



**GOVERNING BOARD AGENDA ITEM
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10**

DATE OF MEETING: December 7, 2010

TITLE: Approval of Board Level Procedures for Level Four Certificated Grievances (Policy Exhibit GBCK -E)

BACKGROUND: Governing Board Policy GBCK and its corresponding regulation deal with the grievance process for certificated staff members. The process involves several levels of review, culminating in Governing Board review at "Level IV". Like all levels of the grievance process, Level IV review is supposed to be as informal and confidential as possible.

The regulation indicates that when a Level IV grievance is received, the Board must take action within 21 school days. The Board is to schedule a meeting for the purpose of resolving the grievance which is to be conducted "in the manner directed by the Board." The regulation specifies: "The Board shall decide the nature and extent of the proceedings and whether new testimony or other new evidence will be accepted."

Since the adoption of this form of policy, the Governing Board has not heard a grievance at Level IV. Few grievances arise, and most are resolved at lower levels of the process. It is nonetheless appropriate that the Board have procedures in place for the eventuality that a Level Four matter may arise, to help ensure that a grievance process can be resolved on a timely basis.

A proposed procedure has been drafted for the Board's consideration.

RECOMMENDATION: The Administration recommends approval of the attached proposed policy exhibit.

INITIATED BY:

Todd A. Jaeger, Associate to the Superintendent

Date: November 30, 2010

Vicki Balentine, Ph.D., Superintendent

Draft Procedures for Level IV Grievance Proceedings (GBCK-E)

- Upon the Governing Board's receipt of a timely Level Four Grievance, or upon the Governing Board's timely receipt of the aggrieved party's and/or the Association's request to move directly from Level Two to Level Four, the Superintendent shall identify a party to serve as Hearing Officer to conduct a Level Four hearing on behalf of the Board. The Hearing Officer shall not be a district employee, and shall be appointed within five days of the Board's receipt of the Level Four grievance or request to move from Level Two to Level Four.
- The Hearing Officer shall contact request the parties to the grievance and invite the parties to submit written position statements concerning the grievance in the following manner:
 - The grieving party/parties shall first submit a written position statement, supporting and explaining the basis(es) for the grievance, with appropriate citation of relevant district policy and regulation or other authority. The grieving party(ies) shall provide copies to the responding party(ies) to the grievance.
 - The responding parties shall submit a written position statement, responding to the grievance and to the written position statement of the grieving party(ies), with appropriate citation of relevant district policy and regulation or other authority. The responding party(ies) shall provide copies to the grieving party(ies).
 - Each written position statement shall not exceed five single-spaced standard pages offer evidence in the written position statements or by any other means which was not introduced in initial level.
- The Hearing Officer shall review the written submissions of the parties and shall hold a meeting with the parties to receive oral statements of the parties and resolve any questions on the part of the Hearing Officer.
- The meeting held by the Hearing Officer shall not exceed one hour in length and shall afford all parties equal opportunity to address the Hearing Officer. The meeting held by the Hearing Officer shall comply with the Arizona Open Meetings Law.
- The Hearing Officer shall issue a written recommendation within fifteen days of appointment. The recommendation of the Hearing Officer shall be not be subject to further appeal and shall be submitted to the Governing Board for consideration on its next regularly scheduled meeting, on the consent agenda.
- The Governing Board will vote to adopt, reverse or modify the hearing officer's recommendation.