SECTION 504 GRIEVANCE PROCEDURES

The Section 504 regulation at 34 C. F. R. §104.7 requires "grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited" under this regulation.

It is the policy of Alleghany County Schools not to discriminate on the basis of disability. Alleghany County Schools has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging discrimination by employees, other students or third parties, including parent(s)/guardian(s). In compliance with Section 504, Alleghany County prohibits discrimination on the basis of disability in admission or access to, or treatment or employment in, any program or activity. The Law and Regulations may be examined in the office of Melissa Fitzgerald, Director of Student Services/Section 504 Coordinator, (336) 372-4554, who has been designated to coordinate the efforts of Alleghany County Schools to comply with Section 504**.**

Any person who believes he or she has been subjected to discrimination on the basis of disability may file a grievance under this procedure.

Grievance Procedures

Grievances must be submitted to Melissa Fitzgerald, Alleghany County Schools 504 Coordinator, (336) 372-4554. The grievance must be in writing, containing the name and address of the person filing it. The grievance must state the alleged discriminatory act and the remedy or relief sought. The grievance must be addressed to Melissa Fitzgerald, Alleghany County Schools Section 504 Coordinator at 85 Peachtree Street, Sparta, North Carolina 28675. Individuals who are unable to submit a grievance in writing shall call to request assistance with getting the request in writing.

Alleghany County has established an Informal and Formal process to resolve grievances alleging discrimination on the basis of discrimination.

<u>Informal Process</u>

Under the Informal Process, the Section 504 Coordinator shall conduct an investigation of the complaint. If the Section 504 Coordinator is the subject of the complaint, the complaint may instead be submitted to Alleghany County Schools Associate Superintendent for the first step of the informal process. The complaint must be addressed to Alleghany County School's Associate Superintendent at 85 Peachtree Street, Sparta, North Carolina 28675. The informal investigation may involve interviews and mediation. Although informal, the

investigation must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The Section 504 Coordinator will maintain the files and records of Alleghany County Schools relating to such grievances. The Section 504 Coordinator will issue a written decision on the grievance no later than 10 business days after its filing.

If the complainant wishes to appeal the decision of the 504 Coordinator, he/she may submit an appeal to the Superintendent of Schools within 10 business days after receipt of the Section 504 Coordinator's response. The appeal must be addressed to Alleghany County School's Superintendent at 85 Peachtree Street, Sparta, North Carolina 28675. The Superintendent shall meet with all parties involved, formulate a conclusion, and respond in writing to the complaint within 10 business days.

If the complainant remains unsatisfied, he/she may appeal through a signed written statement to the board of education within 10 business days of his/her receipt of the Superintendent's response. The appeal must be addressed to Alleghany County School's Board of Education at 85 Peachtree Street, Sparta, North Carolina 28675. In an attempt to resolve the grievance, the board shall meet with all 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.

If the grievance is not resolved through the Informal Process, the parent, guardian or eligible student shall be informed of their right to ask for an impartial Section 504 hearing to decide the matter. The parent, guardian or eligible student is not required to exhaust the informal process before seeking a Section 504 impartial hearing. An impartial Section 504 hearing may be requested at any time. The informal process cannot be used to deny or delay a parent's right to a hearing.

Formal Process

Under the Formal process, a Section 504 hearing may be called at the request of the school or parent/guardian. Requests for a Section 504 hearing shall be made in writing to the Alleghany County Schools Superintendent within ten calendar days of the date in which the complainant filed the complaint with the Section 504 Coordinator or within ten calendar days of the board of education's decision, if the complainant utilized the Informal process. For complainants who did not utilize the Informal Process and wish to proceed formally, hearing requests must be made within 30 days of the date the person becomes aware of the alleged discriminatory action. The request must be addressed to Alleghany County Schools Superintendent at 85 Peachtree Street, Sparta, North Carolina 28675. The request shall describe the alleged discriminatory act by Alleghany County Schools. Copies of any supporting documentation shall be included with the request.

An impartial Section 504 hearing shall be held within twenty business days of receipt of the written request. Alleghany County Schools shall obtain as a hearing officer an individual who is not an employee of Alleghany County Schools and who is knowledgeable of Section 504 and the Americans with Disabilities Act (ADA). Section 504 regulations do not require the selection of the hearing officer to be a mutually agreed upon decision between Alleghany County Schools and the parent, guardian or eligible student. The parent, guardian or eligible student may take part in the hearing, and have legal representation, at their expense. Alleghany County Schools may also be represented by legal counsel.

The impartial hearing officer shall conduct the hearing so as to give the parents the opportunity to present evidence and/or witnesses supporting the claim that their child has been subjected to discriminatory treatment in violation of Section 504 and the ADA. The district shall be given the opportunity to present evidence supporting its position with respect to the student. A written or electronic verbatim recording of the Section 504 hearing shall be on file with the Section 504 Coordinator of Alleghany County Schools. A copy of the hearing in the parent's home language will be made available upon request. The hearing will be conducted in an informal manner with the hearing officer directing the meeting and the presentation of evidence. The hearing officer shall make a decision within ten calendar days after the conclusion of the hearing. The decision, including any remedies determined by the hearing officer, shall be given in writing to the Superintendent of Alleghany County Schools, the 504 Coordinator and the parent(s)/guardian(s). The decision of the hearing officer is binding on all parties, with the exception that the decision is subject to review by the U.S. Department of Education, Office of Civil Rights. Alleghany County Schools will make appropriate arrangements to ensure that disabled persons 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 taped cassettes of material for the blind, or assuring a barrier-free location for the proceedings. The Section 504 Coordinator will be responsible for such arrangements.

In the instance of discrimination on the basis of disability, Alleghany County Schools will take steps to prevent its recurrence and will remedy any effects of the discrimination.

**The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U.S. Department of Education, Office for Civil Rights:

Washington DC (Metro)
Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1475

Telephone: 202-453-6020
FAX: 202-453-6021; TDD: 800-877-8339
Email: OCR.DC@ed.gov