

## Ronan Public Schools

### STUDENTS

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#### Equal Education and Nondiscrimination

1. No person will, on the basis of gender, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupation or vocational training, or other educational program or activity.
2. The District will not provide any course or carry out any educational program or activity separately or require or refuse participation by any of its students on the basis of gender. This includes health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses.

Students in physical education classes may be grouped by ability as assessed by objective standards of individual performance developed and applied without regard to gender. Students may also be separated by gender in physical education classes during participation in sports involving contact as defined by Title IX regulations.

Where the use of a single standard of measuring skill or progress in a physical education class has an adverse effect on members of one (1) gender, the school will use appropriate standards which do not have that effect. Students in choral groups may be grouped by vocal range but not by gender.

The District shall not discriminate against any person on the basis of gender in any interscholastic club or intramural athletic program offered by the school. However, the District may approve or sponsor separate teams for members of each gender, where selection for the teams is based upon competitive skill, or the activity involved is a contact sport as defined by Title IX regulations. In non-contact sports, however, where the school sponsors a team for one (1) gender but not for the other, and athletic opportunities for the other have previously been limited, members of the excluded gender will be allowed to try out for the team offered.

3. Portions of classes which deal exclusively with human sexuality may be conducted in separate sessions for males and females.
4. The District will not discriminate against any person on the basis of gender in counseling or guidance of students. Where the District finds that a particular class contains a substantially disproportionate number of individuals of one (1) gender, it will take the steps necessary to assure that such disproportion is not the result of discrimination in counseling or teaching.
5. The District will not discriminate on the basis of gender in providing financial assistance to any student.

6. The District will not apply any rule concerning a student's actual or potential parental, family, or marital status, which treats students differently on the basis of gender.

The District will not discriminate against any student or exclude any student from an education program or activity, including any class or extracurricular activity, on the basis of the student's pregnancy, unless the student voluntarily requests to participate in a separate program. Medical permission to participate in classes will not be required of pregnant females, unless such permission is required of all other students with physical disabilities (temporary or other).

7. The District shall comply with all gender-equity provisions in interscholastic activities as provided by law and/or the *Ridgeway* Settlement Agreement of 1984.

#### Gender Procedure for Discrimination

##### 1. Definitions

- a. Grievance: A complaint alleging a violation of any policy, procedure, or practice, which would be prohibited by Title IX, Section 504, and other federal and state civil rights laws, rules, and regulations.
- b. Title IX: The 1975 Implementing Regulations of the Education Amendments of 1972 and any memoranda, directives, guidelines, or subsequent legislation that may be issued.
- c. Section 504: The Rehabilitation Act of 1973.
- d. Federal and State Civil Rights Laws, Rules, and Regulations: The 1964 Civil Rights Act; Title VI; Title VII, as amended; Title IX; Age Discrimination Act of 1967 and 1975, as amended; Equal Pay Act of 1963; Section 504; the Montana Constitution; the Montana Human Rights Act; the Montana Code of Governmental Fair Practices and implementing federal and state rules and regulations.
- e. Grievant: A student or a parent or guardian of a student of the Ronan Public Schools, who submits a grievance.
- f. Title IX or Title IX/Section 504 Coordinator: The employee designated to coordinate the District's efforts to comply with equity regulations and facilitate processing of complaints ("Coordinator").
- g. Day: A calendar day.

- h. *Ridgeway* Settlement Agreement: 1984 Settlement Agreement on equity in high school interscholastic athletics (“*Ridgeway*”).

