

KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION
§504 Of The Rehabilitation Act/Americans With Disabilities Act
Grievance Procedure
Series: E05A
Reference:
Issued: 08.12.98
Revised: 07.01.2016
Revision Number: 1

5.01 General. The Board of Education of the County of Kanawha (BOARD) ensures its policies, practices, procedures and 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.

5.02 Definitions.

5.02.01 *Grievance* - a complaint alleging a policy, procedure, practice, or direct service of the BOARD is in violation of Section 504 and/or the ADA. A complaint may also be filed in reference to alleged discrimination based on disability directed toward an individual by students, staff, or other third parties.

5.02.02 *Grievant* - any individual, including a parent, student or employee, who files a grievance alleging that a policy, practice, procedure, or direct service provided by the BOARD, or that any alleged act of discrimination has resulted in a violation of Section 504 and/or of the ADA.

5.03 Level 1: Section 504/ADA Coordinator. A grievant may file a written grievance by submitting a written report to the Section 504/ADA Coordinator, hereafter, the “Coordinator”, at 200 Elizabeth Street, Charleston, WV 25311, stating: 1) the nature of the grievance; including the alleged violations of Section 504 or ADA and the 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 90 calendar days of the event or incident or within 90 calendar days of the date the grievant became aware of such occurrence. If possible, the Coordinator will resolve the grievance and will provide written notice to all concerned parties. If the parties cannot agree on resolution within 15 days of receipt of the written grievance, the

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Coordinator will conduct an adequate, reliable and impartial investigation as follows:

- 5.03.01** Within 10 days of receipt of the written grievance:
- 5.03.01.1** The grievant will be notified in writing of receipt of the grievance and all concerned parties will be requested to submit any additional information relevant to the investigation, including submission of documents and other evidence and submission of names of witnesses to be interviewed.
- 5.03.01.2** 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.
- 5.03.01.3** Parties will be given 20 days to submit documentation.
- 5.03.01.4** 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.
- 5.03.01.5** The Coordinator will issue a letter of findings to all concerned parties within ninety calendar days of receipt of the written grievance stating: 1) the allegations, 2) the remedy sought by the grievant, 3) individuals interviewed and documents reviewed; 4) statement of the findings of fact, 5) a statement of the conclusions of the investigation, and 6) the actions to be taken to correct any violations found and to prevent the recurrence of such violations.
- 5.03.01.6** With the agreement of all parties, the timeline for completing the investigation and issuing the report may be extended.
- 5.03.01.7** BOARD will take steps to prevent the recurrence of any discrimination or harassment, and to correct any discriminatory effects on the Grievant and others, when appropriate.

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5.03.01.8 A copy of the letter of findings will be provided to the grievant, the office director or school principal and the Superintendent of Schools.

5.04 Level 2: Superintendent. A party not satisfied with the decision from Level I may make a written appeal to the Superintendent, hereafter, the “Superintendent”, within 30 calendar days of the issuance of the letter of findings from Level 1.

5.04.01 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.

5.04.02 The Superintendent or designee shall review the letter of findings, review any additional information submitted and issue a written decision to all concerned parties within 45 calendar days.

5.04.03 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.

5.05 Options for the Grievant. Employees of BOARD may file a grievance under the employee grievance procedure under Article 2, Chapter 6C of the Code of West Virginia. A grievant may at any time file a complaint with the Office for Civil Rights, Wannamaker Building, 100 Penn 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. Section 504 Coordinator: Dr. James Mullins, 304-348-7740 ext. 347. ADA Coordinator, Mr. Charles H. Wilson, 348-6148.