

POLICY TITLE: Section 504: **Grievance Procedure****POLICY NO: 671P1****PAGE 1 of 4**

It is the policy of **Preston Joint School District** not to discriminate on the basis of disability. **Preston Joint School District** has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) of the U.S. Department of Health and Human Services regulations implementing the Act. Section 504 prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance. The Law and Regulations may be examined in the office of **Dr. Brady Garner**, who has been designated as the LEA's Section 504 Coordinator to oversee the efforts of **Preston Joint School District** in complying with Section 504.

Any staff, student, parent/guardian, or patron (or parent/guardian on behalf of a minor child) who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for **Preston Joint School District** to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

PROCEDURE

- Grievances must be submitted to the Section 504 Coordinator in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought.
- The Section 504 Coordinator (or designee) shall conduct an investigation of the complaint. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The Section 504 Coordinator will maintain the files and records of **Preston Joint School District** relating to such grievances.
- The Section 504 Coordinator will issue a written decision on the grievance no later than 30 days after its filing.
- The person filing the grievance may appeal the decision of the Section 504 Coordinator by writing to the **Section 504 Coordinator** within **15** days of receiving the Section 504 Coordinator's decision. The **Section 504 Coordinator** shall issue a written decision in response to the appeal no later than **30** days after its filing.
- The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U. S. Department of Health and Human Services, Office for Civil Rights.

Preston Joint School District will make appropriate arrangements to ensure that disabled persons are provided other accommodations, if needed, to participate in this grievance process. The Section 504 Coordinator will be responsible for such arrangements.

Preston Joint School District will take steps to prevent the recurrence of any discrimination and to correct its discriminatory effects on the complainant and others, if appropriate.

Parent Rights Under Section 504

You have the right to be informed by the school district of your rights under Section 504. This is a notice of you and your child's rights under Section 504 and the rights you have if you disagree with the school district's decisions.

WHAT IS SECTION 504?

Section 504 of the Rehabilitation Act of 1973, commonly called "Section 504," is a federal law that protects students from discrimination based on disability. Section 504 assures that students with disabilities have educational opportunities and benefits equal to those provided to students without disabilities. To be eligible, a student must have a physical or mental impairment that substantially limits one or more major life activity.

YOUR CHILD'S EDUCATION

Your child has the right to:

- Receive a free and appropriate public education.
- Participate in and benefit from the district's educational programs without discrimination.
- Be provided an equal opportunity to participate in the district's nonacademic and extracurricular activities.
- Be educated with students who do not have disabilities to the maximum extent appropriate.
- Be educated in facilities and receive services that are comparable to those provided to students without disabilities.
- Receive accommodations and/or related aids and services to allow your child an equal opportunity to participate in school activities.
- Receive educational and related aids and services without cost, except for those fees imposed on the parents of children without disabilities.

Receive special education services if needed.

YOUR CHILD'S EDUCATIONAL RECORDS

You have the right to:

- Review your child's educational records and to receive copies at a reasonable cost. You will not be charged if the cost would keep you from reviewing the records.

- Ask the district to change your child’s education records if you believe that they are wrong, misleading, or are otherwise in violation of your child’s privacy rights. If the district refuses this request, you have the right to challenge the refusal by requesting an impartial hearing.
- A response to your reasonable requests for explanations and interpretations of your child’s education records.

THE SECTION 504 PROCESS

Your child has the right to an evaluation before the school determines if he or she is eligible under Section 504. You have the right to:

- Receive notice before the district takes any action regarding the identification, evaluation, and placement of your child.
- Have evaluation and placement decisions made by a group of persons, often called a “504 team”, including persons who know your child, the meaning of the evaluation information, and the placement options available.
- Have evaluation decisions based on a variety of sources, such as aptitude and achievement tests, teacher recommendations, physical conditions, medical records, and parental observations.
- Refuse consent for the initial evaluation and initial placement of your child.

If your child is eligible under Section 504, your child has a right to periodic re-evaluations, including re-evaluations before any significant change is made in your child’s placement.

IF YOU DISAGREE WITH THE DISTRICT’S DECISION

If you disagree with the district’s decisions regarding your child’s identification, evaluation, educational program, or placement under Section 504, you may request mediation or an impartial due process hearing. You and your child have the right to take part in the hearing and have an attorney represent you. Hearing requests and other concerns can be made to your district’s Section 504 Coordinator:

Dr. Brady Garner
105 E 2nd S
Preston Joint School District
208-852-0283, brady.garner@psd201.org

You have the right to file a complaint of discrimination with the U.S. Department of Education’s Office for Civil Rights (OCR), or to file a complaint in federal court. Generally, an OCR complaint may be filed within 180 calendar days of the

act that you believe was discriminatory. The regional office is located at 915 Second Ave, Room 3310, Seattle, WA 98174-1099. Phone: 206-607-1600/TDD: 206-607-1647 Website: www.ed.gov/OCR.



LEGAL REFERENCE:

Section 504 of the Rehabilitation Act of 1973

29 USC Chapter 16

34 CFR Part 104.36

ADOPTED:

AMENDED:

<p>Section 504 does not set forth any timelines for the hearing or review process. The timelines set forth in this policy are suggestions and may be modified so long as the timelines are reasonable.</p>
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