

(X) Required
 () Local
 (X) Notice

STUDENT COMPLAINTS AND GRIEVANCES

Any student may file a grievance charging noncompliance of Title IX of the Education Amendment of 1972 and Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act. Furthermore, a student shall have the right to present complaints and grievances in accordance with the procedure free from coercion, interference, restraint, discrimination or reprisal.

Grievance Procedures

A complaint or grievance may be filed by a student with a principal, who may attempt to informally resolve the issue. If the issue is not resolved at that level, the grievance shall be reduced to writing and referred to the appropriate Division Director or Assistant Superintendent. This grievance shall state the time, the place, the person involved in the alleged violation, and all circumstances concerning this allegation.

The Division Director or Assistant Superintendent, within 15 days after receipt of the grievance, shall answer said grievance in writing. If the aggrieved party is not satisfied with the Director's or Assistant Superintendent's response, within 15 days he/she may ask that the grievance be investigated by the designated Title IX compliance officer, who shall investigate the matter and issue a report and recommendations within 15 days of receipt of the referral.

If the aggrieved party is still not satisfied, within 15 days a request for a hearing may be made to the District Superintendent. All documents involved with the first level should accompany this request. The District Superintendent shall designate a hearing officer to hear and make recommendations, and shall schedule a hearing within 15 days of receipt of the written request. Within 15 days of the hearing, the Hearing Officer shall issue recommendations, and the District Superintendent shall, upon consideration of all available evidence, answer the grievance in writing.

If the aggrieved party is not satisfied with the District Superintendent's response, within 15 days he/she may submit in writing a request for a hearing before the Board. Copies of all previous determinations and other documents shall accompany this request.

The Board shall schedule a hearing within 15 days after the next regular Board meeting. The Board shall respond in writing within 15 days after the date of the hearing. The Board's determination shall be final insofar as the BOCES grievance procedure is concerned.

The aggrieved party may bring a representative of his/her choice to either of the above hearings.

If the aggrieved party is dissatisfied with the Board's determination, within 180 days of the alleged violation, he/she may file a complaint with the Office of Civil Rights of the Department of Education, Washington, D.C. 20201.

Annual Notification

At the beginning of each school year, the BOCES shall publish a notice of the established grievance procedures for resolving complaints of discrimination due to sex and/or disability to parents/guardians, employees, eligible students and the community. The public notice shall:

1. inform parents, employees, component districts, students and the community that vocational education programs, as well as all other programs, are offered without regard to sex, race, color, national origin or disability;
2. provide the name, address and telephone number of the person designated to coordinate activities concerning discrimination due to sex and/or disability (Title IX Officer);
3. be included in announcements, bulletins, catalogues, the BOCES website, the BOCES Insider and applications made available by the district.

Cross-ref: 0100, Equal Opportunity
5300, Code of Conduct

Ref: Americans with Disabilities Act, 42 U.S.C. §12133
Title IX, Education Amendments of 1972, 20 U.S.C. Chapter 38; 34 CFR Part 106; 45 CFR Part 86
Rehabilitation Act of 1973, §504, 29 U.S.C. §794; 34 CFR §104
Education Law §3214

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