

ACE – NON-DISCRIMINATION ON THE BASIS OF HANDICAP/DISABILITY

The District provides the following Notice of Procedural Safeguards to parents/guardians, and handicapped persons, as required by 34 C.F.R. Sections 104.7, 104.8, 104.22 (4) (f), and 104.36 of the Regulations implementing Section 504 of the Rehabilitation Act of 1973.

The District does not discriminate on the basis of handicap in admission or access to, or treatment or employment in, its programs and activities.

The District provides a grievance procedure with appropriate due process rights. The Superintendent or his/her designee is the designated employee, charged with coordinating efforts to comply with Section 504. The parent/guardian of handicapped students or any handicapped person may use the grievance procedure established by the Board.

GRIEVANCE PROCEDURE - Parents/guardians of a handicapped student have the right to notify the above designated employee with their complaint. Additionally, any handicapped individual also has the right to notify the above-designated employee with their complaint.

The designated employee will make an initial response to the complainant within ten (10) days of receipt of complaint. The parties will attempt to work out their differences informally in a prompt and equitable manner. A written record of the complaint resolution should be made within ten (10) working days of completion. Both parties will receive a copy of the written record. Additionally, the Superintendent will keep a copy on file.

If that effort fails, the complainant may: (a) request that the Board places this matter on its agenda or (b) notify the Superintendent of the complaint. The Board will be notified of whichever action the complainant so chooses.

If the Board schedules the matter for a hearing, the complainant may be represented by any person the complainant chooses, including legal counsel. The complainant may present information through documents and other evidence and witnesses, and may examine witnesses presented by the School District.

Within ten (10) working days of either of the above options, a written record should be made of the decision. Both parties will receive a copy of the written record. Additionally, the Superintendent will keep a copy on file.

PROCEDURAL SAFEGUARDS - As required by Section 104.36, parents/guardians of a student who needs or is believed to need special instruction and related services have the right, with respect to any action regarding identification, evaluation, and placement to:

1. Notice of referral/identification, evaluation, and placement process, with appropriate consent form.
2. Examine all relevant records.
3. An impartial hearing, at any time, with respect to any actions regarding identification, evaluation, or placement of persons who need or are believed to need special education and related services; an opportunity for participation by the parent/guardian and representation of counsel as provided under the Individuals with Disabilities Education Act.
4. A review process.

Statutory/Regulatory/Policy/Handbook Cross References

34 C.F.R. Part 104, Nondiscrimination on the Basis of Handicap
Section 504 of The Rehabilitation Act of 1973
Handbook (Personnel and Student)

APPROVED/REVISED: April 24, 2008, August 20, 2009

PREVIOUS POLICY: September 23, 1993 “Policy for Non-Discrimination on the Basis of Handicap”