Levels of Complaints
 - i. A student or parent/guardian with a complaint shall first discuss the problem with the person who made the decision which is alleged to be in error.
 - ii. If the student or parent/guardian is dissatisfied, or does not receive a decision within ten school days, a conference should be arranged

between the student and/or the student's parent/guardian and the principal, or principal's designee. If the complaint is against the Principal then the student and/or the student's parent/guardian shall contact the Regional Assistant Superintendent and the complaint will begin at Level II of the Formal Levels of Complaint listed below. The conference shall take place within ten school days.

b. Formal Levels of Complaint

Level I

If the student or parent is not satisfied with the decision reached at the informal level of the complaint procedure, the person shall, within ten school days of the decision, file a formal written complaint to the principal indicating the specific policy, regulation, or law violated. Upon receipt the principal shall meet with the student or parent, and render a written report, including specific recommendations, within ten school days.

Level II

If the student or parent/guardian is not satisfied with the decision rendered at Level I, or if no decision is rendered within ten school days, the person shall refer the complaint to the appropriate Regional Assistant Superintendent within ten school days. Such complaints and appropriate records shall be forwarded through the principal's office. The appropriate Regional Assistant Superintendent shall render a written decision within ten school days.

Level III

If the student or parent/guardian is not satisfied with the decision rendered at Level II, or if no decision is rendered within ten school days, the person shall refer the complaint to the Associate Superintendent for School Performance within ten school days. The Associate Superintendent for School Performance shall render a written decision within ten school days.

Level IV

If the student or parent/guardian is not satisfied with the decision rendered at Level III, or if no decision is rendered within ten school days, the person shall refer the complaint to the Superintendent within ten school days. The Associate Superintendent for School Performance shall forward all complaints and appropriate records to the Superintendent. The Superintendent or his/her designee shall render a written decision within 10 school days.

Level V

If the student or parent/guardian is not satisfied with the decision rendered at Level IV, or if no decision is rendered within 10 school days, the person may appeal the decision at Level IV to the Board within 30 calendar days

At all levels of the process the “school days” time limit may be waived by the school system in exigent circumstances, particularly when the complaint occurs at the end of the school year and resolution is required prior to the start of the new school year.

3. Procedure Regarding Complaint Alleging Violations of Law

- a. Complaints must be filed in writing within 90 calendar days of the alleged violation or unlawful discrimination, or 90 calendar days after the complainant becomes aware of the act or violation and must contain the following:
 - i. name and address of the complaining party;
 - ii. a description of violation of the law or unlawful discriminatory act; and
 - iii. the date of the alleged act and the name of all responsible persons.
- b. Investigations shall be conducted with respect to all timely filed complaints of discrimination and other violations of law.
 - i. Section 504 and ADA complaints shall be referred to Student Support Services for investigation and review.
 - ii. Complaints alleging discrimination by a staff member should be referred to the Human Resources officer in charge of EEO investigations.
 - iii. Investigations must be impartial and reliable offering the complaining party the opportunity to provide witnesses for verification of statements or other evidence.
- c. Complaints shall be resolved within 60 calendar days of their filing with written notice delivered to the complaining party of the outcome of the investigation and basis for decision. Notices should be careful to not disclose confidential personnel or student information, but clear enough to explain whether an allegation is or is not sustained.
- d. Offices responsible for investigating claims of discrimination and violations of the law pursuant to this Regulation shall maintain copies of complaints filed alleging violations of law for at least four years after the last action involving the complaint.

4. Assurance

All complaining parties are assured by this Regulation that AACPS shall fully investigate complaints alleging discrimination or violations of law. Where such allegations or violations are determined to be truthful or substantiated, AACPS shall take additional steps to protect students, and to prevent the recurrence of those acts or violations.

Regulation history: *Developed by the Superintendent 12/18/13.*
 Reviewed by the Board of Education 12/18/13.
 Issue 07/16/14.

Note previous regulation history: Replaces Regulation 902.08, adopted 11/3/70, revised 4/20/93, and 12/18/13