

DUPLIN COUNTY SCHOOLS
SECTION 504/ADA
GRIEVANCE PROCEDURE

I. General Statement

Duplin County Schools does not discriminate on the basis of race, religion, sex, national origin, age, or handicapping condition. The grievance procedure is established to assist students when they or their family feel they have been discriminated against under Section 504 of the Rehabilitation Act of 1973. Duplin County Schools desires to secure at the lowest possible level, equitable solutions to concerns that arise.

II. Definitions

- A. Grievance--A formal written claim that a student has been subject to discrimination on the basis of race, religion, sex, national origin, age, or handicapping condition.
- B. Student--Any person currently enrolled as a student in Duplin County Schools.
- C. Aggrieved Party--The student and/or guardian making the claim.
- D. Days--The working days, exclusive of Saturdays, Sundays, vacation days or holidays, as set forth in the school system calendar. In counting days, the first day shall be the first full working day following receipt of the grievance or appropriate documentation.

III. Time Limitations

- A. All time limits shall consist of workdays scheduled in the school calendar. The number of days indicated at each level should be considered a maximum and every effort should be made to expedite the process.
- B. With agreement from the aggrieved party, the beginning of the time limits may be postponed until the beginning of the next school year for a grievance arising after May 1st.

Procedures

It is desirable for any students and parents or guardians, and their teachers to resolve problems through free and informal communication. However, should such informal processes fail to resolve any discrimination under Section 504, a student and his or her parent or guardian may file a grievance pursuant to the steps set forth below:

All grievances shall be in writing within 30 days after the disclosure of the facts giving rise to the grievance. The written statement of grievance shall remain the same throughout all steps of the grievance procedure unless additional discrimination occurs or is identified.

Step 1: The Aggrieved party shall present the grievance in writing to the school principal. The written grievance shall describe the basis of alleged discrimination. The principal (or designee) shall provide the Aggrieved party with a copy of this procedure and implement Step 2.

Step 2: A school-level 504 meeting will take place at a mutually agreed upon time within five (5) days after receipt of the written grievance. The school-level 504 Committee will consist of the aggrieved party, principal (or designee), appropriate teacher(s) and/or school counselor and/or school psychologist and/or lead teacher. Other parties may attend as agreed upon by the aggrieved party and the principal. The principal will produce a written summary of committee decisions within three (3) days of the meeting to be provided to the aggrieved party and the District 504 Coordinator. In the event the principal (or designee) and the aggrieved party agree that a Step 2 review is inappropriate, the grievance procedure may originate at Step 3.

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Step 3: If the grievance is not resolved at Step 2, within five (5) days of receipt of the Step 2 decision, the aggrieved party may refer the grievance for review by the superintendent or designee (District 504 Coordinator). The District 504 Coordinator shall serve as the chairperson of the review and shall arrange for a meeting with the aggrieved party to take place within five (5) days of receipt of the appeal. The District 504 Review Committee will consist of the 504 District Coordinator (or designee), Special Needs Program Director (or designee), aggrieved party, principal (or designee), and other district level administrators as appropriate. The superintendent or designee (District 504 Coordinator) shall provide the aggrieved party and principal with a written decision within ten (10) days after receiving the appeal.

District 504 Coordinator Contact Information:

Name: Kevin Smith Title: District 504 Coordinator

Address: P.O. Box 128 Kenansville, NC 28349

Telephone: 910-296-1521 Email: ksmith@duplinschools.net

Step 4: If the grievance is not resolved at Step 3, the aggrieved party parties may appeal the decision to the Board of Education within five (5) days of receipt of the step 3 decision. The Board will review the documents, direct that further investigation be conducted if necessary and take any other steps that the Board determines to be appropriate in order to respond to the appeal. Upon receipt of the appeal, the Board will hold a hearing pursuant to policy 2500 (Hearings Before the Board). The Board will provide a written response within 30 days after receiving the appeal, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

Step 5: If the grievance is not resolved at Step 4, the aggrieved party may request an impartial hearing. The superintendent (or designee) shall secure an impartial hearing officer that meets the following criteria: (1) not a school system employee, (2) not from another school system or agency that shares a contractual arrangement for special education or 504 services with Duplin County Schools, (3) not involved in state policy making affecting students with disabilities, (4) not a parent of a handicapped child, and (5) not known to have any personal or professional conflicts of interest. The role of the hearing officer is to hear relevant evidence and make a ruling regarding the grievance. The hearing officer will establish specific hearing procedures including the hearing format and appropriate representatives for each party. The impartial hearing shall take place within ten (10) days of receipt of the appeal. The hearing officer shall render a decision in writing to the Aggrieved party and the superintendent within ten (10) days of the hearing.

Step 6: If the grievance is not resolved at Step 5, the aggrieved party parties may file a complaint with the Office of Civil Rights (OCR). Note: There is no exhaustion of administrative remedies requirement under Section 504. Parents may elect to forgo the local grievance procedure and opt for the OCR complaint system. In addition, there is no exhaustion requirement under Section 504 that requires parents to use the OCR complaint system or local grievance procedure before filing an action in federal court.

Inquiries or complaints may also be directed to the Office for Civil Rights (OCR), US Department of Education, 400 Maryland Avenue S.W., Washington DC 20202, or by calling (800) 421-3481 or (877) 521-2172.