

5.42 Section 504 of the Rehabilitation Act and Americans with Disabilities Act

Adopted 03/07/06

It shall be the policy of Tooele County School District to inform applicants for admission and employment, students, parents, persons with disabilities, employees and all unions or professional organizations holding collective bargaining or professional agreements with the Tooele County School District are hereby notified that this district does not discriminate on the basis of race, sex, color, national origin, age, or disability in admission or access to, the treatment or employment in, its programs and activities. Any person having inquiries concerning school compliance with the regulations implementing Title VI, Title IX, The Americans with Disabilities Act(ADA) or Section 504 is directed to contact school administration at each building, or the district 504 director. (This Paragraph will be printed in every Student/Parent Handbook at each school and will list the School Section 504 Coordinator and the District 504 Director.)

Each school in Tooele County School District is responsible to identify and locate qualified children with disabilities within their jurisdiction.

Each school with more than 15 employees must designate an employee to coordinate compliance with Section 504/ADA.

Each school shall provide notice to students and parents in their student/parent handbook of the nondiscrimination policy of TCSD.

Each School shall annually notify persons with disabilities and their parents or guardians of the school's responsibilities under Section 504 /ADA.

Each school will provide parents or guardians with procedural safeguards if they have a child that is protected by Section 504/ADA.

Each school shall conduct a self-evaluation of the school facilities, programs and policies to ensure that discrimination is not taking place. This study should be conducted with the assistance of interested persons, including persons with disabilities. (See Attached Form)

The Section 504 School Coordinator shall be responsible to conduct Section 504 Accommodation meetings annually, for each student that has been identified. Each teacher of the identified student is responsible to insure that the needed accommodations are made available to the student.

Tooele County School District will make every effort to insure that our students are given the accommodations that the Section 504 teams have agreed upon. Should there be a disagreement between the Parents and Schools then the grievance policy should be followed.

A. TCSD Grievance policy and procedures available under Section 504/ADA

If any person believes that the school or any of the school's staff have inadequately applied the regulations of (1) Title VI of the Civil Rights Act of 1964, (2) Title IX of the Education Amendment Act of 1972, (3) Section 504 of the Rehabilitation Act of 1973, (4) The Americans with Disabilities Act, he/she may bring forward a grievance to the school's Section 504/ADA coordinator. It should be understood by the individual(s) involved that a complaint can be made directly to the District Section 504 Coordinator or Office for Civil Rights without going through a school or district grievance procedure. The grievance procedures are to provide for a prompt and equitable resolution of a complaint.

The school's Section 504/ADA coordinator will provide a copy of the district's grievance procedure to the parent. The individual who is filing the grievance should fill out the discrimination/grievance form, attached, and return it to the school's Section 504 coordinator.

In turn the school Section 504 coordinator shall forward a copy of the grievance to the District Section 504 coordinator within 48 hours.

B. TCSD Grievance Procedures for Section 504/ADA issues

Rationale: TCSD will always try to solve any disagreements at the lowest possible administrative level. If that can't be done then the following grievance procedure will be followed.

Step One: The school 504 coordinator, on request, will provide a copy of the district grievance procedure and investigate all complaints in accordance with this procedure. The grievance procedure should include a statement that a copy of each of the acts and the regulations on which this notice is based, may be found in the coordinator's office.

The person who believes he/she have been discriminated against based on disability shall discuss the grievance and give the completed grievance form to the school Section 504/ADA coordinator who shall in turn investigate the complaint and reply with an answer to the complaint in writing.

Step Two: A written grievance form signed by the complainant shall be submitted to the school Section 504/ADA coordinator. The coordinator shall further investigate the matters of the grievance and reply in writing to the complainant within 10 business days.

Step Three: If the complainant wishes to appeal the decision of the school Section 504/ADA coordinator, he/she may submit a signed statement of appeal to the district 504 director within 10 business days after receipt of the school coordinators response. The coordinator and the district director cannot be the same individual. The district 504 director shall meet with all parties involved, formulate a conclusion, and respond in writing to the complainant within 10 business days.

Step Four: If the complainant remains unsatisfied, he/she may appeal through a signed written statement to the district Superintendent within 10 business days of his receipt of the district 504 directors response in step three. In an attempt to resolve the grievance, the Superintendent shall meet with the concerned parties and their representatives within 40 days of the receipt of such an appeal. A copy of the Superintendent's disposition of the appeal shall be sent to each concerned party within 10 business days of this meeting.

Step Five: When a grievance has come to conclusion and is settled the school Section 504 coordinator must notify the District 504 Director. This is to be done by forwarding the written report to the District Director within 48 hours of the resolution of the grievance.

Mediation. Most of the time parents and school staff agree upon issues regarding evaluation, eligibility, program, and placement of students with disabilities. However, there are times when disagreement occurs. Conflict is often inevitable, but it need not produce negative results. If the parent and school are unable to resolve a conflict concerning a student with disabilities, then mediation is an available alternative. A mediator is a trained neutral third party and, therefore, has no power to make a decision regarding the dispute. **Mediation is completely voluntary.** It should not interfere with any procedural safeguards, including a request for a due process hearing or filing a complaint with the OCR. **Mediation costs are the responsibility of the school district.** If you have questions after reviewing these materials, please do not hesitate to contact the district Section 504/ADA director, or the Utah State Office of Education.

Due Process: Section 504 Due Process Hearing Procedure. Due Process is defined here as an opportunity to present objections and reasons for the objections to the decisions and/or procedures used by the school under Section 504. A Section 504 due process hearing may be called: At the request of the school, or a parent, a guardian, or a surrogate parent of the student.

The proceedings will be presided over and decided by an impartial hearing officer. An impartial hearing officer is a person selected to preside at a due process hearing to assure that proper procedures are followed and to assure the protection of the rights of both parties.

A copy of the hearing officer's decision shall be delivered to the school and the parent or guardian following completion of the hearing which in no event shall be later than 45 days after receipt of the request for a hearing.

Written or verbatim recoding of the due process hearing shall be on file at the district office and shall be available for review upon request to the parents or involved parties.

It is important that parents or guardians be notified of their right to request a hearing regarding the identification, evaluation, or educational placement of persons with disabilities.

If the school proposes to change the student's placement and the parent files a request for a hearing, the school is obligated to maintain the student's placement until administrative proceedings are completed.

TCSD SECTION 504 DISCRIMINATION/GRIEVANCE FORM

Date _____

Name _____ Title _____

Student _____

Address _____

Phone: _____

1. Summary of Grievance—What is the problem?

2. How can the problem be solved?

3. Please describe any corrective action you wish to see taken with regard to the possible violation. You may also provide other information relevant to this grievance.

4. If others are affected by the possible violation, please give their names and/or positions.

Signature of Parent

Date

Signature of School Section 504 Coordinator

Date

White copy – School

Pink copy – Parents

Yellow Copy – District