

Upper Cape Cod Regional Technical High School  
Section 504 Grievance Procedures

Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. Section 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Section 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35 prohibit discrimination (including harassment) based on disability and retaliation for taking actions protected by these laws. In accordance with Section 504 and Title II, any individual (student, staff member, etc.), who has reason to believe that they or someone else has been mistreated, denied services, or discriminated or retaliated against by any student, staff member or third party in Upper Cape Cod Regional Technical School's programs and activities because of a disability may file a complaint.<sup>1</sup>Upper Cape Cod Regional Technical School has adopted the following internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 and Title II. A copy of the laws and regulations is available in the Upper Cape Cod Regional Technical High School business office.

Ms. Marie Alvernaz ( 508 759 7711 ext 219, [malvernaz@uppercapetech.org](mailto:malvernaz@uppercapetech.org) ) of the Upper Cape Cod Regional Technical School is responsible for Section 504 and Title II compliance. As the District Section 504/Title II Coordinator, she will investigate all complaints of disability-based discrimination or retaliation. Should you have any questions or wish to file a complaint, she can be reached at:

Upper Cape Cod Regional Technical School  
Ms. Marie Alvernaz, Director of Curriculum and Instruction  
220 Sandwich Rd,  
Bourne, MA 02532  
P: 508 759 7711 ext 219  
Email: [malvernaz@uppercapetech.org](mailto:malvernaz@uppercapetech.org)

No complaint will be investigated by an individual who is the subject of the complaint or who is subordinate to the subject of the complaint. In such instances, the complaint should be filed with the first of the following individuals who is not the subject of the complaint or subordinate to the subject of the complaint, and that individual will take all actions specified in this procedure that would otherwise be taken by the Section 504/Title II Coordinator:

1. Principal Josh Greeley;
2. Superintendent Roger Forget;
3. School Committee Chair Robert Fichtenmayer.

The procedures listed below are provided as a vehicle to fairly and expeditiously resolve concerns when they arise.

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<sup>1</sup> Under Section 504, the Upper Cape Cod Regional Technical School need not process complaints from applicants for employment.

1. A complaint must be in writing and briefly describe the action alleged to be discriminatory or retaliatory and the action/relief sought by the complainant. If a complainant is unable to draft the complaint, they may have the complaint taken orally by the Section 504/Title II Coordinator who will then reduce the complaint to writing.
2. The prompt filing of complaints is highly encouraged. Upper Cape Cod Regional Technical School may be limited in its ability to effectively resolve complaints that are not filed in a timely fashion.
3. The Section 504/Title II Coordinator shall conduct an impartial investigation of a complaint to determine its validity. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint and present witnesses relevant to the complaint.
4. To the extent possible, confidentiality will be maintained throughout the investigation of a complaint of unlawful discrimination or retaliation; however, both parties will be provided with notice of the substance of the complaint and the right to present evidence and witnesses within 5 days of the School's receipt of the complaint.
5. The complainant, the person(s) who is the subject of the complaint, and any witnesses interviewed as a part of the investigation, will be informed that it is unlawful to retaliate against anyone who files a complaint or cooperates in the investigation of a complaint.
6. The Section 504/Title II Coordinator shall issue a written decision on the complaint to both the complainant and the person(s) who is subject to the complaint no later than 30 days after its filing. The written decision will state the facts found, documentation reviewed, witnesses interviewed, analysis and conclusion based on the appropriate legal standards. Should the Section 504/Title II Coordinator determine that discrimination or retaliation occurred, the written decision will also specify any remedial action that will be taken.
7. The School will take steps to prevent any recurrence of any discrimination or retaliation and will work to correct any discriminatory or retaliatory effects on the complainant or others, if appropriate.
8. If the complaint has not been resolved to the satisfaction of either party; the complainant or the person subject to the complaint may request in writing that the Superintendent review the decision of the Section 504/Title II Coordinator.<sup>2</sup> If the party is unable to draft this request, they may request that the Superintendent or his designee reduce the appeal to writing and the Superintendent will ensure that this is accomplished. Such requests must be made within 5 days of receipt of the decision by the Section 504/Title II Coordinator. In the appeal, the complainant must explain why she or he believes the factual information was incomplete or incorrect, the legal

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<sup>2</sup> If the complaint has been investigated by the Superintendent, the complainant may request in writing that School Committee Chair review the decision, and the School Committee Chair will take all actions specified in this procedure that would otherwise be taken by the Superintendent.

analysis was incorrect or the appropriate legal standard was not applied, and how the correction of any errors would change the outcome of the case.”

9. The Superintendent shall have an additional 15 days to review the underlying evidence and decision and issue a written decision to the complainant and the person who is the subject of the complaint.

10. The availability and use of this grievance procedure does not prevent a person from filing a complaint of retaliation or discrimination on the basis of disability with the United States Department of Education’s Office for Civil Rights (OCR); or the Department of Elementary and Secondary Education’s (DESE’S) Problem Resolution System or with the Bureau of Special Education Appeals (BSEA).

**OCR:**

U.S. Department of Education  
5 Post Office Square, 8th Floor  
Boston, MA 02109-3921  
Telephone: (617) 289-0111  
Facsimile: (617) 289-0150  
Email: OCR.Boston@ed.gov

**DESE:**

Problem Resolution System  
75 Pleasant Street  
Malden, MA 02148  
781-338-3700

**BSEA:**

14 Summer Street, 4th floor, Malden, MA 02148  
Telephone: 781-397-4750  
Facsimile: 781-397-4770