

EQUAL EDUCATIONAL OPPORTUNITY

(Section 504 of the Rehabilitation Act of 1973 Complaint Procedures)

Section I: SECTION 504

Students with disabilities shall be protected against discrimination in admission to, or access to, or treatment, or employment in its programs and activities to the extent provided by Section 504 of Rehabilitation Act of 1973.

Section II: REQUIREMENTS FOR PROCESSING COMPLAINTS

1. Since it is important that complaints be filed and processed as rapidly as possible, the number of days indicated at each step are considered as maximum and every effort will be made to expedite the process. At any step in the complaint procedure, the time limits may be extended when necessary.
2. Reference to days are working days and do not include holidays and/or weekends.
3. Facts elicited during step two proceedings are confidential and do not become part of the student's permanent record. A copy of documents, communications, and records dealing with the processing of a complaint will be filed in a separate file.
4. The failure of a complainant to proceed from one step of the procedure to the next within the set time limits shall be deemed to be in acceptance of the decision previously rendered and shall eliminate any future review concerning that particular complaint.
5. The failure of the reviewing officers to communicate their decision to the complaint within the time limits shall permit the complainant to proceed to the next step.
6. The complainants may withdraw their complaint at any step without prejudice. However, they shall not be permitted to re-file that same complaint once withdrawn.
7. No reprisal shall be invoked against any student for filing a complaint or for participation in any way in this procedure.

Section III: PROCEDURES FOR PROCESSING COMPLAINTS

Step One: Within five (5) days of the time the district receives a written statement describing the specific discriminatory conduct or the district becomes aware of the student's disability affecting the student's ability to learn, the Section 504 coordinator shall convene a team of a minimum of three (3) people who are knowledgeable of

the student's situation to review and consider all pertinent information related to the suspected disability.

- Step Two: Within five (5) days the convened team shall determine whether the student has a disability under Section 504 and whether that disability substantially limits the major life function of learning. If such a determination is made, the team must further determine what accommodations are required on behalf of the district to allow the student an equal opportunity to participate in school and school related activities. This determination (positive or negative) shall be in writing and sent to the student's parents.
- Step Three: If the student's parents disagree with the team's conclusions and recommendations, the parent within five (5) days of the date of the recommendation being mailed or delivered, may request an impartial hearing to decide the matter. The hearing request shall be made in writing to the superintendent.
- Step Four: An impartial hearing shall be held within five (5) to ten (10) days of the receipt of the written request. The parent will be informed by registered mail of the time, place, and date of the impartial hearing. The district shall obtain, as a hearing officer, an individual who is not an employee of the district and who is knowledgeable of Section 504. The parent and student may take part in the hearing and have an attorney represent them at their own expense.
- Step Five: The hearing officer shall conduct the hearing so as to give the parents an opportunity to present evidence supporting the claim that their child has been subjected to discriminatory treatment in violation of Section 504. The district shall be given the opportunity to present evidence supporting its position with respect to the student. A tape recording of the hearing will be made by the district, a copy of which will be provided the parents.
- Step Six: The hearing officer shall make a decision within five (5) days after the conclusion of hearing. The decision shall be in writing to the district's 504 coordinator and the parents.
- Step Seven: If either the parents or the district is aggrieved by the decision of the hearing officer, the aggrieved party may request that a committee consisting of members of the administrative staff of the district review the decision. Such review shall take place within five (5) days of the request for a review.
- Step Eight: The review committee may overrule, modify, or uphold the hearing officer's decision. The review committee shall make its decision

within three (3) days of beginning deliberations on the matter and shall provide a written response to both parties.

The Section 504 coordinator for the district is the Executive Director for Exceptional Education.