

Newport News School Board Grievance Procedure Section 504; Title IX; Title II

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

As used in this Procedure, "Complainant" means any student, parent, employee, or other person who believes that he or she has been subjected to discriminatory action within the Newport News school division in violation of Title IX, Section 504, or Title II.

The Title IX/Section 504/Title II Coordinator (the "Coordinator") for the Newport News School Board is the Director of Human Resources (12507 Warwick Boulevard, Newport News, Virginia 23606-2673; Telephone 757-881-5061).

Grievance Procedure

Level 1: *Immediate Supervisor, Principal, or Coordinator*

Many problems may be resolved by an informal meeting at which an opportunity for full discussion of issues is permitted. Complainants are therefore encouraged to first discuss their complaints with the person closest to the problem or the Coordinator. The Level 1 process is informal and optional; it may be bypassed by the Complainant.

Level 2: *Written Complaint to Coordinator*

If the Complaint is not resolved at Level 1 or the Complainant chooses to bypass this step, the Complainant must file a written Complaint with the Coordinator including: (i) a statement of the nature of the Complaint; (ii) the remedy or relief requested; and (iii) a date and signature by Complainant. (Complaints against the Coordinator must be filed with the Assistant Superintendent of Human Resources, 12507 Warwick Boulevard, Newport News, Virginia 23606-2673; Telephone 757-881-5061. Complaints against the Superintendent must be filed with the Chairman of the School Board, 12465 Warwick Boulevard, Newport News, Virginia 23606.) The Level 2 written Complaint must be filed within one hundred eighty (180) calendar days of (i) the event or incident generating the Complaint or (ii) the date the Complaint could reasonably have become aware of such occurrence. Compliance with the 180 calendar day filing date may be waived by the Coordinator upon a showing of good cause by Complainant. Good cause includes, but is not limited to, periods of illness or incapacitation by the Complainant which prevents filing within the prescribed time.

The Coordinator has authority to investigate all written Complaints or to cause them to be investigated (the Coordinator may designate another individual to conduct the investigation). If possible, the Coordinator will resolve the Complaint. If such a resolution is reached, it will be documented and reduced to writing. If a negotiated resolution cannot be reached, the Coordinator will prepare or cause to be prepared a written report of the investigation which will include the following:

- A clear statement of the allegations of the Complaint and the remedy sought by the Complainant.
- A statement of the facts as contended by appropriate parties.
- A statement of facts as found by the Coordinator and identification of evidence to support each fact.
- A list of witnesses interviewed and documents reviewed during the investigation.
- A narrative describing attempts to resolve the Complaint.
- The Coordinator's conclusion(s) as to whether the Complaint is meritorious.

The investigation is intended to be informal but must be thorough. In particular, all interested persons, including the Complainant, will be provided an opportunity to submit evidence (including information from witnesses, if any) relevant to the Complaint.

The Coordinator will issue a written decision to the Complainant, the Respondent, if any, and all other relevant parties no later than thirty (30) calendar days after the filing of the Complaint. (For purposes of this Procedure, a Respondent means an individual who is accused of discrimination, including harassment under this Procedure by Complainant.)

If the Coordinator believes the Complaint or some aspect of it is valid, and to the extent permitted under applicable law, the Coordinator will direct a resolution of the Complaint and notify the Complainant of that resolution. In those circumstances for which the Coordinator is not authorized to direct a Complaint resolution, the Coordinator will recommend appropriate action to the Superintendent or the appropriate school division supervisor and notify Complainant of the recommended remedy. When another school division employee or the School Board renders a decision on a Complaint, the Coordinator will be responsible to provide the Complainant with appropriate information about such decisions.

Level 3: *Written Appeal*

If the Complainant does not agree with the resolution at Level 2, the Complainant may file a written appeal to the Superintendent (12465 Warwick Boulevard, Newport News, Virginia, 23606). This appeal must be dated no later than thirty (30) calendar days after receipt of the Level 2 written report.

The Superintendent may review and decide the appeal or may delegate the review and decision to an appropriate supervisor (e.g., the supervisor for Special Education or 504 programs). The

reviewer will issue a written decision to the Complainant within thirty (30) calendar days after the filing of the appeal.

Level 4: *Written Appeal to School Board*

If the Complainant does not agree with the resolution at Level 3, the Complainant may file a written appeal with the Newport News School Board (to the Board Chairman at 12465 Warwick Boulevard, Newport News, Virginia, 23606) within thirty (30) calendar days of receipt of the Level 3 decision.

The School Board will make its decision based on the record of the proceedings and will issue a written decision to the Complainant within thirty (30) calendar days after the filing of the appeal.

Miscellaneous Guidance

- A document required to be filed under this Procedure will be deemed filed, and any notice required to be given under this Procedure, will be deemed given, when personally delivered to the appropriate person or entity, or when sent by certified mail, return receipt requested (e-mail or facsimile filing is acceptable provided that the sender is responsible for ensuring that the e-mail or fax has actually been received).
- The Coordinator will retain the files and records related to Complaints and will ensure the confidentiality of such files and records in accordance with applicable legal requirements.
- Complaints made against the Superintendent will be handled by the School Board. If such Complaints are filed, the School Board will determine the procedures to be followed to investigate and resolve the Complaint and will notify the Complainant in writing of the procedures and time lines involved. It is expected that the time lines will be similar to those established for other Complaints.

NOTE: The availability and use of this Grievance Procedure does not prevent a person from filing a complaint of discrimination on the basis of sex or disability with the Office for Civil Rights at the U.S. Department of Education.

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