



# Wicomico County Board of Education

## Section 504/Title II Grievance Procedure

### I. Procedural Statement

The Wicomico County Board of Education (WCBOE) prohibits illegal discrimination based on race, ethnicity, color, ancestry, national origin, religion, immigration status, sex, gender, gender identity, gender expression, sexual orientation, family/parental status, marital status, age, physical or mental disability, poverty and socioeconomic status, language, or other legally or constitutionally protected attributes or affiliations and provides equal access to the Boy Scouts and other Title 36 designated youth groups. Discrimination undermines our community's long-standing efforts to create, foster, and promote equity, inclusion, and acceptance for all.

WCPS encourages resolution of inquiries and/or complaints from students, employees and third parties concerning alleged discrimination at the lowest possible administrative level.

The process described below is designed to govern the resolution of discrimination complaints except in those cases where a separate grievance process is provided by federal law, such as the Individuals with Disabilities Education Act, Title IX of the Education Amendments of 1972, State law, or WCBOE policy.

Students and/or their parent/guardian who seek to contest an action or omission by WCPS regarding the identification, evaluation, or program/placement of a student under Section 504 must file a separate hearing request with the WCPS Office of Special Education.

### II. Definitions

- A. "Complainant" means any student, employee or third party who files a formal written complaint of alleged disability discrimination. Complainants may be individuals who believe they are being subjected to discrimination or those who believe they are a witness to discrimination against others.
- B. "Respondent" means the individual student, employee or third party who is the subject of a formal written complaint.
- C. "School-Related Activity" means any Wicomico County Public Schools (WCPS) activity, on or off school property, in which a student directly participates (e.g., school field trip, athletic event, or class/graduation activity), or an activity in which the student does not directly participate but represents the school or student body simply by being present (e.g., spectator at a school event).
- D. "Third Party" means parents, mentors, volunteers, vendors, contractors, and others with whom students or employees interact during school or school-related activities.
- E. "Workday" means a day, other than a Saturday, Sunday, or legal holiday, on which

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WCPS central offices are open for the transaction of business.

## III. Procedure

### A. Informal Resolution Process

WCPS encourages any student, employee or third party who has a complaint regarding alleged discrimination to try and resolve the matter with the parties most directly involved as amicably, expeditiously, and satisfactorily as possible. Every attempt should be made to resolve concerns regarding discrimination in the location where the concern arose, unless inappropriate. Toward this end, the following steps will be followed:

1. Principals are primarily responsible for maintaining a nondiscriminatory environment at the local school level. Principals will inform the school community of the availability of this regulation which describes the complaint process. This regulation also identifies the appropriate administrators or other staff members who may be contacted for informal help with specific inquiries, concerns, or complaints.
2. A student, employee or third party may seek an informal resolution by communicating with the following respective administrators:
  - a. Student – principal or principal’s designee (such as a teacher, Section 504 chairperson, IEP chairperson)
  - b. Employee – principal or principal’s designee
  - c. Third party or member of the public – principal or principal’s designee
3. The principal should attempt to resolve the matter at this early stage through reasonable informal methods. The principal should make and retain a record of efforts made to informally resolve the complaint.
4. Although the first step in resolving problems is usually at the local school, other offices of the school system are available during this stage to assist complainants and principals in processing inquiries and complaints, provide general information, direct members of the public to the correct school or administrative office, and bring affected parties together for a discussion of problems. The following WCPS officials are available during the informal stage to assist in the processing of complaints by the school administrators.
  - a. The Director of Special Education may serve as a resource and provide information about educational services and programs for disabled students.
  - b. The Director of Human Resources may serve as a resource and provide information for employees.
  - c. The Director of School Climate and Safety may serve as a resource and provide information for students/parents/guardians.
  - d. The Supervisor of Athletics may serve as a resource and provide information related to specific WCPS policies and procedures as they pertain to athletics or athletics facilities.

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## B. Formal Process – Complaint

1. If a student, employee or third party cannot resolve their complaint about alleged disability discrimination informally with the relevant school principal or administrator, he/she may submit a written complaint to the administrator using the Wicomico County Public Schools Discrimination Complaint Form. Adequate, reliable, and impartial investigations, including the opportunity to present witnesses and other evidence shall be conducted with respect to all timely filed complaints of discrimination.
  - a. The complaint must be filed within 180 calendar days of the alleged discrimination, or 90 days after the complaining party becomes aware of the alleged discrimination.
  - b. Within five workdays of receipt of the written complaint, the administrator will establish a date and time to discuss the complaint with the complainant, if such a discussion has not already occurred. The complainant will be provided an adequate opportunity to present relevant information from witnesses and/or documents concerning the alleged act(s) of discrimination.
  - c. Upon completion of a complaint investigation, the administrator will consult with designated WCPs Central Office staff to review his/her findings.
    - i. Complaints of discrimination between and among students shall be reported to the Office of School Climate and Safety and where appropriate further investigations will be conducted.
    - ii. Complaints of discrimination against students regarding services and/or educational access shall be reported to the Office of Special Education and where appropriate further investigations will be conducted.
    - iii. Complaints of discrimination between and among employees must be investigated and reported to the Office of Human Resources and where appropriate further investigations will be conducted.
    - iv. Complaints of discrimination brought by third parties or community members shall be reported to the Office of School Climate and Safety and where appropriate further investigations will be conducted.
    - v. Complaints of discrimination in relation to athletic programs shall be reported to the Supervisor of Athletics and where appropriate further investigations will be conducted.
  - d. Within 60 calendar days of receipt of a formal written complaint, the administrator will issue a written decision and provide the complainant and respondent with a copy. If the administrator is unable to complete the written decision within the prescribed time limit, all parties will be notified, and a revised timeline will be provided.
2. If the complainant or the respondent is not satisfied with the administrator's written decision, he/she may request an appeal according to the following procedures:

