

BALTIMORE COUNTY PUBLIC SCHOOLS

Date: February 27, 2007

TO: **BOARD OF EDUCATION**

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: **PROPOSED DELETION OF BOARD OF EDUCATION
POLICY 5610 STUDENTS: TITLE IX, GRIEVANCE
PROCEDURE**

ORIGINATOR: Margaret-Ann Howie, Esq., Legal Counsel to the Superintendent

RESOURCE PERSON(S) Anjanette Dixon, Esq., Staff Attorney
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RECOMMENDATION

That the Board of Education considers the deletion Policy 5610. This is the third reading of Policy 5610.

Attachment I – Policy Analysis
Attachment II – Proposed Policy 5410

BOARD OF EDUCATION OF BALTIMORE COUNTY

Policy Analysis for Proposed Revision of Policy 5610: Title IX, Grievance Procedure

Statement of Issues Addressed By the Proposed Policy Deletion

The Board of Education’s Title IX Grievance Procedure, as found in Board of Education Policy 5610, has not been updated or revised since its initial adoption on November 11, 1976. Title IX prohibits discrimination based on sex in federally funded programs and activities in schools. Pupil Services procedures now address the manner in which discrimination complaints are addressed by the school system.

Federal and state law, as well as state regulation, protects students from both harassment and discrimination. Therefore, a separate policy is redundant. Applicable laws governing this area of discrimination include: Section 504 of the Rehabilitation Act of 1973 (disability based harassment); Title IX of the 1972 Education Amendments (gender based harassment), 20 USC §§1681-1688; the *Annotated Code of Maryland*, Education Article §7-424, and the Code of Maryland Regulations regarding school safety, 13A.01.04.03.

Cost Analysis

There is no fiscal impact on the system as a result of the deletion of the proposed policy.

Relationship to Other Board of Education Policies

- 5550 Disruptive Behavior
- 5570 Student to Student Sexual Harassment
- 5600 Students’ Rights and Responsibilities

Legal Requirement

Not applicable

Similar Policies Adopted by Other School Systems

Policies and procedures regarding harassment from Montgomery County Public Schools (Board of Education of Montgomery County, Policy ACB, Nondiscrimination) and the Goochland County School Division in Virginia (Goochland County School Division, Sexual Harassment/Harassment Based on Race, National Origin, Disability and Religion) were reviewed and analyzed.

Draft of Proposed Policy (see attached)

Other Alternatives Considered by Staff

Staff also considered revising Policy 5610 to include a broad statement concerning the dictates of existing law. However, because federal law mandates the establishment of a complaint procedure, a broad policy statement would not be necessary to ensure that a student’s rights are protected.

STUDENTS: Students' Rights and Responsibilities

Grievance Procedure- Title IX of the 1972 Education Amendments

1. Steps for Implementation

- a. A student or parent with a complaint shall first present it orally or in writing to his/her teacher or principal within thirty (30) calendar days of the event giving rise to the complaint or the first knowledge thereof. The informal discussion of problems and concerns and the continuous interchange of views is encouraged among students, faculty, and school administration to enhance increased communication and understanding and to resolve situations of concern as informally as possible. Within five (5) school days, the disposition at this informal level should be made either orally or in writing to all parties concerned.
- b. Within five (5) school days after receiving the decision of the teacher, the complainant may appeal the decision to the principal of the school. If the principal has been previously involved, a complainant may proceed to the next step. An appeal is taken by notifying the principal in writing of the student's desire to appeal. The principal shall evaluate the evidence and any supporting statements from the teacher or complainant(s) and render his/her decision within ten (10) school days after receiving the appeal. All parties involved should be notified of the decision in writing.
- c. If the complainant deems it necessary or desirable to carry the complaint beyond the decision reached in "b" above, he/she may, within ten (10) school days after receiving the decision, file the complaint with the appropriate Area Assistant Superintendent. The Area Assistant Superintendent shall compile and evaluate all previous correspondence, supporting statements and evidence and render his/her decision within thirty (30) school days after its receipt. All parties involved should be notified of the decision in writing.

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- d. Within ten (10) school days after receiving the decision of the Area Assistant Superintendent, the complainant may appeal the decision to the Superintendent by notification in writing. The Superintendent shall evaluate the evidence and render his decision within ten (10) school days after receiving the appeal.
- e. If the complainant deems it necessary to carry the complaint beyond the decision reached in “d” above, he/she may, within ten (10) school days from the receipt of the decision, file appeal with the Board of Education of Baltimore County.

This appeal shall be written and shall be accompanied by copies of all previous correspondence, supporting statements, evidence, and decisions.

Upon receiving the complaint, the matter shall be scheduled for the agenda of the Board of Education for consideration at the regular meeting within ninety (90) calendar days of receipt of the complaint. A final determination shall be made within sixty (60) calendar days from date of the hearing by the Board.

2. Definitions

- a. Grievance: A grievance shall mean a complaint which has been filed by a student, or by a student’s parent, on his/her behalf, dealing specifically with Title IX concerns. This grievance procedure is not applicable to situations for which other complaint and appeal procedures are provided in Board of Education of Baltimore County or State regulations. Normal channels of communication, sharing of concerns, exchange of views and ideas among students, parents, teachers, and administrators are encouraged whenever feasible, in seeking clarification and resolution to questions of concern to the student, before the grievance procedure is utilized.
- b. Purpose: The primary purpose of this procedure is to secure as early as possible equitable solutions to a claim or a complaint, if the claim is justifiable and can be sustained with supportive information, statements, or other evidence.

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- c. **Time:** The number of days indicated at each step shall be regarded as a maximum and every effort shall be made to expedite the process. However, the time limits specified may be extended by mutual agreement of the complainant and the administration and/or Board of Education.
- d. **Withdrawal:** A complaint may be withdrawn by the complainant at any step without prejudice or record. Withdraw beyond the local school level (step “b”) should be communicated to the designated Title IX coordinator who will assist the complainant in completion of written notification of withdrawal form.
- e. **Hearings and Decisions:** At each step, the complainant shall be given the opportunity to appear and present his/her side of the story. At all steps, the complainant shall have the right to be assisted by his/her representative. Copies of all decisions beyond step “a” shall be written and shall include supporting reasons. Copies of all decisions and recommendations shall be finished promptly (within time prescribed in the grievance procedure) to all parties of interest.
- f. **Preservation of Records:** All proceedings and decisions related to a complaint initiated beyond step “a” shall be kept separate from students’ school records. However, any complainant who wishes the proceedings relative to his/her own complaint to be placed in his/her official school records file may achieve such action by filing a written request to the designated coordinator of Title IX activities.
- g. **Disclaimer:** In the adoption and implementation of this grievance procedure, it shall be understood that the Board of Education is not a court of law and that rules of jurisprudence shall not apply within this process.

Policy
Adopted: 11/11/76]

Board of Education of Baltimore County