

# **EQUAL EDUCATIONAL OPPORTUNITIES**

## **Nondiscrimination**

**JB-R**

**[AC-R]**

### **Programs for Students with Disabilities**

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against persons with a disability in any program receiving federal financial assistance. Section 504 defines a person with a disability as anyone who:

1. has a mental or physical impairment which substantially limits one or more major life activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working; or
2. has a record of such impairment; or
3. is regarded as having such an impairment.

The Seaford School District acknowledges its responsibility under Section 504 to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person with a disability shall knowingly be permitted in any program or practices in the school district.

Under Section 504, the Seaford School District has the responsibility to identify, evaluate, and, if the student is determined to be eligible under Section 504, to afford access to appropriate educational services.

If the parent or person in parental relationship disagrees with the determination made by the professional staff of the school district, he/she has a right to a hearing with an impartial hearing officer.

### **Grievance Procedure**

1. Time Considerations
  - a. "Days" as used in this regulation shall mean working school days from the first working school day in September through 31 May. After 31 May, "days" may mean calendar days if mutually agreeable to the parent/guardian and the staff member involved.
  - b. The initial contact/conference shall take place within five days of the occurrence giving rise to the alleged complaint or within five days of the date that the grievant could logically have been expected to become aware of the occurrence.
  - c. A definite time will be established for all meetings.
  - d. Time limits are intended to expedite matters, but may be extended by mutual agreement.
2. Process
  - a. Level 1: Principal or Immediate Supervisor  
Many problems can be solved by an informal meeting with the parties and the principal. An individual with a complaint is encouraged to first discuss it with the teacher, counselor, or school administrator involved with the objective of resolving the matter promptly and informally.
  - b. Level 2: Section 504 Coordinator – An alleged grievance under Section 504 must be filed in writing fully setting out the circumstances giving rise to such grievance.
    - (1) Such claims must be made in writing and filed with Seaford School District's Section 504 Coordinator within fifteen (15) days of the event or incident, or from the date the grievant could reasonably become aware of such occurrence.
    - (2) The Section 504 Coordinator will investigate the circumstances and shall make his/her decision in writing within ten (10) working days from receipt.
  - c. Level 3: Impartial Hearing Officer – The Section 504 Coordinator will appoint a hearing officer who will conduct the hearing within thirty (30) calendar days after the request is received.
    - (1) A hearing officer shall give the parent, or student, full and fair opportunity to present evidence relevant to the issues raised under the grievance. The parent, or student, may, at their own expense, be assisted or represented by individuals of his or her own choice, including an attorney.
    - (2) The district's hearing officer shall make his/her decision in writing within fifteen (15) working days after the hearing.
  - d. Level 4: Office of Civil Rights – If the parent, student, or employee disagrees with the decision of the hearing officer, an appeal may be filed with the Office of Civil Rights.

EFFECTIVE DATE: 10/12/04