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- a. Superintendent or Designee:
  - i. Within 10 workdays of the date of the administrator's written decision, the complainant or the respondent may file an appeal with the Office of the Superintendent by communicating in writing the basis for disagreeing with the decision.
  - ii. Within 10 workdays of receipt of the complainant's request for review, the Superintendent or designee will decide if further investigation is required. If so, the complainant or the respondent will be contacted regarding the date, place, and time, reasonably in advance, of a meeting to review and consider additional documentation and/or witnesses.
  - iii. Unless further investigation is required, the Superintendent of Schools is expected to finalize their decision within 10 workdays of the receipt of the complainant's or the respondent's appeal. The failure of the Superintendent to act upon an appeal within 30 workdays may at the option of the appellant, be deemed a denial for purposes of appeal to the Board of Education.
  - iv. The Superintendent's final decision shall be provided to the complainant and the respondent in writing.
- b. Board of Education:
  - i. If the complainant or the respondent is not satisfied with the decision of the Superintendent, he/she may file an appeal to the Board of Education within 30 calendar days of the date on which the decision was issued.
  - ii. Upon receipt of an appeal, the Board will proceed in accordance with state law.

## IV. Remedies

If an act of discrimination is verified during the complaint resolution process, WCPS may implement remedies that include the following:

- A. Students/Employees - all appropriate forms of discipline in accordance with WCPS policies and procedures and/or required participation in an appropriate intervention designated by the administrator.
- B. Third parties - termination of current and/or future business with the third party, modifying the terms of a contract, discontinuance of a contract, or banning from the property.

## V. Miscellaneous

- A. Agency Compliant

Exhaustion of these informal and formal complaint resolution procedures is not a prerequisite for the filing of an administrative complaint of discrimination with a government agency or taking other legal action.
- B. No Retaliation

WCPS will take steps to prevent the recurrence of any prohibited action and to correct its

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discriminatory effects on the complainant and others if appropriate.

C. Confidentiality

In all phases of complaint resolution, every reasonable effort shall be made to maintain the confidentiality and protect the privacy of all parties. These efforts may be limited by the school system's legal and regulatory obligation to investigate and address allegations of discrimination.

D. Reporting Information

1. Complaints and inquiries being made by employees will be directed to:

Director of Human Resources  
2424 Northgate Drive, Suite 100  
Salisbury, MD 21802-1538  
410-677-4531

2. Complaints and inquiries being made by students/parents/guardians will be directed to:

Director of School Climate and Safety  
2424 Northgate Drive, Suite 100  
Salisbury, MD 21802-1538  
410-677-4538

3. Complaints and inquiries being made in relation to education programs and services for disabled students will be directed to:

Director of Special Education  
2424 Northgate Drive, Suite 100  
Salisbury, MD 21802-1538  
410-677-4507

4. Complaints and inquiries being made in relation to athletic programs will be directed to:

Supervisor of Athletics  
2424 Northgate Drive, Suite 100  
Salisbury, MD 21802-1538  
410-677-5144

## Related Documents:

- Equal Opportunity and Nondiscrimination Policy, BOE-GEN-PL-001
- Educational Equity Policy, INS-SCH-PL-038
- Educational Equity Procedure, INS-SCH-PR-013
- Whistleblower Anti-Retaliation Policy, ADM-HRR-PL-029
- Employee Confidentiality Policy, ADM-HRR-PL-026

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**WICOMICO COUNTY PUBLIC SCHOOLS  
DISCRIMINATION COMPLAINT FORM**

This form is designed to facilitate investigation and resolution of discrimination complaints, except in those cases where a separate grievance process is provided by federal law, such as *Title IX of the Education Amendments of 1972*, or the *Individuals with Disabilities Education Act*, state law; or WCPS policy.

Students and/or their parent/guardian who seek to contest an action or omission by WCPS regarding the identification, evaluation, or program/placement of a student under Section 504 must file a separate hearing request with the WCPS Office of Special Education.

Date this form was submitted to WCPS: \_\_\_\_\_

Name of person making complaint: \_\_\_\_\_

Date(s) of alleged discrimination: \_\_\_\_\_

Location(s) of the alleged discrimination: \_\_\_\_\_

Names of individual(s) alleged to have engaged in discrimination: \_\_\_\_\_

Names of individual(s) who witnessed the alleged discrimination: \_\_\_\_\_

Statement of circumstances and/or conduct constituting the alleged discrimination:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed remedy: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Signature of Complainant: \_\_\_\_\_ Date: \_\_\_\_\_

WCPS administrator/designee contacted before filing this form? \_\_\_\_\_

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

**WICOMICO COUNTY PUBLIC SCHOOLS**  
**DISCRIMINATION COMPLAINT CASE RECORD – APPEAL DOCUMENTATION**

Complaint No.: \_\_\_\_\_

Level: _____ Informal Process	Date of Response _____
_____ Formal Complaint	Date of Response _____
_____ Appeal to Superintendent	Date Appeal Received _____
_____ Appeal to Board	Date Appeal Received _____

Action: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date of Written Response to Complainant: \_\_\_\_\_ By: \_\_\_\_\_

Copies of All Written Documents Attached: \_\_\_\_\_

Date Complaint Resolved: \_\_\_\_\_

Record Completed By: \_\_\_\_\_ Date: \_\_\_\_\_