

505.0 UNIFORM GRIEVANCE PROCEDURE

The Board recognizes that situations may arise in the operation of the system which are of concern to parents, employees, or the public. Such concerns are best dealt with through communication with appropriate staff members and officers of IDVA, such as the faculty, the central office, and the Board.

The following guidelines are the proper procedure to be followed in seeking to resolve complaints/grievances of certificated staff, students, and parent/guardians. This policy is inapplicable to classified employees. Classified employees are to raise complaints/grievances solely through Policy 801.5.

GRIEVANCE PROCEDURE:

This Uniform Grievance Procedure should be followed if a grievant believes that the Board, its employees, or agents have violated the grievant's rights guaranteed by the state or federal constitution, state or federal statute, or written Board Policy or written Board Procedure. Hereinafter, such will be referred to as "grievance".

Any other concerns or complaints not encompassed by the definition of a grievance shall be directed to the teacher, immediate supervisor, program administrator, Human Resources Manager, or Head of School. These concerns or complaints will not be processed through this grievance policy but will be handled informally by the school's administration.

The school shall endeavor to respond to and resolve complaints without resorting to this grievance procedure; however, if a grievance is filed, to address such promptly and equitably. Use of this policy in an effort to resolve one's grievance is not a prerequisite to such individual seeking out other remedies; however, use of this policy and procedure does not extend any filing deadline with regard to pursuit of any other remedy.

STEP ONE:

A grievant is encouraged to first discuss such grievance with the school employee or agent involved (i.e., the teacher, counselor, or administrator). The goal of such communication will be an effort to resolve the matter promptly and informally.

An exception to this is with regard to any claim of sexual harassment, which should be directed to the school's Non-Discrimination Coordinator at the School's Administrative Offices.

STEP TWO:

If a grievant does not have resolution at Step One, the grievant may file a written grievance. The Idaho Virtual Academy Title IX Formal Complaint Form must be used for any Title IX grievance. Title IX includes complaints based on sex discrimination, including complaints of sexual harassment or sexual violence. All other written grievances shall detail:

1. A synopsis of the facts giving rise to the alleged grievance.
2. Verification of any efforts taken to resolve the grievance informally.
3. The written Board policy, the provision of state or federal statute alleged to have been violated, and/or the provision of the state or federal constitution alleged to have been violated.

4. The alleged date of the violation.
5. The actor involved in the alleged violation.
6. The remedy that is being requested.

The Step Two written grievance or Title IX Formal Complaint Form must be signed and dated by the grievant and filed with the Head of School or the Non-Discrimination Coordinator (in the instances detailed below) within thirty (30) calendar days of the event or incident occurrence or from the date one could have reasonably become aware of such incident/occurrence.

If the written grievance is not filed within the designated time period, such grievance will not be processed by the school as a grievance.

If the grievance alleges a violation of Board Policy or Board Written Procedures, the Principal, program administrator or designee shall investigate and attempt to resolve the grievance. If either party is not satisfied with the Principal, program administrator, or designee's written decision the grievance may be advanced to Step Three by requesting in writing that the Head of School review the Step Two decision. This request must be submitted to the Head of School within ten (10) calendar days of the issuance of the Step Two written decision.

If the appeal of such grievance is not advanced to the Head of School within ten (10) calendar days of the issuance of the Step Two written decision, the appeal will not be processed, and the grievance will be deemed at a conclusion.

If the grievance alleges a violation of Title IX, Title II, Section 504 of the Rehabilitation Act (Policy 1003.0), Sexual Harassment (Policy 710.0), Relationship Abuse and Sexual Assault (Policy 905.2) or the Idaho State Veteran's Employment Preference (Policy 704.0), the Principal, program administrator or designee shall turn the written grievance over to the school's Non-Discrimination Coordinator who shall investigate the complaint. The School has appointed a Non-Discrimination Coordinator to assist in the handling of discrimination complaints. The Coordinator will complete the investigation and file the report with the Head of School within thirty (30) days after receipt of the written grievance. The Coordinator may hire an outside investigator, if necessary, or may use the additional assistance of a designee. Upon receipt of the Title IX Formal Complaint Form, the school may offer supportive measures. Supportive measures are non-disciplinary, non-punitive, individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to Idaho Virtual Academy's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Idaho Virtual Academy's educational environment, or to deter sexual harassment.

Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the property, and other similar measures. If the Head of School agrees with the recommendation of the Coordinator, the recommendation will be implemented. If the Head of School disagrees with the recommendation of the Coordinator, and/or either party is not satisfied with the recommendations from this level, either party may make a written appeal within fifteen (15) calendar days of receiving the written report of the Coordinator to the Board for a proceeding.

STEP THREE:

Upon receipt of a written request to review the Principal's, program administrator's, or designee's written decision at Step Two, the Head of School or designee shall schedule a meeting between the parties. The Head of School may request the presence of the Principal, Program Administrator, or Human Resources Manager to attend this meeting. The parties shall be afforded the opportunity to either concur or disagree with the Step Two report. Thereafter, the Head of School or designee may engage in whatever questioning or activities the Head of School or designee believes necessary under the circumstances. This Step Three process will be followed as long as the grievance does not allege a violation of Title IX, Title II, Section 504 of the Rehabilitation Act (Policy 1003.0), Sexual Harassment (Policy 710.0), Relationship Abuse and Sexual Assault (Policy 905.2), or the Idaho State Veteran's Employment Preference (Policy 704). If the grievance does relate to one of the aforementioned policies, refer to Step Two of this policy.

The Head of School shall decide the matter within ten (10) calendar days of the meeting with the parties. If the Head of School agrees with the written findings from Step Two, the recommendation will be implemented. If the Head of School rejects the findings from Step Two, the matter may either be referred to an outside investigator for further review or otherwise resolved by the Head of School. In either option, a written decision will be issued.

If either party is not satisfied with the decision of the Head of School, the Board is the next avenue for appeal. The Head of School's decision will be sent via certified letter. A written appeal must be submitted to the Board's clerk within ten (10) calendar days of the Head of School's decision being sent.

If the written appeal is not submitted to the Board's clerk within the designated timeframe as stated herein, no appeal will be processed at the Board level and the grievance will be deemed at a conclusion.

Appeals at the Board level must either be a grievance based upon an alleged violation of the school's written Board Policies or come to the Board through the Non-Discrimination Coordinator Process. Any individual appealing any decision of the Head of School to the Board bears the burden of proving a failure to follow Board policy.

STEP FOUR:

Upon receipt of a written appeal of the decision of the Head of School of an appeal through the Non-Discrimination Coordinator process, the matter shall be placed upon the agenda of the Board for consideration no later than the Board's next regularly scheduled meeting. There is no requirement that the Board conduct a hearing or hold a meeting with the parties. The Board has sole and complete discretion in determining how it will review any appeal.

The Board shall thereafter make a decision and shall report such decision in writing to the appropriate parties within thirty (30) days of the Board meeting. The decision of the Board will be final.

Written grievances received by the Head of School involving IDVA personnel will be made available to the affected personnel.

The Board considers it the obligation of employees of the IDVA to entertain the questions of parents or the public.

The Board shall have established an email link on the IDVA website to allow for members of the public to provide general comments, suggestions, and/or complaints. A procedure will be established by the Board to review and address all emails received on this website address.

Adopted: September 2005

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