

**SUPERINTENDENT’S REGULATION 7-1.2: GRIEVANCE PROCEDURE FOR DISCRIMINATION ON THE BASIS OF GENDER, HANDICAP OR DISABILITY**

**Application**

Students enrolled in Poquoson City Public Schools may seek resolution of grievances resulting from alleged discrimination on the basis of handicap or disability in accordance with this regulation.

**Procedures**

1. The complainant shall file a written complaint with the Section 504 Coordinator (the “Coordinator”), who is the director of student services, not later than 30 days from the date of the alleged discrimination. The Coordinator or his/her representative will attempt to adjust the grievance and will notify the complainant within 10 days of the filing of the written complaint. The Coordinator will meet with the complainant within the 10-day period if the complainant requests such a meeting in his/her complaint.
2. If the director of student services does not resolve the grievance to the complainant’s satisfaction within the specified time period, the complainant may file a written complaint with the division superintendent within 5 days of receipt of the director’s decision (or the due date thereof). The division superintendent shall notify the complainant of his/her decision within 10 days of the date the complainant filed the complaint with the division superintendent. The division superintendent or his/her designee will meet with the complainant within the 10-day period if the complainant requests such a meeting in his/her complaint filed with the division superintendent.
3. If the division superintendent does not resolve the grievance to the complainant’s satisfaction within the specified time period, the complainant may file a written complaint with the School Board within 5 days of the receipt of the division superintendent’s decision (or the due date thereof). The complainant may request a hearing by the School Board, which request must be filed with the complaint. A hearing will be conducted as described in paragraph 4 below. The School Board shall consider the grievance within 30 days of the date the complainant filed the complaint with the School Board. The School Board shall give the complainant at least 15 days’ written notice of the date, place and time of its consideration of the grievance. The School Board shall notify the complainant in writing of its decision within 30 days of its consideration of the complaint.
4. If the complainant requests a hearing before the School Board, the following procedure shall be followed:
  - a. The complainant and the division superintendent, acting in the capacity of respondent, may be represented by legal counsel or other representatives.
  - b. All parties must, before the hearing date, exchange any written materials to be used during the hearing with each other and provide copies to the School Board. Such materials must be distributed within 3 business days before the hearing, or at such later time as the materials first become available to the party using them.
  - c. Each party may make an opening statement and present all material and relevant evidence, including the testimony of witnesses. Formal rules of evidence shall not apply.
  - d. The School Board may question witnesses.
  - e. A stenographic or tape recording of the hearing shall be taken unless dispensed with by agreement of all parties. All parties shall share the cost of the recording equally; a party who requests a transcript shall bear the cost of its preparation.

**Miscellaneous**

A document required to be filed under this regulation shall be deemed filed, and any notice required to be given under this regulation shall be deemed given, when personally delivered to the appropriate person or entity, or when sent by certified mail, return receipt requested.

The complaint and all actions taken in response to the complaint shall be kept confidential by those acting on behalf of the school division.

If any person with whom the complainant is required to file a complaint is the complainant or the source of the complaint, or if there is a conflict of interest, the complainant is not required to file the complaint with that person but may proceed to the next step in the procedure.

All complaints filed in accordance with this regulation shall be prepared on a standard form supplied by the director of student services, which appears as Regulation 5-1.2 in the Superintendent's Regulations.

Any action permitted to be taken by the complainant may be taken by the complainant's representative.