

# Revised

## Complaints and Grievances

2017-2018 Parent/Student Handbook

This document replaces the back cover of the 2017-2018 Parent/Student Handbook.

## COMPLAINTS AND GRIEVANCES

### GRIEVANCE PROCEDURE FOR:

Title IX, Education Amendments, 1972

Section 504, Rehabilitation Act of 1973

Americans with Disabilities Act of 1990

CCBE Policy JCD - Sexual Harassment - Students

Pursuant to the above titled federal laws and policies, the Clayton County Board of Education is committed to the following:

1. The Clayton County Public School District does not discriminate against students or employees in regard to their gender. The System complies with Title IX of the Education Amendments of 1972 which prohibits sex discrimination, including sexual harassment, in education.
2. The Clayton County Public School District does not discriminate on the basis of an individual's handicap or disability. This nondiscriminatory obligation under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 applies to admission or access to, or employment in, its programs and activities.

The following procedure is used to file a formal grievance in the event that any act of sex discrimination, including sexual harassment, or discrimination based on a disability or handicap, is alleged to have taken place within the system directed at a student, an employee or other person.

### **I. Definitions**

A. Grievance: A written complaint alleging any policy, procedure, action or practice which discriminates on the basis of sex, handicapping condition, or disability.

B. Grievant: A student or employee of the Clayton County Public School District or any other person who submits a complaint alleging discrimination based on sex, handicapping condition, or disability.

C. Party: Grievant, victim and/or Respondent to a Grievance filed pursuant to these procedures.

D. Title IX, Section 504 Coordinators, and Americans with Disabilities Act Compliance Officer: The person(s) designated to coordinate efforts to comply with and carry out responsibilities under Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, and other state and federal laws addressing equal educational opportunity. The Title IX, Section 504 Coordinators, and Americans with Disabilities Act Compliance Officer are responsible for investigating complaints and serving as moderators and recorders during hearings.

E. Respondent: The person alleged to be responsible for the violation alleged in a complaint. The term may be used to designate persons with responsibility for a particular action or those persons with supervisory responsibility for procedures and practices in those areas covered in the complaint.

F. Day: Day means a working day. The calculation of days in complaint processing shall exclude Saturdays, Sundays, and school holidays.

**II. Pre-Filing Procedures**

A. Prior to the filing of a written complaint, the student, employee, or other individual is encouraged to visit the Coordinator/Compliance Officer, and a reasonable effort should be made to resolve the problem or complaint.

The Coordinator/Compliance Officer for the various programs are listed in this policy.

**III. General Provisions**

**CLAYTON COUNTY PUBLIC SCHOOL DISTRICT GRIEVANCE PROCEDURE  
TITLE II; TITLE IX; SECTION 504**

This Procedure establishes a Grievance Procedure providing for the prompt and equitable resolution of complaints alleging any action prohibited by Title II of the Americans with Disabilities Act of 1990 (“Title II”); Title IX of the Education Amendments of 1972 (“Title IX”); or Section 504 of the Rehabilitation Act of 1973 (“Section 504”). Such complaints will be termed “Grievances”. Title II and Section 504 prohibit discrimination on the basis of disability; Title IX prohibits discrimination on the basis of sex. It is a violation of law for the Clayton County Public School District to retaliate against anyone who files a Grievance or participates in the investigation of a Grievance.

Grievances may be filed with the individuals identified below in accordance with this procedure.

<b>Title IX &amp; Student/Sexual Harassment</b>	<b>Disabled Students and Members of the Public - Section 504</b>	<b>Disabled Employees/Americans with Disabilities Section 504 and Title II</b>
1058 Fifth Avenue Jonesboro, Georgia 30236 (770) 473-2700	1058 Fifth Avenue Jonesboro, Georgia 30236 (770) 473-2700	1058 Fifth Avenue Jonesboro, Georgia 30236 (770) 473-2700
Legal Compliance Officer	Director of Student Services	Chief Human Resources Officer

Individuals with grievances of this nature also have the right to file a formal complaint with the United States Department of Education.

