

KCS Disability Harassment Grievance Procedures

KANAWHA COUNTY SCHOOLS

POLICY PROHIBITING DISCRIMINATION OR HARRASSMENT ON THE BASIS OF DISABILITY

SECTION 504 OF THE REHABILITATION ACT OF 1973

THE AMERICANS WITH DISABILITIES ACT

Notice of Section 504/ADA

The Board of Education of the County of Kanawha (Board) ensures its policies, practices, procedures, workplace, and educational environment are free from discrimination and harassment on the basis of disability. BOARD will not tolerate disability discrimination or harassment, which are violations of state and federal law. Any individual, including a parent, student, or employee may file a grievance if it is alleged that a policy, practice, procedure, or direct service provided by the BOARD has resulted in a violation of Section 504 or the Americans with Disabilities Act (ADA). BOARD prohibits any retaliation or reprisal against individuals who file complaints or participate in the complaint process.

Education Policy Statement

The Kanawha County School District will identify, evaluate, and provide a free appropriate public education to students who are disabled within the meaning of Section 504 of the Rehabilitation Act of 1973.

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GRIEVANCE PROCEDURE

Purpose

The purpose of this procedure is to provide a way for any individual, including a parent, student, or employee to reach solutions to alleged problems of discrimination or harassment.

Procedure

Prior to the initiation of a formal grievance, it is encouraged that the individual (or authorized representative) have an informal discussion with the building level administrator (Principal) or office director.

Grievance Procedures

(Continued)

Level 1: Section 504 or ADA Coordinator: A grievant may file a written grievance by submitting a written report to the Section 504/Coordinator, hereinafter the "Coordinator", stating: 1) the nature of the grievance, including the alleged violation of Section 504/ADA and facts upon which the allegations are based; 2) the remedy requested; and 3) signature and date signed by the grievant. The Level 1 written grievance must be filed with the Coordinator within 120 calendar days of the date of the event or incident, or within 120 calendar days of the date the grievant became aware of such occurrence. If possible, the Coordinator will resolve the grievance. If the parties cannot agree on a resolution within 15 days of receipt of the written grievance, the Coordinator will conduct an adequate, reliable and impartial investigation as follows:

1. Within 10 days of receipt of the written grievance:
 - a. The grievant will be notified in writing of receipt of the grievance and will be requested to submit any addition information relevant to the investigation, including submission of documents and other evidence and submission of names of witnesses to be interviewed.
 - b. BOARD staff directly involved in the allegations will be informed in writing of the grievance and will be requested to submit relevant documents and other evidence, including names of witnesses to be interviewed.
 - c. Parties will be given 20 days to submit documentation.
2. The Coordinator will conduct an investigation, which will consist of a review of all documentation submitted and interviews of individuals having information relevant to the investigation, including witnesses submitted by the parties.
3. The Coordinator will issue a letter of findings within 90 calendar days of the receipt of the written grievance stating:
 - a. The allegations
 - b. The remedy sought by the grievant
 - c. Individuals interviewed and documents reviewed
 - d. Statements of findings of fact
 - e. A statement of the conclusions of the investigation
 - f. The actions to be taken to correct any violations found and to prevent the recurrence of such violation.
4. With the agreement of all parties, the timeline for completing the investigation and issuing the report may be extended.
5. A copy of the letter of findings will be provided to the grievant, the office director or school principal, and the Superintendent of Schools.

Grievance Procedures

(Continued)

Level 2: Superintendent: A party not satisfied with the decision from Level 1 may make a written appeal to the Superintendent, hereafter the “Superintendent”, within 90 calendar days of the issuance of the letter of findings from Level 1.

1. Within 10 days of receipt of the request for review of the letter of findings and decision, the Superintendent or designee shall notify all parties of the appeal and of their right to submit additional relevant information for consideration.
2. The Superintendent or designee shall review the letter of findings and any additional information submitted, and issue a written decision within 45 calendar days.
3. The decision of the Superintendent is final. A party not satisfied with the decision may appeal to the U. S. Department of Education or a court of competent jurisdiction.

Options for the Grievant

Employees of BOARD may file a grievance under the employee grievance procedure required by Article 29, Chapter 18 of the Code of West Virginia. A grievant may at any time file a complaint with the Office of Civil Rights, Wannamaker Building, 100 Peen Square East, Suite 515, Philadelphia, PA 19107. A due process hearing may be filed for Section 504 issues with respect to actions regarding the identification, evaluation, or educational placement of public school students who, because of disability, need or are believed to need special instruction or related services. A hearing request addressing issues under both the individuals with Disabilities Education Act and Section 504 for an individual student filed with the BOARD will be treated as one due process hearing.

Questions Concerning Section 504/ADA

Contact Section 504 Coordinator, Kanawha County Board of Education, 200 Elizabeth Street, Charleston, WV 25311 (phone: 304 348-7740 ext. 347); Title IX Coordinator, Kanawha County Board of Education, 200 Elizabeth Street, Charleston, WV 25311 (phone: 304 348-1379, ext. 219); the Executive Director, Office of Special Programs, WV Department of Education, Building 6 Room 304 , 1900 Kanawha Boulevard East, Charleston, WV 25305 (phone: 304 558-2696); or the Office for Civil Rights, Philadelphia Office, The Wanamaker Building, 100 Penn Square East, Suite 515, Philadelphia, PA 19107-3323 (phone: 215 656-8541, FAX 215 656-8605).