Section 504/ADA Grievance Procedure

Policy Information

Series A - Foundations and Commitments

Section 504/ADA Grievance Procedure
Policy # ACEA

FILE: ACEA

SECTION 504/ADA GRIEVANCE PROCEDURE

I. Policy

It is the policy of the Bourne School District to provide a learning and working environment free from discrimination of any kind. In compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (ADA) the District prohibits discrimination on the basis of disability and retaliation against persons exercising their rights under these laws. The Bourne School District has adopted this internal grievance procedure to provide for prompt and equitable resolution of complaints alleging any action prohibited bisection 504 and Title II (i.e. failure to implement a 504 plan). Any complaints of harassment of students on the basis of disability should be brought under the Student Anti-Harassment Policy and Grievance Procedure, Policy JIIA. If you disagree with the 504 team's decision regarding the identification, evaluation, or placement of a student, you can contact the Massachusetts Bureau of Special Education Appeals at www.doe.mass.edu/bsea/ or 617.626.7250.

Any student, parent, or third party who believes she/he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for the Bourne School District to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance. This procedure does not deny the right of the grievant to file formal complaints with other state and federal agencies or to seek private counsel for complaints alleging discrimination.

The Section 504 and Title regulations may be examined in the office of the Assistant Superintendent Melissa Ryan, 36 Sandwich Road, Bourne, MA 02532 (508.759.0660), who has been designated to coordinate the efforts of the Bourne School District to comply with Section 504/Title II. The Section 504/ADA Coordinator will maintain the files and records of the Bourne School District relating to such grievances.

II. Procedure:

A. Parents, students and/or other interested parties may file a grievance under this policy. Grievances must be submitted in writing to the Section 504/ADA Coordinator at the below listed address[1]within ninety (90) days of the date the person filing the grievance becomes aware of the alleged discriminatory action. Persons seeking assistance in filing a complaint may contact the Section 504/ADA Coordinator prior to filing and assistance will be provided to them. This time limit may be waived as determined by the Section 504/ADA Coordinator on a case by case basis to avoid

injustice. It is the policy of the Bourne School District to process all grievances in a fair, expeditious and confidential manner to the extent possible.

B. A complaint must be 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 504/ADA Coordinator will reduce an oral complaint to writing, if necessary.

C. The Bourne School District will make appropriate arrangements to ensure that persons with disabilities are provided other accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing digital recordings of material for the blind, or assuring a barrier-free location for the proceedings. The Section 504 Coordinator will be responsible for such arrangements.

D. Upon receipt of a grievance, the 504/ADA Coordinator shall make the complainant aware of the availability of interim measures such as counseling, stay away mechanisms, and/or services or accommodations while the grievance is being investigated and decided.

E. Informal Process: If the complainant consents, the 504/ADA Coordinator will transmit the grievance to the appropriate principal or immediate supervisor for possible informal resolution. The informal resolution process may be terminated at any time by either the complainant or the Bourne School District, and the formal complaint process will then be utilized. If no informal resolution is achieved within 14 days of such referral, the complainant will be referred to the formal process.

F. Formal Process: A complainant may pursue the formal complaint process at any time. The Section 504/ADA Coordinator (or her/his designee) shall conduct an investigation of the complaint. Generally, the investigation will take no longer than 14 school days from the date the formal complaint is filed. This investigation will be thorough, affording all interested persons an opportunity to submit evidence and present witnesses to the complaint.

G. The Coordinator will make a determination using the preponderance of the evidence standard. If the Coordinator finds that discrimination occurred, the Coordinator will act promptly to take the actions necessary to end the discrimination, prevent its reoccurrence, and take reasonable steps to remedy the effects of the discrimination and/or harassment on the victims thereof. Such steps can include, but are not limited to, discipline of students and/or employees; counseling for the victim and/or perpetrator; restricting contact between perpetrators and the victims of such conduct, and/or services or accommodations.

H. Upon conclusion of the investigation, the Section 504/ADA Coordinator (or her/his designee) will prepare and issue to both parties a written report of the investigation which shall include the following:

a. A clear statement of the allegations of the grievance and remedy sought by the complainant.
b. A statement of the facts as found by the Coordinator.
c. A list of all witnesses interviewed and documents reviewed during the investigation.
d. The Coordinator's conclusion as to whether or not discrimination was found.
e. If a violation occurred, information about corrective action consistent with applicable confidentiality laws.

I. Appeals: Either party may appeal the decision of the Section 504/ADA Coordinator by writing to the Superintendent of Schools within 10 days of receiving the Section 504Coordinator's decision. In

the appeal, the party must explain why he or she believes the factual information was incomplete, the analysis of the facts was incorrect, and/or the appropriate legal standard was not applied *and* how this would change the Districts determination in the case.

J. The Superintendent of Schools will issue a response to the appeal no later than 10 days after its filing. A copy of said decision will be mailed to all parties and their representatives, if any, on the date it is issued.

III. Other Options for Complaining Party

At any time during the process, a grievant may file a complaint with either of the following:

Massachusetts Department of Education
Program Quality Assurance
350 Main St.
Malden, MA 02148-5023

U.S. Department of Education
Office of Civil Rights
J.W. McCormack Post Office and Courthouse
5 Post Office Square, 8th Floor
Boston, MA 02109-4577
617.289.0111

[1] Melissa Ryan, Assistant Superintendent of Schools

504 ADA Coordinator

Bourne Public Schools
36 Sandwich Road
Bourne, MA 02532
508-759-0660 Phone
508-759-1107 Fax

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