

JAA-R Equal Educational Opportunities

1/7/13

RATIONALE/OBJECTIVE:

The Cobb County School District (District) shall maintain its educational programs in compliance with all laws relating to non-discrimination. Procedures shall be established and personnel appointed within the District to deal with student and parent concerns relative to the requirement of non-discrimination.

No person shall be discriminated against because of race, creed, color, national origin, religion, sex, age, or disability.

RULE:

A. DEFINITIONS:

1. A "grievance" is a complaint that alleges action by the District in violation of Title IX, Section 504 of the Rehabilitation Act, Americans with Disabilities Act (ADA), or Title VI.
2. "Grievant" is the person initiating the complaint.
3. "Responsible Official" indicates the employee designated by the District to coordinate its efforts to comply with and carry out its responsibilities under the various pieces of legislation.
 - Title IX - Student Support office
 - Section 504 and ADA - Special Student Services Division
 - Title VI Student Issues – Student Support office
4. "Student" means a person enrolled in one of the schools or instructional programs operated by the District.
5. "Building administrator" means the building principal or designee.

B. PROCEDURES:

All grievances brought by a student or by another person on a student's behalf shall be handled in the following manner:

1. **Local School:**
 - a. Within twenty (20) school days of the time that the grievant knows, or reasonably should know about the grievance the grievant shall present the grievance orally to the building administrator who shall note in writing the date of the grievance presentation.
 - b. Within five (5) school days after the grievance is presented, the principal or designee shall orally answer the grievance. Information shall be given to the grievant regarding the procedures to follow if the oral answer from the building administrator proves unsatisfactory.
2. **The Responsible Official:**
 - a. If the grievance is not resolved orally, within five (5) school days of the oral answer, the grievant shall state his/her grievance in writing on Form JAA-1. When completed and signed, the form should be submitted to a building administrator for response. The building administrator shall use the form to document his/her previous oral response as well as further steps he/she has taken to resolve the complaint. Within five (5) school days of his/her receipt of the complaint form, the building administrator shall:
 - (1) Give copies of the completed form to:
 - (a) The grievant.
 - (b) The principal.
 - (2) Send a copy to the District's designated responsible official.
 - (3) Retain a copy for the school file.
 - b. The written grievance shall:

- (1) Name the student involved and/or the person bringing the grievance on behalf of the student;
 - (2) State the situation or conditions giving rise to the perceived discrimination;
 - (3) Identify the specific provisions of the legislation or the implementing regulations alleged to have been violated; and
 - (4) Indicate the specific relief sought.
- c. Upon receiving the completed grievance form, the District's responsible official shall mark it with the date of receipt. Within ten (10) calendar days of receiving the written complaint, the responsible official shall give an answer in writing to the grievant.
- 3. The Superintendent:**
- Should the grievance not be resolved in Step Two, the grievant may then appeal to the District Superintendent's office:
- a. Within five (5) school days of receiving the responsible official's answer, the grievant may submit his or her grievance form (Form JAA -1), along with any written response to that complaint, to the Superintendent who shall issue a signed and dated receipt for the materials.
 - b. The Superintendent shall hear the grievance within twenty (20) calendar days after receiving any properly filed written complaint.
 - c. The grievant shall be given a full and fair opportunity to present evidence related to the facts and issues raised by the grievance. The Superintendent and/or designee, along with other District representatives and/or counsel shall attend the hearing.
 - d. The grievant may also choose to be represented by counsel at such a hearing. The length of the hearing will be mutually determined by the parties involved and will not exceed three (3) working (8 hour) days.
 - e. The Superintendent shall render his/her decision in writing within ten (10) calendar days after completion of the hearing. A copy of the Superintendent's decision shall be furnished to the grievant.
 - f. The Superintendent's decision shall be final within the District.

C. FAILURE TO OBSERVE TIME LIMITS:

1. In the event the grievant fails to exercise the options provided under the grievance procedure, or to abide by the time limits established for each step, the grievance shall be declared out of order by the District official involved. The matter shall then be settled in accordance with the District's last answer.
2. In the event the District fails to give its answer at any step within the time limits prescribed, the grievant shall have the right to proceed immediately to the next step.
3. At any time in these proceedings, the grievant may appeal directly to the Office for Civil Rights, Washington, DC, as outlined in the District's nondiscrimination compliance notification. Any time limit may be extended by a written mutual agreement signed by the grievant and the District official involved.

D. EFFECT OF SETTLEMENT:

Any settlement of a grievance shall be applicable to that grievance only and shall not be considered binding authority for the disposition of any other grievance.

Adopted: 7/22/82
 Revised: 4/13/83; 4/14/04
 Reviewed: 8/8/84; 9/1/04
 Revised: 7/28/05; 1/18/12
 Revised and re-coded: 1/7/13 (Previously coded as Administrative Rule JB)

Legal Reference	
O.C.G.A. 45-01-0004	Whistleblower
O.C.G.A. 20-02-0131	Objectives and purposes of OBE program
O.C.G.A. 20-02-0133	Free public instruction; exceptions; eligibility; transfer and utilization; funding
34 CFR 104.7	Section 504 - Designation of responsible employee and adoption of grievance procedures
34 CFR 100.7(c)	Title VI - Conduct of investigations
29 CFR 1691.5	Agency processing of complaints of employment discrimination - ADA
34 CFR 106.8	Title IX - Designation of responsible employee and adoption of grievance procedures for sex discrimination
42 USC 2000d	1964 Civil Rights Act

20 USC 1412	State eligibility
20 USC 1703	Denial of equal educational opportunity prohibited
29 USC 794	Nondiscrimination under Federal grants and programs
20 USC 1400	Individuals with Disabilities Education Act of 2004
20 USC 1701	Equal Educational Opportunities Act of 1974
29 USC 705	Rehabilitation Act of 1972
20 USC 1681	Title IX of the Education Amendments of 1972