NON-DISCRIMINATION ON THE BASIS OF HANDICAP/DISABILITY

The District provides the following Notice of Procedural Safeguards to parents or guardians, and to disabled persons, as required by 34 C.F.R. Sections 104.7, 104.8, 104.22 (4) (f), and 104.36 of the Regulations implementing Section 504 of the Rehabilitation Act of 1973.

The District does not discriminate on the basis of disability in admission or access to, or treatment or employment in, its programs and activities.

The District provides a grievance procedure with appropriate due process rights. The Assistant Superintendent of Schools is charged with coordinating efforts to comply with Section 504. The parent or guardian of a student with a disability or any disabled individual may use the grievance procedure established by the Board.

Grievance Procedure: The parent or guardian of a student with a disability or any disabled individual has the right to notify the Assistant Superintendent of Schools in writing of a complaint.

The Assistant Superintendent will provide an initial response within ten (10) days of receipt of the written complaint. The parties will attempt to work out their differences informally in a prompt and equitable manner. A written record of the complaint resolution by the Assistant Superintendent should be made within ten (10) working days of completion. Both parties will receive a copy of the written record. Additionally, the Superintendent will keep a copy on file.

If the issue is not resolved after informal resolution process, the complainant may: (a) request that the Board places this matter on its agenda; or (b) notify the Superintendent of the complaint. The Superintendent will notify the board if he/she receives such a complaint.

If the Board schedules the matter for a hearing, the complainant may be represented by any person the complainant chooses, including legal counsel. The complainant may present information through documents and other evidence and witnesses, and may examine witnesses presented by the School District. The Board may be represented by legal counsel who may also examine witnesses.

Within ten (10) working days of either of the above options, a written record should be made of the decision. Both parties will receive a copy of the written record. Additionally, the Superintendent will keep a copy on file.

Section D Procedural Safeguards: As required by 34 C.F.R. Section 104.36, parents or guardians of a student who needs or is believed to need special instruction and related services have the right, with respect to any action regarding identification, evaluation, and placement to:

1. Provide notice of referral/identification, evaluation, and placement process, with appropriate school district form.
2. Examine all relevant records.
3. Have an impartial hearing, at any time, with respect to any actions regarding identification, evaluation, or placement of persons who need or are believed to need special education and related services; an opportunity for participation by the parent/guardian and representation of counsel as provided under the Individuals with Disabilities Education Act.
4. A review process.

Adopted 1/13/09