

### **SECTION 504/ADA/TITLE VI GRIEVANCE PROCEDURE**

It is the intent of the Board of Education to comply with the nondiscrimination provisions of federal laws and regulations with regard to disability. Neither the Board nor its employees shall discriminate against any student or individual entitled to participate in the educational programs or activities of the district, or in the employment of school district personnel.

The Board of Education hereby designates the Superintendent or his/her designee as the district's Compliance Officer. The address of the district's Compliance Officer is 21620 Mastick Road, Fairview Park, Ohio 44126. The telephone number is (440) 331-5500. The district's Compliance Officer will coordinate efforts to comply with this policy.

#### **Grievance Procedure**

This grievance procedure may be used for a complaint alleging a violation of Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act, or Title VI of the Civil Rights Act of 1964. A copy of the district's grievance procedure may be obtained from the district's Compliance Officer.

A person who believes he/she has a valid basis for a grievance may discuss the grievance informally and on a verbal basis with the district's Compliance Officer, who shall in turn investigate the complaint and reply with the answer to the complaint. He/She may initiate formal procedures according to the following steps:

- Step 1 – District's Compliance Officer Conference. A person who believes he/she has a valid basis for a grievance may initiate a grievance by making a written request for a conference with the district's Compliance Officer to discuss the complaint and seek resolution. The request shall fully describe the grievance, citing the specific circumstances or areas of dispute which have resulted in the complaint, and be filed as soon as possible, but not longer than ten (10) days after disclosure of the facts giving rise to the grievance. The district's Compliance Officer shall conduct the conference within five (5) school days following receipt of the request. The district's Compliance Officer will state in writing his/her decision to the individual within five (5) school days following the conference.
- Step 2 – Appeal to the Superintendent. If the grievance is not resolved satisfactorily at Step 1, the district's Compliance Officer's decision may be appealed in writing to the Superintendent. (If the Superintendent is the district's Compliance Officer, Step 2 will be skipped. The Appeal is to Step 3.) The appeal must be made within five (5) school days following the receipt of the district's Compliance Officer's decision. The Superintendent will review the case, may conduct an informal hearing, and will notify all parties in writing of his/her decision within ten (10) school days of receiving the appeal.

Step 3 – Appeal to the Board of Education. If the grievance is not satisfactorily resolved through Step 1, a written appeal may be made to the Board of Education. The grievance must be filed with the Superintendent’s Office within five (5) school days of the Superintendent’s written decision at Step 2.

The Board or its designee will conduct a hearing regarding the alleged grievance within thirty (30) school days of filing of the appeal. The parties can agree to extend the time for the hearing. The Board or designee shall give the complainant a full and fair opportunity to present evidence relevant to the issues raised by the grievance. The complainant may, at his/her own expense, be assisted or represented by individuals of their choice, including legal counsel. The Board or designee will make a written decision to the district’s Compliance Officer and complainant within ten (10) school days of the hearing.

#### Due Process Hearing Procedure

1. When a request for a due process hearing is received, the aggrieved party will have the opportunity to receive a hearing conducted by an impartial hearing officer (“IHO”) (i.e. by a person not employed by the Board of Education, not involved in the education or care of the child, and not having a personal or professional interest which would conflict with his/her objectivity in the hearing).

A person filing a grievance may also file a complaint at any time with the U.S. Department of Education, Office for Civil Rights, 600 Superior Avenue, East, Suite 750, Cleveland, Ohio 44114-2611.

2. The parties can agree to refer the due process issue to mediation. The mediator may be selected from the Office for Exceptional Children.
3. The school district may maintain a list of IHOs, which may include IDEA hearing officers, attorneys, and Directors of Special Education outside the district. The district’s Compliance Officer will appoint an IHO from that list, and the costs of the hearing shall be borne by the school district. The appointment of an IHO will be made within fifteen (15) school days after the request for a due process hearing is received.
4. A party to a due process hearing shall have:
  - a. The right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;
  - b. The right to present evidence, confront, and cross-examine witnesses;

- c. The right to a written or electronic verbatim record of such hearing; and
  - d. The right to written findings of fact and decisions.
5. The IHO shall conduct the due process hearing within a reasonable period of time (i.e. not to exceed ninety (90) days of the request for such a hearing, unless this time-frame is mutually waived by the parties or is determined by the IHO to be impossible to comply with due to extenuating circumstances).
  6. The IHO will give the parent and/or student written notice of the date, time and place of the hearing. Notice will be given no less than twenty-one (21) days prior to the date of the hearing, unless otherwise agreed to by the parties.
  7. The person filing the grievance may be represented by another person of his/her choice, including an attorney.
  8. The IHO shall make a full and complete record of the proceedings.
  9. The IHO shall render a decision in writing to the parties within thirty (30) days following the conclusion of the hearing. The decision will include findings of fact.
  10. Either party shall have a right to appeal the decision of the IHO upon filing a written request for an appeal within fifteen (15) days of the date of the IHO's written decision. The appeal request must be timely filed with the District's Compliance Officer.
  11. In the request for an appeal, the requesting party shall specifically set forth the reasons the party feels the decision of the IHO is either contrary to and not supported by the evidence, or is otherwise contrary to law.
  12. The appeal shall be heard by another IHO, who shall be appointed by the district's Compliance Officer.

LEGAL REF: Section 504 of the Rehabilitation Act of 1973;  
The Americans with Disabilities Act;  
Title VI of the Civil Rights Act of 1964

Adopted: October 18, 2011