

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: June 9, 2009

TO: **BOARD OF EDUCATION**

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: **CONSIDERATION OF THE PROPOSED DELETION OF BOARD OF EDUCATION POLICY 4162 – PERSONNEL: PROFESSIONAL-GRIEVANCE PROCEDURE-TITLE IX AND SECTION 504 OF THE REHABILITATION ACT (1977)**

ORIGINATOR: J. Robert Haines, Esquire, Deputy Superintendent

RESOURCE PERSONS: Donald Peccia, Assistant Superintendent, Human Resources

RECOMMENDATION

That Board of Education approves the proposed deletion of Policy 4162. This is the third reading.

Attachment I – Policy Analysis
Attachment II – Policy 4162

Policy Analysis For
Board of Education Policy Number 4162
Grievance Procedure – Title IX and Section 504 of the Rehabilitation Act (1977)

Statement of Issues or Questions Addressed

Board of Education Policy 4162 for professional personnel refers to a grievance procedure that is not utilized to handle Title IX or Section 504 of the Rehabilitation Act complaints. Title IX and Section 504 issues are handled by the EEO Office and there is no grievance procedure under that office. There is therefore, no need for the policy and its deletion is recommended.

Cost Analysis and Fiscal Impact on School System

No fiscal impact is anticipated by the deletion of this policy.

Relationship to Other Board of Education Policies

Board of Education Policy 4216, *Grievance Procedure – Title IX*

Legal Requirements

None

Similar Policies Adopted by Other Local School Systems

None

Draft of Proposed Policy

Attached

Other Alternatives Considered by Staff

Staff intends to add a policy and/or rule in the future to address the processing and handling of complaints filed under Title IX and the 504 Rehabilitation Act.

Time Line for Adoption

First reading – April 21, 2009

Public comment – May 5, 2009

Third reading – June 9, 2009

PERSONNEL: Professional

Grievance: Grievance Procedure - Title IX and Section 504 of the Rehabilitation Act (1977)

1. Introduction

The Board of Education of Baltimore County recognizes its responsibilities for the prompt and orderly disposition of employee problems that are based on an alleged sex discrimination or handicap claims. Basis for such claims will be the provisions of Title IX of the 1972 Education Amendments or Section 504 of the Rehabilitation Act (1977). Reliance on the following grievance procedure does not detract from the right of an employee to discuss any matter with a member of the administration to seek a resolution of his/her problem.

Employees may have their complaints processed through the utilization of this procedure, or through direct appeal to the Office of Civil Rights, Region III, Philadelphia, Pennsylvania.

2. Definitions

- a. Grievance: A grievance is a complaint by an employee or group of employees concerning the interpretation, application or alleged violation of an expressed provision or provisions of Title IX of the 1972 Education Amendments, or of Section 504 of the Rehabilitation Act (1977).
- b. Grievant: A grievant is the person or persons filing a grievance.
- c. Representation: At any level of the grievance, an employee may submit relevant evidence and be represented by himself/herself or an individual of his/her choice.
- d. Time Limits: Days shall refer to duty days unless otherwise specified. If the employer fails to answer within the time limits provided, the grievance may be appealed to the next step. If the grievant fails to appeal within the time limits provided, it shall be deemed as acceptance of the employer's disposition of the claim. Time limits may be extended by mutual agreement in writing.
- e. Title IX and Section 504 Representative: The grievant may receive advice and counseling at any level of the grievance from the Specialist, Equal

Employment Opportunities, Baltimore County Public Schools, Towson, Maryland 21204.

3. Procedure

a. Informal

An employee who feels he/she has a grievance shall discuss it, either orally or in writing, with his/her immediate supervisor or the official Title IX and Section 504 representative within twenty-one (21) calendar days of the event giving rise to the complaint or his/her first knowledge thereof. The informal discussion of problems and continuous interchange of views between employees and their administrative supervisors is encouraged in order to resolve as many disputes as possible. The disposition at this informal level may be either orally or in writing.

b. Formal

If an employee is not satisfied with the disposition of his/her claim at the informal level, he/she may appeal, in writing, to the Superintendent or contact the official Title IX and Section 504 representative for assistance within ten (10) days. The Superintendent or his/her designated representative shall inform the grievant as to the disposition of the claim within ten (10) days of the receipt of the appeal at this level. The decision of the Superintendent shall be final for this internal procedure.

Policy
Adopted: 11/11/76
Revised: 6/19/80]

Board of Education of Baltimore County