

SALEM SCHOOL DISTRICT
Salem, Connecticut

PURPOSES – GOALS - OBJECTIVES

Nondiscrimination

Section 504/ADA Grievance Procedures

Section I

If any person believes that the Salem School District or any of the district's staff has inadequately applied the principles and/or regulations of Section 504 of the Rehabilitation Act of 1973 (or the Americans with Disabilities Act of 1990, she/he may bring forward a complaint, which shall be referred to as a grievance, to the Section 504 Coordinator/Title IX Coordinator, Brian Hendrickson, Superintendent (860-892-1223) c/o: Salem School District 200 Hartford Road, Salem, CT 06420.

Section II

The person who believes she/he has a valid basis for grievance shall discuss the grievance informally and on a verbal basis with the Section 504 Coordinator, who shall in turn investigate the complaint and reply with an answer to the complaint. She/He may initiate formal procedures according to the following steps:

Step 1

A written statement of the grievance signed by complainant shall be submitted to the Coordinator within five (5) 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) business days.

Step 2

If the complainant wishes to appeal the decision of the Coordinator, she/he 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, or his/her Designee, shall meet with all parties involved, formulate a conclusion, and respond in writing to the complainant within ten (10) business days.

Step 3

If at this point the grievance has not been satisfactorily settled, further appeal and inquiry may be made to the Office for Civil Rights, Department of Education, Boston, Massachusetts.

Section III

The Section 504 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 Coordinator's office.

All written correspondence shall be provided in English and/or interpreted in the primary language.

(cf. 3511 – Compliance with Section 504)

Procedures 1st Reading: July 14, 2008

Procedures Adopted: August 11, 2008

SECTION 504
SAMPLE DISCRIMINATION GRIEVANCE FORM*

Any student, parent/guardian, employee or employment applicant who feels that he/she has been discriminated against on the basis of his/her disability or has been threatened or coerced because he/she aided or encouraged any other individual in the exercise or enjoyment of any right granted or protected by Section 504 may discuss and/or file a grievance with the District 504 Coordinator (Joseph Onofrio II, Superintendent) who has responsibility for reviewing, investigating and responding to complaints of disability discrimination or harassment. Reporting should take place within 40 calendar days of the alleged discrimination.

Name of Presenter/Complainant _____

Employee ____ Employment Applicant ____ Student ____ Parent/Guardian ____

Home Address _____

Home telephone _____ Work telephone _____

Name of Person(s) you believed discriminated against you:

List of any witness(es):

Where did the incident occur:

Date of claim:

Date of incident:

Statement of incident(s)/issue(s) as clearly as possible, including things such as: who; how; how often; what verbal statements; your response and your feelings.

Please attach any additional information/documentation as necessary.

This complaint is filed based on my honest belief that _____ has illegally discriminated against me. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief.

Complainant Signature: _____ Date _____

Received by: _____ Date _____

*Should you need assistance filling out and/or understanding this form, please contact the District 504 Coordinator – Joseph Onofrio II.

PROCEDURES AND PARENT/STUDENT RIGHTS IN IDENTIFICATION, EVALUATION
AND PLACEMENT
Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act is a basic civil rights statute which prohibits discrimination on the basis of an individual's disability. Section 504 applies to students, as well as employees and the parents of students who attend public schools. A student may not be eligible for special education and related services under IDEA but may be found to be a qualified individual with a disability under Section 504 who is entitled to accommodation through regular or special education. Qualified individuals with disabilities must be afforded equal access to and be provided with equitable opportunities to participate in the programs provided by the schools to all of its students.

The following is a description of the rights granted by federal law to students with disabilities. Parents (and/or guardian, as the case may be) have the right to:

1. Have their child take part in and receive benefits from public education programs without discrimination because of his/her disability.
2. Have the school district advise the parent of rights under federal law. Have the right to receive all information in the parent's native language or primary other mode of communication.
3. Receive notice with respect to identification, evaluation, or placement of their child; and to receive notice a reasonable time before a district identifies, evaluates or changes their child's placement.
4. Periodic re-evaluation of students who are being provided special education and related services.
5. Have their child receive a free appropriate public education. This includes the right to be educated with students without disabilities to the maximum extent appropriate. It also includes the right to have the school district make reasonable accommodations to allow the child an equal opportunity to participate in school and school-related activities, including non-academic and extracurricular activities offered by the district.
6. Have their child educated in facilities and receive services comparable to those provided students without disabilities.
7. Have their child receive special education and related services if she/he is found to be eligible under the Individuals with Disabilities Education Act, 20 U.S.C. §§1400 *et seq.* or Section 504 of the Rehabilitation Act.

8. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, the evaluation data, and placement options.
9. Have transportation provided to and from an alternative placement setting at no greater cost to the parent than would be incurred if the student were placed in a program operated by the district.
10. Examine all relevant records relating to decisions regarding their child's identification, evaluation, educational program and placement.
11. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny the parent access to the records.
12. Receive a response from the school district to reasonable requests for explanations and interpretations of their child's records.
13. Request amendment of their child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of their child. If the school district refuses this request for amendment, it shall notify the parent within a reasonable time, and advise the parent of the right to a hearing.
14. Request an impartial due process hearing related to decision or actions regarding their child's identification, evaluation, educational program or placement. A parent may request this hearing by contacting, Joseph Onofrio II, Section 504 Coordinator, Salem School District. This includes the right to an impartial hearing if the parent disagrees with a school district's proposed action.
 - a. The school district shall select an impartial hearing officer who is knowledgeable about Section 504/ADA regulations and the differences that may exist between Section 504/ADA and the Individuals with Disabilities Education Act (IDEA). The impartial hearing officer shall neither be a member of the Board of Education, nor an employee of the Salem Public School District. Further more, the hearing officer shall not be an individual who has a direct professional or personal interest in the outcome of the hearing.
 - b. The parent has a right to be represented by an attorney or a representative of their choice at the hearing.
 - c. The parent has a right to present evidence and participate in the hearing.
 - d. The parent has a right to a decision of the hearing officer in writing within a reasonable timeframe. The parent has a right to a review/appeal of this decision to the Office of Civil Rights and/or United States District Court.

15. For claims other than those concerning their child's identification, evaluation, educational program or placement, file a local grievance. Parents may obtain further information about filing a Grievance from the Section 504 Coordinator.
16. Within 180 calendar days of the alleged discrimination on the basis of disability, or within 60 calendar days of receiving notice of the disposition on a local grievance, the parent also may file a complaint with the U.S. Department of Education, Office for Civil Rights (OCR), in Boston, Massachusetts. Also within 180 calendar days of the alleged discrimination, or within 60 calendar days of receiving the final decision on a due process hearing, the parent may file a complaint with OCR.
17. Have parents and guardians participate meaningfully in decisions regarding the evaluation and placement of their children.
18. Right to re-evaluation before any subsequent significant change in placement.