

1-04-126. **Title IX/Section 504 Grievance Procedure.**

DEFINITIONS:

- A. Grievance. Grievance means a complaint alleging any policy, procedure, or practice which would be prohibited by Title IX/Section 504 and other federal and state civil rights laws, rules, and regulations.
- B. Title IX. Title IX means Title IX of the Education Amendments of 1972 (20 USC Section 1681), the 1975 Implementing Regulation and any memoranda, directives, guidelines, or subsequent legislation that may be issued or enacted.
- C. Section 504. The Rehabilitation Act of 1973 (29 USC 794).
- D. Federal and State Civil Rights Laws, Rules, and Regulations. Title VI of the Civil Rights Act of 1964 (42 USC Section 2000d), Title VII of the Civil Rights Act of 1964 as amended (42 USC Section 2000e), Title IX (Supra), Section 504 (Supra), the Constitution of the State of Montana, 1972 (Article X, Section 1), the Montana Human Rights Act (!Title 49, Chapter 2, MCA), the Montana Governmental Code of Fair Practices (Title 49, Chapter 3, MCA), and the implementing federal and state rules and regulations.
- E. Grievant(s). Grievant means a student/parent/guardian or employee of the Culbertson School District who submits a grievance.
- F. Culbertson School District. Any reference to any school district as defined in 20-6-101, MCA.
- G. Title IX/Section 504 Coordinator. Means the employee(s) designated to coordinate Culbertson School District's effort to comply with and carry out its responsibilities, hereinafter referred to as the coordinator.
- H. Day. Day means a working day; the calculation of days in grievance processing shall exclude Saturdays, Sundays, and school holidays (20-1-305 M.C.A.).
- I. Ridgeway et al, plaintiffs v. Montana High School Association et al, defendants. Hereinafter identified as tine: Ridgeway settlement.

BASIC PROCEDURAL RIGHTS: Applicable to all levels of the grievance process.

- A. Each party shall have the right to representation, to present witnesses and evidence, and to question opposing witnesses.

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- B. The designated Coordinator may not have a direct interest in the outcome of the grievance and must remain impartial.
- C. Relevant agencies/institutional records shall be available to all parties subject to requirements and clarifications in Guidelines for Student Records, Office of Public Instruction, Sept. 1984.
- D. Intimidation or retaliation of any kind is prohibited by law.
- E. Prior to a contested case hearing (under the Rules of School Controversy) the rights of the Grievant's confidentiality in proceedings and records shall be respected (ARM 10.6.101 et seq, also see Ridgeway settlement agreement - page 29).
- F. This procedure does not deny the right of the Grievant to file formal complaints with other state and federal agencies or to seek private counsel for complaints alleging discrimination.
- G. All records to the grievance shall be maintained by the clerk of the school district and apart from student and personnel records for a period of not less than five (5) years (20-1-212 MCA).

PROCESS:

Level 1: Principal or Immediate Supervisor. (Informal and optional - may be bypassed by the Grievant.) A student/parent/ guardian with a grievance should first discuss it with the teacher, counselor, or building administrator involved, with the objective of resolving the matter promptly and informally. Employees with a grievance should first discuss it with their principal or immediate supervisor with the same objective in mind.

Level 2: Title IX and Section 504 Coordinator. If the grievance is not resolved at Level 1 and Grievant wishes to pursue the grievance, they may formalize it by filing a grievance in writing. The Grievant shall state:

1. the nature of the grievance;
2. the remedy requested; and sign the grievance.

The filing of written grievance at Level 2 must be to the Coordinator within ten (10) days of the event giving rise to the grievance or from the date the Grievant could reasonably become aware of such occurrence. The Coordinator shall investigate and attempt to resolve the grievance. A written report regarding the decision and/or action of the Coordinator will be sent to all concerned parties within fifteen (15) days after receipt of the written grievance. If the superintendent is the Coordinator and the grievance is not resolved at Level 2, either party may advance to Level 3.

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Level 3: The Board of Trustees. Either party may process the grievance beyond the decision reached in Level 2 by filing written grievance within ten (10) days with the chairperson of the Board. Upon receiving the grievance, the matter shall be placed on the agenda of the Board for consideration at the next regular meeting. A decision shall be made and reported in writing to all parties within thirty (30) days of said meeting.

Level 4: Rules of Controversy. Either party may appeal the decision of the Board by filing a Notice of Appeal with the county superintendent of schools within thirty (30) days after the final decision of the board of trustees, pursuant to the Rules of School Controversy (10.6.103 et seq. ARM, see also Ridgeway settlement agreement, page 29).

Adopted: March 19, 1985
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