

GRIEVANCE PROCEDURE FOR COMPLAINTS CONCERNING THE BOARD'S
OBLIGATION TO DISABLED PERSONS

The Board recognizes its responsibility to provide a grievance procedure to provide for prompt and equitable resolution of complaints by students or employees or any other persons who allege that a Board action is in violation of Section 504, The Rehabilitation Act of 1973. The Superintendent shall designate an employee from within the district to be the Section 504 Coordinator who shall be responsible for processing any such grievances.

The grievance procedure set forth herein may be used to resolve complaints under 42 U.S.C. 12101 et seq. (The Americans with Disabilities Act, as well as Section 504).

A. Level 1: Principal or Immediate Supervisor (Informal and optional – may be bypassed by grievant)

Many problems can be solved by an informal meeting with the parties and the principal or immediate supervisor. An individual with a complaint is encouraged to first discuss it with the teacher, counselor, or building administrator involved with the objective of resolving the matter promptly and informally. Employees with a complaint are encouraged to first discuss it with their principal or immediate supervisor with the same objective. An exception is that complaints of sexual harassment should be discussed with the firstline supervisor or administrator who is not involved in the alleged harassment.

B. Level 2: Title IX or Title IX/Section 504 Coordinator

If the complaint or issue is not resolved at Level 1, the grievant may file a written grievance stating: 1) the nature of the grievance; 2) the remedy requested; and 3) be signed and dated by the grievant. The Level 2 written grievance must be filed with the Coordinator within fifteen (15) days of the event of incident, or from the date the grievant could reasonably become aware of such occurrence.

The Coordinator has authority to investigate all written grievances. If possible, the coordinator will resolve the grievance. If the parties cannot agree on resolution, the Coordinator will prepare a written report of the investigation which shall include the following:

1. A clear statement of the allegations of the grievance and remedy sought by the grievant.
2. A statement of the facts as contended by each of the parties.
3. A list of all witnesses interviewed and documents reviewed during the investigation.

GRIEVANCE PROCEDURE FOR COMPLAINTS CONCERNING THE BOARD'S
OBLIGATION TO DISABLED PERSONS

4. A narrative describing attempts to resolve the grievance.
5. The Coordinator's conclusion as to whether the allegations in the grievance are meritorious.

If the Coordinator believes the grievance is valid, he/she will recommend appropriate action to the Superintendent.

The Coordinator will complete the investigation and file the report with the Superintendent within fifteen (15) days after receipt of the written grievance. The Coordinator will send a copy of the report to the grievant.

If the Superintendent agrees with the recommendation of the Coordinator, the recommendations will be implemented.

The Coordinator and Superintendent may appoint an outside investigator once a written grievance is filed.

C. Level 3: The Board of Education

If the Superintendent rejects the recommendations of the Coordinator, and/or either party is not satisfied with the recommendations from Level 2, either party may make a written appeal within ten (10) days of receiving the report of the Coordinator to the Board of Education for consideration at the next regularly scheduled meeting or as soon thereafter as practicable. A decision shall be made and reported in writing to all parties within thirty (30) days of the hearing. The decision of the Board of Education will be final.

D. Other Options for Grievant

At any time during this process, a grievant may file a complaint with the Office of Civil Rights, Region II, U.S. Department of Education.

Adoption: March 10, 2008

Legal References:

34 C.F.R. 104.7