

**WINNER SCHOOL DISTRICT 59-2  
OFFICIAL SCHOOL BOARD POLICY**



**PUPIL GRIEVANCE PROCEDURE**

Each pupil properly enrolled in the Winner School District may grieve any violation of his/her rights by an employee in his/her behalf or through his/her lawful parent and/or guardian. Procedures covered under attendance, suspension, or expulsion (and other actions for which existing procedures apply) shall not be covered under this policy.

**Administrative Implementation Procedures:**

1. The grievance procedure should provide both a legitimate alternative to disruptive or illegal behavior and a vehicle for constructive review of the alleged violation of the pupil's rights.
2. At the time of, during, or after grievance, no student shall be subject to reprisal by reason of participation in the grievance procedure.
3. "Pupil grievances" encompassed in this policy include, but are not necessarily limited to, the following areas:
  - a. Alleged inappropriate withdrawal from a given class or from school.
  - b. Alleged lack of progress and/or satisfactory performance in a class or in school including any grade given the student.
  - c. Alleged discriminatory acts related to sex, race, religion, or handicap.
  - d. Title 11 of the Americans with Disabilities Act.
  - e. Title IX of the Education amendments of 1972.
  - f. Section 504 of the Rehabilitation Act of 1973.
  - g. Claims of sexual harassment under appropriate South Dakota state law, Title VII of the Civil Rights act of 1964, and Title IX of the Education amendments of 1972.
4. Whenever possible, the student's first effort to resolve the issue being grieved shall be with the employee with whom the problem allegedly exists (with or without the parent or guardian present).
5. If the issue is not resolved with the employee/student in question, the pupil and or his/her parent or guardian may seek resolution through the building principal. The principal or his/her designee shall seek the issue and communicate with the grievant within five school days after the issue is presented to her/him.
6. If resolution of the issue cannot be reached with the principal, the student and/or his/her parent or guardian may place (in writing) the alleged grievance and present it to the Superintendent of Schools. Such petition must be filed within ten school days after receiving the written decision of the principal and/or her/his designee.
7. The hearing with the Superintendent of Schools shall be an administrative hearing, held in a timely manner, and with assurance of procedural due process--

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- including the right to legal representation. The hearing with the Superintendent of Schools will be held, within fifteen school days of the presentation of the petition from the pupil and/or his parents or guardian.
8. If deemed appropriate, the Superintendent of School may select staff members that could provide information to assist him/her in hearing the case. These staff members may be in attendance at the hearing. The Superintendent of Schools also has the option of asking the school attorney to be present.
  9. The Superintendent of Schools shall forward her/his decision to the pupil and his/her parents or guardian no later than ten days after the conclusion of the hearing. The Superintendent of Schools will also advise the principal or his/her designee of his/her findings. The principal will have three days to carry out and implement the Superintendent's decision, should there be implementation to carry out.
  10. In the event the student grievance is filed at the close of the school year (usually, September to May) time limits will be adjusted so that the above procedure will be completed within one month.
  11. Nothing contained within this policy shall be construed as limiting the right of any student and student and/or her/his parents or guardian to resolve any problem informally.

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Complaint Form:

Date \_\_\_\_\_

Name/Address/Phone of Person(s) Making Complaint: \_\_\_\_\_

\_\_\_\_\_

Name of Person Being Complained Against:

\_\_\_\_\_

Specific Provisions of Contract or Policy Allegedly Violated:

\_\_\_\_\_

Complaint:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Attach Additional Sheets If Necessary)

Supportive Evidence and/or Witness:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Attach Additional Copies of Materials If Necessary)

Action Requested:

\_\_\_\_\_

\_\_\_\_\_

Signature/Address/Phone of Person Making Complaint:

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