

DISCRIMINATION – SECTION 504/ADA ASSURANCE OF NONDISCRIMINATION

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prohibits discrimination against persons with disabilities in any program receiving federal financial assistance. Section 504 defines a person with a disability as anyone who:

1. has a mental or physical impairment which substantially limits one or more major life activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working;
2. has a record of such impairment; or
3. is regarded as having such an impairment.

The board recognizes it has the responsibility to assure students the legal rights that are theirs by virtue of guarantees offered all persons under the federal/state constitutions and statutes. In connection with rights are responsibilities that must be assumed by students. Students are responsible for the way they exercise their rights, and must accept the consequences of their actions and recognize the boundaries of their rights. Each exercise of an individual's rights must demonstrate respect for the rights of others.

It is the student's right to:

The Brandon Valley School District acknowledges its responsibility under Section 504 to avoid discrimination in policies and practices regarding students and personnel. No discrimination against any person with a disability shall knowingly be permitted in programs or practices in the school district.

Under Section 504, the school district has the responsibility to provide notice to parents, identify, evaluate, and if the student is determined to be eligible under Section 504, to provide access to appropriate educational services.

If any person believes that the school district or any of the district's staff has inadequately applied the regulations of Section 504 of the Rehabilitation Act of 1973, he/she may bring forward a complaint, which shall be referred to as a grievance, to the School District's Section 504 Coordinator. It should be understood by the individual(s) involved that a complaint can be made to the Office of Civil Rights without going through the school district's grievance procedures. The grievance procedures are to provide for a prompt and equitable resolution of a complaint.

- **GRIEVANCE PROCEDURE**

The person who believes he/she has a valid basis for grievance shall discuss the grievance informally and on a verbal basis with the school Section 504 Coordinator, who shall in turn investigate the complaint and reply with an answer to the complaint. He/she may initiate formal procedures according to the following steps:

Step 1

A written statement of the grievance signed by complainant shall be submitted to the school district's Section 504 Coordinator within five (5) business days of receipt of answers to the informal complaint. The Coordinator shall further investigate the matters of grievance and reply in writing to the complainant within five (5) business days.

Step 2

If the complainant wishes to appeal the decision of the school district's Section 504 Coordinator, he/she may submit a signed statement of appeal to the Superintendent of Schools within five (5) business days after receipt of the Coordinator's response. The Coordinator and Superintendent cannot be the same individual. The Superintendent shall meet with all parties involved, formulate a conclusion, and respond in writing to the complainant within ten (10) business days.

Step 3

If the complainant remains unsatisfied, he/she may appeal through a signed written statement to the School District Board of Education within five (5) business days of his/her receipt of the Superintendent's response in step two. In an attempt to resolve the grievance, the Board of Education shall meet with the concerned parties and their representative within forty (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 ten (10) business days of this meeting.

Step 4

The person can file a complaint with the Office for Civil Rights at any time before or during the grievance procedures. The school Coordinator, on request, will provide a copy of the District's grievance procedure and investigate all complaints in accordance with this procedure. A copy of each of the Acts and the regulations on which this notice is based may be found in the Coordinator's office.

Office for Civil Rights/Kansas City
US Department of Education
1010 Walnut Street, Suite 320
Kansas City, MO 64106
Phone: (816) 268-0550
Fax: (816) 268-0599

If there are questions, please feel free to contact the Section 504 Coordinator for the school district at 582-3446 or your child's building principal.