



JAA-R Equal Educational Opportunities

1/21/21

RATIONALE/OBJECTIVE:

The Cobb County School District (District) shall maintain its educational programs in compliance with all laws relating to non-discrimination. Procedures shall be established and personnel appointed within the District to address student and parent concerns relative to the requirement of non-discrimination and harassment.

No person shall be discriminated against or harassed on the basis of race, color, national origin, religion, sex, age, disability, or any other legally protected status.

RULE:

A. DEFINITIONS:

1. A "grievance" is a complaint alleging discrimination or harassment in violation of Title IX (except as stated below), Section 504 of the Rehabilitation Act, Americans with Disabilities Act (ADA), or Title VI.
2. "Grievant" is the person initiating the complaint.
3. "Responsible Official" indicates the employee designated by the District to coordinate its efforts to comply with and carry out its responsibilities under federal nondiscrimination laws. These individuals are designated as follows:
 - Facilities Accessibility – Director of Construction
 - Student Issues (Title VI) – Director, Student Support
 - Student Issues (Title IX) – Title IX Coordinator (including appropriate Deputy Title IX Coordinators)
 - Student Program Accessibility (Including Section 504 and ADA) – Assistant Superintendent, Teaching and Learning Support and Specialized Services
4. "Student" means a person enrolled in one of the schools or instructional programs operated by the District.
5. "Building Administrator" means the building principal or designee.

B. FILING A GRIEVANCE:

1. All grievances (other than those described in B.2. below) brought by a student or by another person on a student's behalf shall be handled in the following manner:
 - a. Within twenty (20) school days of the time that the Grievant knows, or reasonably should know about the grievance the Grievant shall notify the Building Administrator of the incident(s) giving rise to such grievance.
 - (1) If the grievance concerns allegations against the Principal, the Grievant shall notify the appropriate level assistant superintendent or Responsible Official. If the grievance concerns allegations against any other Building Administrator (e.g., assistant principal), the Grievant should notify the Principal.
 - (2) If the grievance concerns allegations against the Superintendent, the grievance shall be made to the designated Responsible Official, who shall, without further investigation, report the complaint to the Board chairperson.
 - b. The Grievant will be asked to complete and sign the Student Equity Grievance Form (Form JAA-1) detailing the basis of the grievance.
 - c. When the Building Administrator receives a grievance, he/she should document his/her receipt on Form JAA-1.
 - d. The Building Administrator should notify the appropriate Responsible Official of the grievance.

- e. The Building Administrator should interview the Grievant at the earliest practical time in order to secure the detail and circumstances giving rise to the grievance.
 - f. The Grievant should be informed that retaliation is prohibited and that the school will take steps to prevent retaliatory discrimination.
2. Any person with a grievance alleging sexual harassment as defined in Administrative Rule JCAC-R (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment), may report, in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator or appropriate Deputy Coordinator on the District's website, or by any other means that results in the Title IX Coordinator or appropriate Deputy Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator or appropriate Deputy Coordinator. Such reports will be handled in accordance with the procedures and grievance process specified in Administrative Rule JCAC-R.

C. INVESTIGATION:

- 1. As soon as practical, but no later than ten (10) school days from the receipt of the grievance, the Building Administrator should begin an investigation into the grievance.
- 2. Such investigation should include but is not limited to, an interview with the charged party or parties, interviews with witnesses, if any, and an examination of any relevant evidence or documents. The Grievant and charged party shall be informed that they are entitled to bring forward witnesses and other relevant evidence.
- 3. At the conclusion of a timely investigation, which should generally be completed within fifteen (15) school days of the initiation of the investigation, the Building Administrator with whom the grievance was filed, or designee shall prepare a written response to the complaint detailing any action to be taken in response to the complaint and the time frame in which such action will be taken. Information shared in the response should be in compliance with FERPA. Copies of this response shall be furnished to the Grievant and the appropriate Responsible Official.
- 4. This Rule is not intended to deprive any student or parent of any right they may have to file a complaint under any other applicable policy or rule or to contact the Office for Civil Rights or other appropriate state or federal agency with regard to any allegations that the District has violated the statutes described above.

D. RESOLUTION OF THE GRIEVANCE:

- 1. In the event that it is determined that Grievant has been subjected to discrimination or harassment, the District will take steps to:
 - a. Prevent the recurrence of any such discrimination or harassment;
 - b. Correct any discriminatory effects on the Grievant;
 - c. Provide interim relief, if appropriate; and
 - d. Prevent retaliatory discrimination.
- 2. Any settlement of a grievance shall be applicable to that grievance only and shall not be considered binding authority for the disposition of any other grievance.
- 3. No reprisal shall occur as a result of reporting unlawful discrimination or harassment under this Rule, and any attempt to retaliate against a Grievant shall be disciplined as is appropriate.
- 4. The confidentiality of any individual making a complaint or report in accordance with this rule, to the extent it is reasonably possible and complies with the law, shall be protected, although the discovery of the truth and the elimination of unlawful harassment shall be the overriding consideration.

Adopted: 7/22/82
 Revised: 4/13/83; 4/14/04
 Reviewed: 8/8/84; 9/1/04
 Revised: 7/28/05; 1/18/12
 Revised and re-coded: 1/7/13 (Previously coded as Administrative Rule JB)
 Revised: 7/1/18; 1/21/20

Legal Reference

O.C.G.A. 45-1-4
O.C.G.A. 20-2-131
O.C.G.A. 20-2-133
34 CFR 104.7
34 CFR 100.7(c)
29 CFR 1691.5
34 CFR 106.8

42 USC 2000d
20 USC 1412
20 USC 1703
29 USC 794
20 USC 1400
20 USC 1701
29 USC 705
20 USC 1681

Whistleblower

Objectives and purposes of QBE program
Free public instruction; exceptions; eligibility; transfer and utilization; funding
Section 504 - Designation of responsible employee and adoption of grievance procedures
Title VI - Conduct of investigations
Agency processing of complaints of employment discrimination - ADA
Title IX - Designation of responsible employee and adoption of grievance procedures for sex discrimination
1964 Civil Rights Act
State eligibility
Denial of equal educational opportunity prohibited
Nondiscrimination under Federal grants and programs
Individuals with Disabilities Education Act of 2004
Equal Educational Opportunities Act of 1974
Rehabilitation Act of 1972
Title IX of the Education Amendments of 1972