Office for Civil Rights (OCR)  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Customer Service Hotline 800.421.3481

Fax: 202-453-6012  
TDD: 877.521.2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

Office for Civil Rights, Region IV  
61 Forsyth Street S.W., Suite 19T10  
Atlanta, GA 30303-8927  
Telephone: 404-974-9406  
Fax: 404-974-9471  
Email: [OCR.Atlanta@ed.gov](mailto:OCR.Atlanta@ed.gov)

Individuals that require assistance in filing a grievance may contact:  
Gloria Duncan, Director of Professional Learning  
Professional Learning Center, 1087 Battlecreek Road  
Jonesboro, GA 30236  
(770) 473-2795  
[gloria.duncan@clayton.k12.ga.us](mailto:gloria.duncan@clayton.k12.ga.us)

### **GRIEVANCE PROCEDURES**

1. A grievance must be in writing, contain the name and address of the person filing it (“Grievant”), and briefly describe the action alleged to be prohibited by the regulations.
2. A grievance must be filed in the office of the Title II/Title IX/Section 504 Coordinator within thirty (30) days after the Grievant became aware of the action alleged to be prohibited by the regulations. This time frame may be waived by the Title II/Title IX/Section 504 Coordinator if extenuating circumstances existed which justifies an extension.
3. Upon receipt of a grievance the Title II/Title IX/Section 504 Coordinator will open a formal case file and coordinate any interim action, accommodations for the alleged victim, or other necessary remedial short-term actions necessary to ensure the wellbeing of such victim or Grievant and to protect the integrity of the investigation.
4. The Title II/Title IX/Section 504 Coordinator, or his/her designee, shall conduct a thorough, reliable, and impartial investigation of the grievance to determine its validity. This investigation affords all interested parties and their representative, if any, an opportunity to submit evidence and present witnesses relevant to the grievance. During the investigation, the Title II/Title IX/Section 504 Coordinator, or his/her designee, will interview relevant witnesses and use a preponderance of the evidence standard in making his or her decision (*i.e.*, more likely than not that a violation of Clayton County Public School District policy, Section 504, ADA, or Title IX occurred).
5. The Title II/Title IX/Section 504 Coordinator shall issue to all parties a written decision determining the validity of the grievance no later than thirty (30) days after its filing.
6. If a party disagrees with the Title II/Title IX/Section 504 Coordinator’s decision, he or she may request, in writing, that the Superintendent or his/her designee, review the decision of the Title II/Title IX/Section 504 Coordinator. Such request must be made within seven (7) calendar days of receipt of the decision by the Title II/Title IX/Section 504 Coordinator.

7. The Superintendent or his/her designee, shall have an additional fifteen (15) days to decide the appeal and notify the parties in writing of his/her decision and list the evidence on which the decision is based.
8. The Superintendent's written decision will advise the parties of the right to file a complaint with the appropriate state and federal civil rights offices and will be provided with the names and addresses of such offices.

Extension of Time: The 30-day time limit for completing an investigation set forth above in Step 5 of the Grievance Procedures may be extended by mutual consent of the parties involved or due to extenuating circumstances (such as voluminous evidence to be reviewed or a large number of witnesses to be interviewed). However, the total number of days from the date that the grievance is filed until the date of the issuance of the Title II/Title IX/Section 504 Coordinator's written decision to the parties shall be no more than sixty (60).

If the Clayton County Public School District's investigation finds evidence of disability or sex discrimination, including harassment, it will take appropriate steps to prevent the recurrence of such discrimination and correct the discriminatory effects on the Grievant, victim, and others, if appropriate.

Access to Regulations: The Clayton County Public School District shall provide copies of all regulations prohibiting discrimination on the basis of race, color, national origin, religion, sex, age, handicapping condition, or veteran status upon request.

Confidentiality of Records: Grievance records will remain confidential unless permission is given by the parties involved to release such information. No grievance record shall be entered in the personnel file. Grievance records shall be maintained on file for three years after grievance resolution.

**This grievance shall not apply to any matter when:**

- (a) Method of review is prescribed by law or by an existing Board policy, and
- (b) Board of Education is without authority to act.

**Title IX & Student/Sexual Harassment**

1058 Fifth Avenue  
Jonesboro, Georgia 30236  
(770) 473-2845  
Legal Compliance Officer  
[latasha.lowe@clayton.k12.ga.us](mailto:latasha.lowe@clayton.k12.ga.us)

**Disabled Employees/Americans with Disabilities  
Section 504 and Title II**

1058 Fifth Avenue  
Jonesboro, Georgia 30236  
(770) 473-2700  
Chief Human Resources Officer  
[tammy.miller@clayton.k12.ga.us](mailto:tammy.miller@clayton.k12.ga.us)

**Disabled Students and Members of the Public -  
Section 504**

1058 Fifth Avenue

Jonesboro, Georgia 30236

(770) 473-2700

Director of Student Services

**[angela.horrison-collier@clayton.k12.ga.us](mailto:angela.horrison-collier@clayton.k12.ga.us)**

**Athletics - Gender Equity**

Tara Stadium, 1055 Battlecreek Road

Jonesboro, Georgia 30236

770-473-2845

Director of Athletic

**[kevin.may@clayton.k12.ga.us](mailto:kevin.may@clayton.k12.ga.us)**