

## **GENERAL ADMINISTRATION**

## **Regulation 1310** **(Form 1310)**

### **Equal Opportunity**

#### **Civil Rights, Title IX, Section 504**

This Regulation outlines the responsibilities of Title IX and Section 504 Coordinators and provides mechanisms for the resolution of grievances/complaints by employees, patrons and/or students relating to discrimination based on sex under Title IX or disability under Section 504. For appeal procedures relating to the identification, evaluation or placement of students under Section 504, see Regulation 2110 - Equal Education Opportunity.

### **DEFINITIONS**

*Section 504* - Section 504 of the Rehabilitation Act of 1973.

*Title IX* - Title IX of the Education Amendments of 1972

*Grievance* - A complaint alleging a violation of (1) any District policy, procedure or practice covered by Title IX or Section 504, or (2) other federal or state civil rights laws, rules and regulations or Board of Education policy prohibiting discrimination on the basis of sex or disability - other than a complaint regarding a student's identification, evaluation or placement under Section 504. Section 504 programming for students is covered under separate District regulations (Regulation 2110 - Equal Education Opportunity, and Regulation 6250 - Instruction for Students with Disabilities).

*Federal and State Civil Rights Laws, Rules and Regulations* - The Constitutions of the United States and the State of Missouri, the Americans with Disabilities Act of 1990, and the Missouri Human Rights Act, and rules and regulations applicable thereto.

*Grievant(s)* - A student of the District, the parent/guardian of a student of the District, or a patron of the District, or an employee of the District, who submits a grievance.

*School District* – Ballard R-II School District

*Section 504/Title IX Coordinator (Coordinator)* - The employee(s) designated to coordinate the District's efforts to comply with Section 504 and Title IX. This employee's responsibilities include receiving and facilitating the processing of complaints. The name of the Coordinator shall be identified in various District publications and shall be posted. If the grievance relates to an alleged wrongful act by the person(s) identified to hear the grievance, the grievant may request the Coordinator to assign a different employee to meeting the grievant.

*Day* - A working day. Saturdays, Sundays and school holidays shall not be included when calculating number of days in the grievance process. Unless otherwise noted, day will include summer vacation days, exclusive of Saturdays and Sundays.

**COORDINATOR'S RESPONSIBILITIES (Section 504 and Title IX Coordinator)**

1. Develop a Section 504 grievance procedure which provides for due process for use by students and staff; develop a Title IX grievance procedure for use by students and staff, provide information about the availability and use of the grievance procedure and maintain a record of all grievance problems and solutions.
2. Develop a job description for the Section 504 and Title IX Coordinator; inform District personnel of the Coordinator's responsibilities and assure periodic meetings to update staff on Section 504 and Title IX activities.
3. Provide ongoing review of District bulletins, catalogs, Board policies, counseling procedures, yearbooks, and administrative regulations and practices related to compliance with Section 504 and Title IX.
4. Ensure that annual notice of the Section 504 and Title IX Coordinator's name, address, and telephone number is placed in school catalogs, handbooks, etc. (See Form 1310.1)
5. Review student-sponsored organizations and suggest criteria for compliance with Section 504 and Title IX.
6. Become familiar with resources/information for assistance with LEA self-evaluation and remediation available from the Office for Civil Rights.
7. Develop a systematic procedure for monitoring compliance with Section 504 and Title IX.
8. Disseminate information about student rights in relation to Section 504 and Title IX.
9. Disseminate facility accessibility information to students and staff.
10. Assure that cooperative training agreements and/or LEA contracts have appropriate nondiscrimination statements.
11. Evaluate present treatment of practices relating to pregnant students to determine compliance with Title IX regulations.

## **GENERAL PROVISIONS**

The Coordinator shall receive complaints, actively and independently investigate the merit of those complaints, and assist the parties in resolution of those complaints. The Coordinator may be utilized as a resource by any party at any level of the grievance procedures.

Students, parents of elementary and secondary school students, employees, applicants for admission and employment, and sources of referral of applicants for admission and employment with Ballard R-II School District have the right to file a formal complaint alleging noncompliance with regulations outlined in Title IX or Section 504.

Relevant records shall be made available to the grievant to the extent appropriate under the particular circumstances of the specific complaint and as permitted by law.

