

Step 7A: FCSD Local Grievance Procedures

The 504 Coordinator, on request, will provide a copy of the school's grievance procedure and investigate all complaints in accordance with this procedure. The procedure must contain a description of the types of complaints covered by the grievance procedure and a description of the investigative appeals process.

The person who believes he/she has been discriminated against based on disability shall discuss the grievance with, and give the completed grievance form to, the Section 504 Coordinator who shall, in turn, investigate and reply to the complainant.

PROCESS/TIMELINE

Step 1. A written grievance form signed by the complainant shall be submitted to the Section 504 Coordinator. The Coordinator shall further investigate the matters of grievance and reply in writing to the complainant within 10 (ten) business days.*

Step 2. If the complainant wishes to appeal the decision of the Section 504 Coordinator, he/she may submit a signed statement of appeal to the Superintendent of Schools within 10 business days* after receipt of the Coordinator's response. The Coordinator and Superintendent cannot be the same individual. The Superintendent shall meet with all parties involved, formulate a conclusion, and respond in writing to the complainant within 10 business days.

Step 3. If the complainant remains unsatisfied, he/she may appeal through a signed written statement to the local board of education within 10 business days of his/her receipt of the Superintendent's response in Step 2. In an attempt to resolve the grievance, the board shall meet with the concerned parties and their representative within 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 10 business days of this meeting.

Federal Complaint Procedures (Formal)

The complainant may file a complaint with the Office for Civil Rights (OCR) at any time before, during, or after the local grievance procedures. The contact information for the regional office is as follows:

U.S. Department of Education
Office for Civil Rights
400 Maryland Avenue, S W 12
Washington, D.C. 20202 -1100
(800) 421-3481, TTD (877) 521-2172

An individual or an organization may file a complaint with the regional Office for Civil Rights (OCR). An OCR complaint must be filed, in writing, within 180 days after the alleged discriminatory act or from the time the person becomes aware of the alleged discriminatory act. In certain cases, OCR will consider complaints where more than 180 days have elapsed. Anyone wishing to file a formal complaint with OCR should submit in writing the following information in a letter or on the Discrimination Complaint Form available from OCR regional offices:

- Name, address, and phone (a daytime telephone number is helpful)
- A general description of the person(s) or class of persons injured by the alleged discriminatory act(s) (names of the injured person(s) are not required)
- The name and location of the agency that committed the alleged discriminatory act(s), as well as the name of the injured person.
- A description of the alleged discriminatory act(s) in sufficient detail to enable OCR to understand what occurred, when it occurred, and the basis for the alleged discrimination (race, sex, color, national origin, age, or disability)

A school or individual may not retaliate against or harass any person who has made a complaint, testified, assisted, or participated in any manner in an investigation.

Mediation is not required under Section 504, but should be considered a best practice. Most of the time, parents and school staff agree upon issues regarding evaluation, eligibility, program, and placement of students with disabilities. However, there are times when disagreement occurs. Conflict is often inevitable, but it need not produce negative results. If the parent and school are unable to resolve a conflict concerning a student with a disability, then mediation is an available alternative to a long and expensive due process hearing. The mediator is a neutral third party and, therefore, has no power to make a decision regarding the dispute. He or she will listen to the views of each party and will assist the parties in developing their solution to the problem. The mediator has been trained to handle Section 504 disputes.

Mediation is completely voluntary. It should not interfere with any procedural safeguards, including filing a grievance with the district requesting a due process hearing or filing a complaint with OCR. Mediation costs are the responsibility of the school.

A trained mediator works with both parties to guide them toward a mutually satisfactory solution in the best interest of the student and in compliance with Section 504 regulations. This occurs at a non-adversarial meeting that is more structured than a parent-school conference, but less formal than a due process hearing. Parents and schools are encouraged to try mediation before relying on more formal procedures such as the grievance procedures, complaints to OCR, or due process hearings.

Due Process Hearing

Due process is defined as an opportunity to resolve a dispute between parents and schools over the decisions made and/or procedures used by the school under Section 504. A Section 504 due process hearing (CFR 104.36) may be called at the request of the school or a parent, guardian, or surrogate parent of the student. It is required that parents or guardians be notified of their right to request a hearing regarding a dispute over the identification, evaluation, or educational placement of a student with disabilities being served or considered for Section 504.

Step 7B: Initial Grievance Form: Discrimination/Non-Compliance

I,[insert person's name], am filing this grievance because:

State/Federal Statute in Question:

Describe incident or occurrence as accurately as possible:

Requested Resolution:

Step 7C: Grievance Actions Taken/Resolution

Name:

Grievance Date:

Nature of Complaint:

Requested Action:

Supervisor/Principal's Response:

Team Determination of Resolution: Y/N

Signature of Principal or Supervisor:

Date:

Complainant Signature:

Date: