

OFFICE OF CHIEF ACADEMIC OFFICER
Summary of State Board of Education Agenda Items
Consent Agenda
August 18, 2016

OFFICE OF CHIEF ACADEMIC OFFICER

- C. Establish Part 3, Chapter 99, Rule 99.1 – Title IX Grievance Policy
(Has cleared the Administrative Procedures Act process with public comment)

Executive Summary

This effort will align the grievance policy for Schools under the governance of the Mississippi Department of Education for Title IX Discrimination grievances/complaints. The Grievance Policy will go into effect for the 2016-2017 school year.

Recommendation: Approval

Back-up material attached

Part 3 Chapter 99: Title IX Grievance Policy

Rule 99.1 Title IX Grievance Policy

1. RIGHT TO EXPRESS CONCERNS, COMPLAINTS OR GRIEVANCES

Complaints alleging discrimination or harassment must be handled in accordance with the procedures set forth in the *Title IX Grievance Policy* and accompanying *Title IX Grievance Forms*. Mississippi schools and school districts under the governance of the Mississippi Department of Education's Board are committed to maintaining a school community which recognizes and values the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding, and mutual respect among its members; and encourages each individual to strive to reach his or her own potential.

It is the policy of the Mississippi Board of Education and the Mississippi Department of Education to maintain a safe and supportive learning and educational environment that is free from harassment, intimidation, bullying, and discrimination.

2. ADMINISTRATIVE DECISIONS

The following procedures are to be followed when submitting student/parent/guardian grievances regarding administrative decisions. Prior to submitting a formal grievance, a student/parent will express his or her concern to the school level administrator for resolution.

- a. Level 1: If the student/parent/guardian deems the resolution unsatisfactory, the student/parent/guardian shall submit his or her initial written grievance to the student's principal. In the event that the grievance is alleged against a school administrator other than the Principal, the Principal shall investigate allegations as soon as circumstances allow, but not later than five (5) work days of submission of the original written grievance. The Principal shall discuss with the student/parent/guardian the nature of the grievance and any action that the Principal believes should be taken to resolve the concern of the student/parent/guardian. The Principal shall provide a written response to the student/parent/guardian no later than ten (10) work days after receipt of the student/parent/guardian's original written grievance. If there is no administrative response to the student/parent/guardian grievance within the ten (10) work days, or if the response is unsatisfactory, the grievance is elevated to Level 2.

In the event that the grievance is alleged against the Principal or the Principal deems the matters outside the scope of his or her authority, the student/parent/guardian may proceed directly to Level 2.

- b. Level 2: If the student/parent/guardian desires further review of his or her grievance, then the student/parent/guardian must submit a copy of the grievance to the Superintendent of the school or the Superintendent's designee, along with a written statement detailing the student/parent/guardian's reasons for

dissatisfaction with the decision of the Principal. The Superintendent or the Superintendent's designee shall investigate and review the matter. The investigation shall include the original written complaint and the Principal's response. After review, the Superintendent or the Superintendent's designee shall provide a written response to the student/parent/guardian postmarked no later than ten (10) work days following receipt of the grievance form.

If there is no response by the Superintendent of the school or the superintendent's designee to the student/parent/guardian grievance within the ten (10) work days, or if the response is unsatisfactory to the student/parent/guardian, the student/parent/guardian may advance the grievance to Level 3.

- c. Level 3: The student/parent/guardian, after review of the written response from the Superintendent or the Superintendent's designee, may appeal that response to the State Superintendent or the State Superintendent's designee no later than ten (10) work days after receipt of the written communication at Level 2. The State Superintendent or the State Superintendent's designee shall review the grievance and shall provide the student/parent/guardian a written response postmarked within ten (10) work days following the receipt of the appeal.
- d. Level 4: The student/parent/guardian may appeal the response from the State Superintendent to the State Board of Education by submitting a written request for appeal to the State Board of Education along with all documentation from Levels 1-3 no later than ten (10) work days after receipt of the State Superintendent's written response at Level 3. The State Board of Education shall review the grievance and shall provide the student/parent/guardian an opportunity to appear at the next regularly scheduled Board meeting to present his or her grievance in accordance with the Family Education Rights and Privacy Act (FERPA) 20 USC 1232g, the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) 20 U.S.C. 1400 *et. seq.* implementing regulations, and other federal and state laws that govern the protection of student information. If the student/parent/guardian elects not to appear personally, the student/parent/guardian may request the Board's review of the written documentation only. The decision of the State Board of Education shall be final.

Source: *Federal 20 U.S.C. § 1681, Miss. Code Ann. § 37-1-3 (Adopted 8/2016)*

APA Comments on Rule 99.1

Comment from Dr. Ray Morgigno: Superintendent, Pearl School District – June 23, 2016

I would like to express just a few comments in regards to the Title IX Grievance Policy and to the Intervention Policy. In regards to the proposed changes to the Title IX policy, I am concerned in two major areas. First, it is quite a bit different from our local policy GBR and does not include the Title IX coordinator in the grievance procedures nor does it allow for a local Title IX hearing. In addition, I think we are leapfrogging the local school boards as our policy currently states that if they do not agree with the superintendent or his designees ruling, they can go to the local school board and then that decision is final. This proposal takes the local school boards authority away, skips them, and goes to the state superintendent, and then ultimately to the state board of education. I think that we should include the local board in this to avoid usurping their authority.

In regards to the intervention proposal, I strongly believe that including all of the Tier 2 information in the child's cumulative record is going to be way too much. First, the number of students that enter Tier 2 is extremely high, is very fluid, and the documentation is too varied. This is just like differentiated instruction. If we ask our teachers to put documentation in a folder every time that they differentiate for a child, they will spend an astronomical amount of time on paper work. A student's entry into Tier 3 is understandable, but many times over half of a schools population is in Tier 2 and I believe this proposal will have unintended consequences. We have students that move in and out of Tier 2 many times. I just don't want us to be forced to put unnecessary requirements on our teachers. If I am misinterpreting the proposals, I apologize and you can disregard my comments.

Thanks again for all that you guys do for our state.

MDE Response: No change required as the Title IX policy is intended only for schools under the governance of the State Board of Education (Schools for the Blind, Deaf, Arts, and MSMS).