

SCHOOL ADMINISTRATIVE UNIT 79

ACE

PROCEDURAL SAFEGUARDS NONDISCRIMINATION ON THE BASIS OF HANDICAP/DISABILITY

The District provides the following Notice of Procedural Safeguards to parents/guardians, and handicapped persons, as required by 34C.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 school Guidance Counselor 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 School Board.

Grievance Procedure: Parents/guardians of a handicapped student have the right to notify the above-designed 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 provide an initial response within ten (10) days of receipt of the 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.

If that effort fails, the complainant may: (a) notify the Superintendent of the complaint; or (b) request that the Board places this matter on its agenda. 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
NONDISCRIMINATION ON THE BASIS OF HANDICAP/DISABILITY
(continued)

Section D Procedural Safeguards: As required by 34 C.F.R. 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.

Legal References:

*34 C.F.R. Part 104, Nondiscrimination on the Basis of Handicap
Section 504 of The Rehabilitation Act of 1973.*

Revised: September 8, 2008