2. Basic Procedural Rights (applicable to all levels of the grievance process)

- a. The Coordinator shall receive complaints, actively and independently investigate the merit of complaints, and assist the parties in resolution of complaints. The Coordinator may be utilized as a resource by any party, at any level of this procedure.
- b. Relevant records shall be available in accordance with the Montana Constitution, Article II, § 10, Right to Privacy, and “Guidelines for Student Records,” Appendix E, *Montana School Accreditation Standards and Procedures Manual*, March 1989.
- c. This procedure does not deny the right of the grievant to file formal complaints with other state and federal agencies (Montana Human Rights Commission or U.S. Department of Education Office of Civil Rights) or to seek private counsel for complaints alleging discrimination.
- d. In most instances parents or legal guardians should be part of the hearing and resolution process. In investigations of sexual harassment, it is recommended that the grievant be accompanied by a friend, parent, or advisor for support during any part of the process.
- e. Intimidation, harassment, or retaliation against any person filing a grievance or any person participating in the investigation or resolution of a grievance is a violation of law and constitutes the basis for filing a separate grievance.
- f. All records pursuant to the grievance shall be maintained by the District separate and apart from student records for a period of not less than five (5) years (§ 20-1-212, MCA).
- g. If a grievance is taken to the Board for a formal contested case hearing, parties shall have the right to representation, to present witnesses and evidence, and to question opposing witnesses.
- h. It is the policy of this District to process all grievances in a fair, expeditious, and confidential manner.

3. Process

Level 1: Principal or Immediate Supervisor (informal and optional; grievant may bypass)

Many problems can be solved by an informal meeting with the parties and the principal or Coordinator. An individual with a complaint is encouraged to first discuss it with the teacher, counselor, or building administrator involved, with the objective of resolving the matter promptly and informally. An exception is that complaints of sexual harassment should be discussed with the first-(1<sup>st</sup>)-line administrator not involved in the alleged harassment.

#### Level 2: Title IX Coordinator

If the complaint is not resolved at Level 1, the grievant may file a written grievance stating: (1) the nature of the grievance; (2) the remedy requested; and (3) signed and dated by the grievant. The Level 2 written grievance must be filed with the Coordinator within sixty (60) days of the event or incident or from the date the grievant could reasonably become aware of such occurrence.

The District may investigate and take action, when a student refuses to file a written grievance.

The Coordinator has authority to investigate all grievances. If possible, the Coordinator will resolve the grievance. If the parties cannot agree on a resolution, the Coordinator will prepare a written report of the investigation, which shall include the following:

- i. A clear statement of the allegations of the grievance and the remedy sought by the grievant.
- ii. A statement of the facts as contended by each party.
- iii. A statement of the facts as found by the Coordinator and identification of evidence to support each fact.
- iv. A list of all witnesses interviewed and documents reviewed during the investigation.
- v. A narrative describing attempts to resolve the grievance.
- vi. The Coordinator's conclusion as to whether the allegations in the grievance are meritorious.
- vii. If the Coordinator believes the grievance is valid, the Coordinator will recommend appropriate action to the Superintendent.

The Coordinator will complete the investigation and file a report with the Superintendent within thirty (30) days after receipt of the written grievance. The Coordinator will send a

copy of the report to the grievant.

If the Superintendent agrees with the recommendation of the Coordinator, the recommendation will be implemented.

The Coordinator and the Superintendent may appoint an outside investigator.

#### Level 3: Board of Trustees

If the Superintendent rejects the Coordinator's recommendation, and/or either party is not satisfied with the recommendation from Level 3, either party may make a written appeal to the Board, within fourteen (14) days of receiving the Coordinator's report, for a formal contested case hearing. On receipt of the written appeal, the matter shall be placed on the Board agenda for consideration not later than their next regularly scheduled meeting. A decision shall be made and reported in writing to all parties within thirty (30) days of that meeting. The Board's decision will be final unless appealed within the period provided by law.

#### Level 4: County Superintendent

If the case falls within the parameters of *Ridgeway* or is otherwise within the county superintendent's jurisdiction, the Board's decision may be appealed to the county superintendent within thirty (30) days after the final decision of the Board, pursuant to the Rules of School Controversy (10.6.103, et seq., ARM; see also *Ridgeway*).

#### Procedure History:

Promulgated on: 8-9-99  
Revised on: 5-14-07