

# Civil Rights Legislation

## TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

"No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program receiving Federal financial assistance." (34CFR, B103.3)

## TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

"No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance." (34CFR, B106)

Title IX of the Education Amendments of 1972, as amended, is designed to eliminate (with certain exceptions) discrimination on the basis of sex in any education program or activity receiving Federal financial assistance, whether or not such program or activity is offered or sponsored by an educational institution as defined in part 106.

## SECTION 504 OF THE REHABILITATION ACT OF 1973

"No otherwise-qualified individual with a disability in the United States shall, solely by reason of her or his disability, as defined in section 706(8) of this title, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance..." (29 U.S.C. B794 (b))

Part 104 of 34 CFR effectuates Section 504 of the Rehabilitation Act of 1973 which is designed to eliminate discrimination on the basis of disability. On October 29, 1992, the Rehabilitation Act Amendments of 1992 had three significant consequences relative to Section 504: (1) the term "disabili-

ty" replaced the term "handicap", (2) certain conditions were explicitly excluded from the definition of "disability", and (3) complaints alleging employment discrimination under Section 504 were to be judged by the standards of Title I of the Americans with Disabilities Act (ADA).

## AGE DISCRIMINATION ACT OF 1975

"No person in the United States shall on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." (B110.10(a))

## TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990 (ADA)

"No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by an public entity." (B35.130)

## LIMITED ENGLISH SKILLS

No person shall, on the basis of limited English skills, be excluded from participation in, denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

## GRIEVANCE PROCEDURE for TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, TITLE IX OF THE EDUCATION AMENDMENT ACT OF 1972, TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1973, SECTION 504 OF THE REHABILITATION ACT OF 1973, AGE

## DISCRIMINATION ACT OF 1975

### Section I

Any person believing that the Portage Public Schools or any part of the school organization has inadequately applied the principles and/or regulations of (1) Title VI of the Civil Rights Act of 1964, (2) Title IX of the Education Amendment Act of 1972, (3) Section 504 of the Rehabilitation Act of 1973, (4) the Age Discrimination Act of 1975, and (5) Title II of the Americans with Disability Act of 1990 may bring forward a complaint, which shall be referred to as a grievance, to the local Civil Rights Coordinator at the following address:

Office of the  
Superintendent  
Portage Public Schools  
8111 South Westmedge Avenue  
Portage, MI 49002 • 323.5148

### Section II

The person who believes a valid basis for grievance exists shall discuss the grievance informally and on a verbal basis with the local Civil Rights Coordinator, who shall in turn investigate the complain and reply with an answer to the complainant within five (5) business days. The complainant may initiate formal procedures according to the following steps.

#### Step 1

A written statement of the grievance signed by the complainant shall be submitted to the local Civil Rights Coordinator within five business days of receipt of answers to the informal complaint. The coordinator shall further investigate the matters of grievance and reply in writing to the complainant within five (5) days.

#### Step 2

A complainant wishing to appeal the decision of the local Civil Rights Coordinator may submit a signed statement of appeal to the Superintendent of Schools within five (5) business days after receipt of the Coordinator's response. The Superintendent shall meet with all parties involved, formulate a conclusion and respond in writing to the complainant within ten (10) business days.

#### Step 3

If unsatisfied, the complainant may appeal through a signed, written statement to the Board of Education within five (5) business days of receiving the superintendent's response in step two. In an attempt to resolve the grievance, the Board of Education shall meet with the concerned parties and their representative within forty (40) days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) days of this meeting.

#### Step 4

If at this point the grievance has not been satisfactorily settled, further appeal may be made to the Office for Civil Rights, Department of Education, Washington, D.C. 20202.

Inquiries concerning the nondiscriminatory policy may be directed to Director, Office for Civil Rights, Department of Education, Washington, D.C. 20202.

The local Coordinator, on request, will provide a copy of the district's grievance procedure and investigate all complaints in accordance with this procedure.

A copy of each of the Acts and the regulations on which this notice is based may be found in the Civil Rights Coordinator's office.