

N. Resolving Section 504 Disagreements/Grievance Procedures

In the event a parent disagrees with and wishes to challenge the actions of the District regarding evaluation, identification and/or placement of their child, the District shall provide due process for resolving the dispute.

Parents objecting to the results of a District evaluation may choose to obtain a second opinion evaluation at their own expense. The District will consider second opinion evaluation reports provided.

The District has adopted the following Grievance Procedure for addressing complaints of disability discrimination (including harassment) under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act. A copy of the District's grievance procedures may be obtained from the District Section 504 Coordinator:

Director, Pupil Personnel
683 Coover Road
Delaware, Ohio 43015
(740) 363-6626
Email: kkehoe@mybvls.org

A person may file a complaint of disability discrimination (including harassment) at any anytime within 180 calendar days following the occurrence of the offending conduct. A person is not required to use this procedure and may, at any time, file a complaint directly with the U.S Department of Education's Office for Civil Rights, 1350 Euclid Ave., Suite 325, Cleveland, Ohio 44113, Telephone: (216) 522-4970, Facsimile: (216) 522-2573, Email: OCR.Cleveland@ed.gov.

1. Grievance Procedure -

A "grievance" is a complaint of disability discrimination (including harassment) filed by a student and/or parent, or employee. A complaint may be filed against the District, for actions of District employees, students, or third parties. Any such complaint may be submitted to the Districts Section 504 coordinator.

Step 1 - A person who believes that he/she has been discriminated against by the District, or a person who disagrees with actions regarding the identification, evaluation, educational services or educational program of a student, is encouraged, but is voluntary and not required, to discuss the matter informally. In the case of a student the discussion should take place with the appropriate building principal; in the case of an employee, the discussion should take place with his/her immediate supervisor. [NOTE: If the building principal or the immediate supervisor is the subject of the complaint, or the grievant is not a student or employee, the grievant may, instead, contact the District Section 504 Coordinator]. The person receiving the complaint shall verbally convey his/her findings to both the person who alleged the violation and the person who is the subject of the complaint within 10 business days.

Step 2- If the informal Step 1 process does not resolve the matter, or if the grievant does not wish to use the informal procedures set forth in Step 1, a written complaint may be submitted to the District Section 504 Coordinator who will investigate the complaint. [NOTE: If the Section 504 Coordinator is the subject of the complaint, the complaint should be submitted to the Superintendent who will appoint another administrator to conduct the investigation]. The complaint shall be signed by the grievant and include 1) the grievant's name and contact information; 2) the facts of the incident or action complained about; 3) the date of the incident or action giving rise to the complaint; 4) the type of discrimination alleged to have occurred; and 5) the specific relief sought.

Any party, grievant, or accused party shall have the opportunity to present witnesses and other evidence for consideration by the investigator. An adequate, reliable, and impartial investigation of the complaint will be conducted within 10 business days following the submission of the written complaint. The investigation shall include an interview of the parties and witnesses, a review of relevant evidence, and any other steps necessary to ensure a prompt and thorough investigation of the complaint. A written disposition of the complaint shall be issued within 10 business days of completion of the investigation, unless a specific written extension of time is provided to the parties, or the timeline is extended for good cause with written notice to the parties of the delay and the reason for the delay. Good cause may include the complexity of the allegations, the number of witnesses to be interviewed, or other unforeseen circumstances. Copies of the decision will be given to both the grievant and the person who is the subject of the grievance. If discrimination or harassment was found to have occurred, the disposition will include the steps that the District will take to stop the discrimination, prevent recurrence of any discrimination/harassment, and correct its discriminatory effects on the grievant and others, if appropriate.

Step 3 - If the grievant wishes to appeal the decision in Step 2 above, he/she may submit a signed, written appeal to the Superintendent within 10 business days after receipt of the written disposition. The Superintendent or his designee shall respond to the complaint, in writing, within 10 business days of the date of the appeal. Copies of the response shall be provided to both the grievant and the person who is the subject of the complaint.

The District will not tolerate any form of retaliation (including intimidating, threatening, coercing, or discriminating) by the District and others against any person for the purpose of interfering with any right or privilege secured by Section 504 or Title II, or because that person has utilized this Grievance Procedure, testified, assisted, or participated in any manner in an investigation or hearing under these laws.