The grievance procedures herein do not deny the right of the grievant to file formal complaints with other appropriate state or federal agencies, such as the Missouri Human Rights Commission, United States Department of Education office for Civil Rights, or the Equal Employment Opportunity Commission (employees only). Similarly, these procedures do not deny any right of the grievant to seek private counsel for complaints alleging discrimination.

In most instances involving a student under eighteen years old, the student's parent/guardian should participate in the hearing and resolution process.

No student or employee of the District shall intimidate, harass or retaliate against any person filing a grievance or any person participating in the investigation or resolution of a grievance.

If a grievance is taken to the Board of Education for a formal contested hearing, the parties shall have the right to be represented by legal counsel, to call and examine witnesses, to cross-examine witnesses called by the opposing party, and to submit documentary evidence into the record.

## **TITLE IX GRIEVANCE PROCEDURE**

**Level 1:      Principal or Immediate Supervisor (Informal and Optional - may be bypassed by grievant.)**

Employees claiming sex discrimination may first discuss the grievance with their principal or immediate supervisor, with the object of resolving the matter informally. A student or parent with a sex discrimination complaint may discuss it with the teacher, counselor, or building administrator involved.

**Level 2: Title IX Coordinator**

If the grievance is not resolved at Level 1 and the grievant wishes to pursue the grievance, it may be formalized by filing a complaint in writing on a Compliance Violation Form. This form may be obtained from the Title IX Coordinator. The complaint shall state the nature of the grievance and the remedy requested. The filing of the formal, written complaint at Level 2 must be within fifteen (15) working days from the day of the event giving rise to the grievance or from the date the grievant could reasonably become aware of such an occurrence. The grievant may request that a meeting concerning the complaint be held with the Title IX Coordinator. A minor student may be accompanied at that meeting by a parent or guardian. The Title IX Coordinator shall investigate the complaint and attempt to solve it. A written report from the Coordinator to the complainant regarding action taken will be sent within fifteen (15) working days after receipt of the complaint.

**Level 3: Superintendent**

If the complaint is not resolved at Level 2, the grievant may proceed to Level 3 by presenting a written appeal to the Superintendent within ten (10) working days after the grievant receives the report from the Title IX Coordinator. The grievant may request a meeting with the Superintendent or his/her designee. The Superintendent or his/her designee has the option of meeting with the grievant to discuss the appeal. A decision will be rendered by the Superintendent or his/her designee within ten (10) working days after receiving the written appeal.

**Level 4: Board of Education**

If the complaint is not resolved at Level 3, the grievant may proceed to Level 4 by presenting a written appeal to the President of the Board of Education within ten (10) working days after the grievant receives the report from the Superintendent. The grievant may request a meeting with the Board of Education. The Board of Education has the option of meeting with the grievant to discuss the appeal. A decision will be rendered by the Board of Education at their next regularly scheduled meeting. The grievant will be notified in writing of the decision within ten (10) working days after the Board of Education action.

The procedure in no way denies the right of the grievant to file a formal complaint with the Missouri Civil Rights Commission, the Office for Civil Rights, or other agencies available for mediation or rectification of rights grievances, or to seek private counsel for complaints alleging discrimination.

## **SECTION 504 GRIEVANCE PROCEDURE**

The procedures below must be utilized with regard to discrimination claims under Section 504. Claims relating to identification, evaluation, or educational placement must be challenged using the procedures outlined in Policy and Regulation 2110.

### **Level 1: Building Administrator (Informal and Optional - may be bypassed by Grievant)**

Many problems can be solved by an informal meeting with the parties and the building administrator. An individual with a complaint is encouraged to first discuss it with the teacher, counselor or building administrator involved, with the purpose of resolving the matter promptly and informally. Similarly, employees with a complaint are encouraged to first discuss the complaint with the building principal or immediate supervisor.

### **Level 2: Section 504 Coordinator**

If the complaint or issue is not resolved at Level 1, the grievant may file a written grievance with the Section 504 Coordinator. The written grievance must be filed with the Coordinator within fifteen (15) days of the event or incident giving rise to the grievance, or within fifteen (15) days of the date the grievant could reasonably have become aware of the event or incident. Extensions of the fifteen- (15) day requirement will be granted if the grievant can establish good cause for the delay and the interests of justice and fairness so require.

The written grievance should include the following information:

1. The nature of the grievance - what is the event, incident or circumstance that is the reason for the complaint.
2. The remedy requested - what would the grievant like to see happen if the Coordinator were to sustain the grievance.
3. The grievant's signature and the date of the grievance.

