

EQUAL EDUCATIONAL OPPORTUNITIES

I. Policy Statement

Equal educational opportunities shall be available for all students, without regard to sex, gender*, race, color, national origin, disability, religion, ancestry, age, marital status, genetic information, sexual orientation** or any other characteristic protected by law or based on a belief that such characteristic exists. Educational programs shall be designed to meet the varying needs of all students.

No student, on the basis of sex or gender, shall be denied equal access to programs, activities, services or benefits or be limited in the exercise of any right, privilege or advantage or be denied equal access to educational and extracurricular programs and activities.

The School Board shall

- provide facilities, programs and activities that are accessible, usable and available to qualified disabled persons;
- provide a free, appropriate education, including non-academic and extracurricular services to qualified disabled persons;
- not exclude qualified disabled persons, solely on the basis of their disabilities, from any preschool, daycare, adult education or career and technical education programs; and
- not discriminate against qualified disabled persons in the provision of health, welfare or social services.

II. Complaint Procedure

A. File Report

The Albemarle County School Board supports site-based management and invests authority in school principals and operational department heads to solve problems at their level of the organization. Any employee or student who believes he or she has been subjected to prohibited discrimination ordinarily should report the alleged discrimination to his or her immediate supervisors, department head, or principal for investigation and resolution. If an employee or student is not satisfied that a complaint has been resolved, or if the employee or student feels uncomfortable reporting the alleged discrimination to his or her immediate supervisor, department head, or principal, he or she should report the alleged discrimination to one of the Compliance Officers designated in this policy. The alleged discrimination should be reported as soon as possible, and the report generally should be made within fifteen (15) school days of the occurrence. Further, any student who has knowledge of conduct which may constitute prohibited discrimination should report such conduct to one of the Compliance Officers designated in this policy or to any school personnel. Any employee who has knowledge of conduct which may constitute prohibited discrimination shall immediately report such conduct to one of the Compliance Officers designated in this policy.

The reporting party should use the form, Report of Discrimination, JB-F, to make complaints of discrimination. However, oral reports and other written reports shall also be accepted. The complaint should be filed with either the building principal or one of the Compliance Officers designated in this policy. The principal shall immediately forward any report of alleged prohibited discrimination to the Compliance Officer. Any complaint that involves the Compliance Officer shall be reported to the superintendent.

The complaint, and identity of the complainant and of the person or persons allegedly responsible for the discrimination, will not be disclosed except as required by law or policy, as necessary to fully investigate the complaint or as authorized by the complainant. A complainant who wishes to remain anonymous will be advised that such confidentiality may limit the school division's ability to fully respond to the complaint.

B. Investigation

Upon receipt of a report of alleged prohibited discrimination, the Compliance Officer shall immediately authorize or undertake an investigation. The investigation may be conducted by school personnel or a third party designated by the school division. The investigation shall be completed as soon as practicable, which should generally be not later than 14 business days after receipt of the report by the Compliance Officer. Upon receiving the complaint, the Compliance Officer shall acknowledge receipt of the complaint, by giving written notice that the complaint has been received, to both the person complaining of discrimination and the person or persons allegedly responsible for the discrimination. Also upon receiving the complaint, the Compliance Officer shall determine whether interim measures should be taken pending the outcome of the investigation. If the Compliance Officer determines that more than 14 business days will be required to investigate the complaint, the complainant and the person or persons allegedly responsible for the discrimination will be notified of the reason for the extended investigation and of the date by which the investigation will be concluded.

The investigation may consist of personal interviews with the complainant, the person or persons allegedly responsible for the discrimination, and any others who may have knowledge of the alleged discrimination or the circumstances giving rise to the complaint. The investigation will consider witnesses and evidence from both the complainant and the person or persons responsible for the alleged discrimination. The investigation may also include the inspection of any documents or information deemed relevant by the investigator. The school division shall take necessary steps to protect the complainant and others pending the completion of the investigation.

Whether a particular action or incident constitutes a violation of this policy requires a case by case determination based on all of the facts and circumstances revealed by a complete and thorough investigation.

