

5710 PUPIL GRIEVANCE

The district's procedure for the consideration of student problems and for the processing of their complaints and appeals is as follows:

1. Step #1

The grievant should report the incident to the building administrator or the district affirmative action officer. He/she will investigate the incident and, if necessary, schedule a conference with the parent(s) or legal guardian(s) and/or the student in an effort to resolve the concern. If within five days the grievance is not resolved, proceed to Step #2.

2. Step #2

The grievant should submit a written formal complaint to the building administrator or the district Affirmative Action Officer within five school days. The building administrator or Affirmative Action Officer will continue to investigate and will respond in writing within ten school days. If the grievance is not resolved, proceed to Step #3.

3. Step #3

The grievant should appeal in writing to the Superintendent within five school days. The Superintendent will review the details of the grievance, schedule appropriate meetings and respond in writing within twenty school days. If the grievance is not resolved, proceed to Step #4.

4. Step #4

The grievant should appeal in writing to the Board of Education within five school days. The Board will review the documentation and discuss the incident with the Superintendent at the next regularly scheduled Board meeting. A Board hearing shall be conducted so as to accord due process to all parties involved in the complaint such as written notice of hearing dates, right to counsel, right to present witnesses, right to cross-examine and to present written statements. The decision of the Board shall be by a majority of the members. The Board shall respond to the grievant in writing within five school days after the meeting.

Handicapped Student Grievance Policy

The purpose of this Grievance Policy is to provide the handicapped student with a procedure to redress disputes arising under Chapter 28 of the New Jersey Administrative Code concerning Special Education. There are two avenues of redress available under the code. The grieving student has an opportunity to request a mediation hearing or a due process hearing.

Mediation Hearing Process

When disputes arise under Chapter 28, mediation shall be available through the Ocean County Vocational Technical School District, the Department of Education through its Ocean County Office and/or the New Jersey Department of Education through the Division of Special Education. Mediation shall be provided in accordance with the following:

1. A request for mediation shall be made in writing to the Superintendent of the Ocean County Vocational Technical School District, the Child Study Supervisor of the Department of Education, Ocean County Office or the Director of the Division of Special Education, New Jersey Department of Education with a copy to the other party. The mediation request shall specify the issue(s) in dispute and the relief sought.
2. The mediation conference shall be conducted within twenty calendar days after receipt of the written request at which time:
 - a. Issues shall be determined;
 - b. Options explored; and
 - c. Mediation attempts made within the confines of New Jersey Law and Code.

The conference shall be informal and held at a place reasonably convenient to the parties in dispute. If mediation results in agreement, the conclusions shall be incorporated into a written agreement and signed by each party. If mediation does not result in agreement, the mediator shall document the date and the participants at the meeting. No other records of the mediation shall be made.

1. Either party may be accompanied and advised at mediation by legal counselor other person(s) with special knowledge or training with respect to educationally handicapped pupil needs.

2. Attempts to resolve conflicts between the parent(s) and the Ocean County Vocational Technical School District prior to a request for a due process hearing are encouraged; however, a request for mediation is not a prerequisite to a hearing. Either party may request a due process hearing directly to the New Jersey Department of Education.

Due Process Hearing

A due process hearing may be requested in regard to the referral, classification, evaluation or educational placement of a student through the age of twenty-one and/or the provision of a free, appropriate education to that student. For students above the age of twenty-one, any disputes regarding the provision of programs and services to these students shall be handled as a contested case before the Commissioner of Education pursuant to N.J.A.C. 6:24. The procedures for the due process hearing are as follows:

1. A written request for a due process hearing shall be made to the New Jersey Department of Education within thirty calendar days of a proposed or denied action of the Ocean County Vocational Technical Board of Education.
2. The Department of Education shall acknowledge receipt of the request and provide information regarding free and low cost legal services.
3. Within seven calendar days of receipt of the written request, the Department of Education shall conduct a settlement conference as part of the due process hearing. If agreement is not reached at the settlement conference, the matter is transmitted to the Office of Administrative Law for a hearing.
4. The decision of the administrative law judge is final, and will be implemented without undue delay.
5. Parents may file a written complaint with the Department of Education if the Ocean County Vocational Technical School Board of Education fails to implement a hearing decision of the Office of Administrative Law.

For additional information or assistance, please call:

AFFIRMATIVE ACTION/Title IX OFFICER

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