The Coordinator shall have the authority to investigate all written grievances. The Coordinator may request that an independent investigator, who is not an employee of the District, be assigned by the District to conduct the investigation. When possible, the Coordinator shall work toward resolution of the grievance. This resolution shall be reduced to writing and signed by all parties. If the parties cannot agree on a resolution to the grievance, the Coordinator shall complete the investigation and make a determination regarding the merits of the complaint. The Coordinator shall notify the grievant and the Superintendent in writing of his/her determination within fifteen (15) days after receipt of the written grievance. The fifteen (15) days may be extended (1) at the

request of the grievant, (2) with consent of all parties, or (3) if the Coordinator is on vacation or is otherwise unavailable during the fifteen- (15) day period due to an emergency or other unforeseen circumstances.

If the Coordinator concludes that the allegations contained in the grievance have merit, the Coordinator shall make a recommendation to the Superintendent as to the appropriate action to be taken by the District. If the Superintendent agrees with the recommendation of the Coordinator, the grievance will be sustained, and the recommended remedial action will be implemented. The Superintendent may sustain the grievance, yet modify the recommended remedial action. The Superintendent shall notify all parties of his/her decision in writing within five (5) days of his/her receipt of the recommendation from the Coordinator. The five (5) days may be extended (1) at the request of the grievant, (2) with the consent of all parties, or (3) if the Superintendent is on vacation or is otherwise unavailable during the five- (5) day period due to an emergency or other unforeseen circumstances.

If the Coordinator concludes that the allegations contained in the grievance are without merit, the Coordinator shall make a recommendation to the Superintendent that the grievance be denied. If the Superintendent agrees with the recommendation of the Coordinator, the grievance will be denied. The Superintendent shall notify all parties of his/her decision in writing within five (5) days of his/her receipt of the recommendation from the Coordinator. The five (5) days may be extended (1) at the request of the grievant, (2) with the consent of all parties, or (3) if the Superintendent is on vacation or is other unavailable during the five-(5) day period due to an emergency or other unforeseen circumstances.

If the Superintendent disagrees with the recommendation of the Coordinator, whether sustaining or denying the grievance, the Superintendent shall state his/her reasons for disagreeing with the recommendation in writing, set out his/her conclusions and the reasons therefore, and notify all parties of the decision in writing within five (5) days of his/her receipt of the recommendation from the Coordinator. The five (5) days may be extended (1) at the request of the grievant, (2) with the consent of all parties, or (3) if the Superintendent is on vacation or is other unavailable during the five-(5) day period due to an emergency or other unforeseen circumstances. If the Coordinator or Superintendent is alleged to have violated this Policy, the grievant may request to bypass the respective individual.

**Level 3:      Board of Education**

Any party aggrieved by the decision of the Superintendent or in disagreement with the proposed remedial action may make a written appeal to the Board of Education. Such written appeal shall be filed in writing with either the Superintendent or the Secretary of the Board of Education. Such written appeal must be filed within ten (10) days of receipt of the decision of the Superintendent. Extensions of the ten- (10) day requirement will be granted if the grievant can establish good cause for the delay and the interests of justice and fairness so require. Upon

receipt of a written appeal, the District shall place the grievance on the agenda of the next meeting of the Board of Education following the fifth day after the appeal is received, or at such Board meeting thereafter as may be agreed upon by the parties.

At the hearing before the Board, the parties shall have the right to be represented by legal counsel, to call and examine witnesses, cross-examine witnesses called by the opposing party, and to submit evidence into the record.

The Board shall render its decision within thirty (30) days. The Board shall report its decision in writing. All parties shall receive a copy of the decision.

The hearing before the Board of Education shall be considered a contested case for purposes of Chapter 536, Revised Statutes of the State of Missouri.

**Level 4:       Circuit Court**

Any party aggrieved by the decision of the Board of Education may appeal the decision to the Circuit Court of the County, in accordance with Chapter 536, Revised Statutes of the State of Missouri, or to the applicable federal court.

**Other Options**

At any time during the grievance process, a grievant may file a complaint with the United States Department of Education, Office for Civil Rights (Kansas City, Missouri) or the Missouri Commission on Human Rights. Employee grievants may also file a complaint with the Equal Employment Opportunity Commission.