The Compliance Officer shall issue a written report to the superintendent upon

completion of the investigation. If the complaint involves the superintendent, then the report shall be sent to the School Board. The report shall include a determination of whether the allegations are substantiated, whether this policy was violated and recommendations for corrective action, if any.

All employees shall cooperate with any investigation of alleged discrimination conducted under this policy or by an appropriate state or federal agency.

C. Action by Superintendent

Within 5 business days of receiving the Compliance Officer's report, the superintendent or designee shall issue a decision regarding (1) whether this policy was violated and (2) what action, if any, should be taken. This decision must be provided in writing to the complainant. If the superintendent or designee determines that prohibited discrimination occurred, the Albemarle County School Division shall take prompt, appropriate action to address and remedy the violation as well as prevent any recurrence. Such action may include discipline up to and including expulsion or discharge.

D. Appeal

If the superintendent or designee determines that no prohibited discrimination occurred, the student who was allegedly subjected to discrimination may appeal this finding to the School Board within 5 business days of receiving the decision. Notice of appeal must be filed with the superintendent who shall forward the record to the School Board. The School Board shall make a decision within 30 calendar days of receiving the record. The School Board may ask for oral or written argument from the aggrieved party and the superintendent and any other individual the School Board deems relevant. Written notice of the School Board's decision will be given to both the complainant and the person or persons responsible for the alleged discrimination.

If the superintendent or designee determines that prohibited discrimination occurred and discipline is imposed, the disciplined person may appeal the disciplinary sanction in the same manner as any other such sanction would be appealed.

E. Compliance Officers

The Albemarle County School Board has designated

Director of Special Education and Student Services, Albemarle County Public Schools, 401 McIntire Road, Charlottesville, VA 22902, 434-296-5885

as the Compliance Officer responsible for identifying, preventing and remedying prohibited discrimination for students. Complaints of discrimination by employees may be made to

Director of Human Resources, 401 McIntire Road, Charlottesville, VA 22902,

434-296-5827

The Compliance Officer shall

- receive reports or complaints of discrimination;
- conduct or oversee the investigation of any alleged discrimination;
- assess the training needs of the school division in connection with this policy;
- arrange necessary training to achieve compliance with this policy; and
- ensure that any discrimination investigation is conducted by an impartial investigator who is trained in the requirements of equal education opportunity and has the authority to protect the alleged victim and others during the investigation.

III. Retaliation

Retaliation against students or school personnel who report discrimination or participate in the related proceedings is prohibited. The school division shall take appropriate action against any student or employee who retaliates against another student or employee who reports alleged discrimination or participates in related proceedings. The Compliance Officer will inform persons who make complaints, who are the subject of complaints, and who participate in investigations of how to report any subsequent problems.

IV. Right to Alternative Complaint Procedure

Nothing in this policy shall deny the right of any individual to pursue other avenues of recourse to address concerns relating to prohibited discrimination including initiating civil action, filing a complaint with outside agencies or seeking redress under state or federal law.

V. Prevention and Notice of Policy

Training to prevent discrimination should be included in employee and student orientations as well as employee in-service training.

This policy shall be (1) displayed in prominent areas of each division building in a location accessible to students, parents and school personnel, (2) included in the student and employee handbooks; and (3) sent to parents of all students within 30 calendar days of the start of school. All students and their parents/guardians shall be notified annually of the names and contact information of the Compliance Officers.

VI. False Charges

Students or school personnel who knowingly make false charges of discrimination shall be subject to disciplinary action.

Adopted: July 1, 1993

Amended: December 13, 2001; April 25, 2013; January 8, 2015; November 12, 2015

Legal Refs.: 20 U.S.C. §§ 1681 – 1688
29 U.S.C. §§ 794
42 U.S.C. §§ 2000d through 2000d-7
34 C.F.R. 106.9

Code of Virginia, 1950, as amended, §§ 2.2-3900, 2.2-3901, 2.2-3902

Cross Ref.: AC, *Nondiscrimination*
AD, *Educational Philosophy*

*For purpose of this policy “gender” includes gender identity and gender expression.

**Definition of Sexual Orientation: One’s attraction to the same sex, opposite sex or both sexes, real or perceived. This definition is intended to describe the status of persons and does not render lawful conduct prohibited by the laws of the Commonwealth of Virginia.

