

NONDISCRIMINATION OF THE PUBLIC ON THE BASIS OF DISABILITY – REGULATION

Policy Number: Superintendent File: KEE-R

Definitions

Complaint: A written statement describing the claim that there has been discrimination on the basis of disability. The statement should furnish sufficient background concerning the alleged violation of Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act, including the identity of persons, actions, and/or omissions that led to the allegation.

Complainant: Any parent/guardian, or member of the public claiming discrimination on the basis of disability.

Party in Interest: Person or persons against whom a complaint is being made or whose interest may be adversely affected by any decision with respect to such complaint.

Section 504/ADA Coordinator: The individual or designee, appointed by the superintendent to coordinate the District's efforts with respect to students or members of the public in complying with Section 504 and the ADA and responsible for investigating complaints.

Complaint Procedure

The procedure below is designed for the prompt and equitable resolution of complaints by parents/guardians and members of the public involving discrimination on the basis of disability. Every effort will be made to resolve the alleged complaint at the lowest possible level. Nothing herein shall prohibit the parties from voluntarily agreeing to engage in mediation to resolve their dispute. All parties directly involved in the complaint may be present at each step with or without legal or other representation. If either party elects to be represented at any step of the complaint procedure, the names of these representatives must be declared in writing at least two days prior to that step. Representation is limited to a maximum of two persons. At every step, the complainant and party in interest shall be notified in writing of the recommendation or decision that has been reached.

Step 1: Using Section 504/ADA Form A (available in each principal's office), the complainant must send copies to the school or office administrator and the appropriate Section 504/ADA coordinator, within 20 school days from the time of the alleged discrimination. If the school or office administrator is a party in interest, the complainant may elect to send Section 504/ADA Form A to the appropriate Section 504/ADA coordinator only. The appropriate Section 504/ADA coordinator will investigate the complaint and meet with the complainant and party in interest in an effort to resolve the complaint. The appropriate Section 504/ADA coordinator shall make a written recommendation to the complainant and party in interest within 10 school days from the date the written complaint is received.

Step 2: If resolution is not reached in Step 1, the complaint may be referred in writing on Section 504/ADA Form B (available in each principal's office) by either party to the superintendent, or the superintendent's designee, within five school days from the date of the written recommendation in Step 1, with a copy directed to the appropriate Section 504/ADA coordinator. The superintendent or designee shall investigate further and make a written recommendation to the complainant and party in interest within 10 school days from the time the complaint is received in writing at Step 2.

Step 3: If resolution is not reached in Step 2, the complaint may be referred to the Board of Education in writing on Section 504/ADA Form C (available in each principal's office) by either party within 10 school days from the date of the written recommendation in Step 2, with a copy sent to the appropriate

Section 504/ADA coordinator. Final decision on the complaint shall rest with the Board of Education. The complainant and party in interest shall be notified in writing within 30 school days of the decision.

Issued and Board-approved: April 15, 1997

Repealed by the Board and re-enacted and revised by the Supt.: March 16, 2004

Note: The forms pertaining to these complaint procedures are on file in the office of the superintendent and are available from each school office on request.