

## **NONDISCRIMINATION ON THE BASIS OF DISABILITY**

Section 504 of the Rehabilitation Act of 1973 and its accompanying regulations apply to all school systems receiving federal funds. The District is the recipient of federal funds; furthermore, the Board maintains that discrimination against a qualified disabled person solely on the basis of disability is unfair. This policy and its accompanying provisions apply to all individuals seeking to make a complaint of disability discrimination, which include District staff, students, parents, and the public, and applies to complaints alleging discrimination carried out by employees, other students, or third parties. To the extent reasonably possible, qualified disabled persons should be in the mainstream of life in a school community.

Accordingly, the District will comply with the law and Board policy to ensure nondiscrimination on the basis of disability. The following will be expected:

1. No one will discriminate against qualified disabled persons in any aspect of school employment on the basis of disability.
2. Facilities, programs, and activities will be made available to qualified disabled persons.
3. Free, appropriate education at elementary and secondary levels, including nonacademic and extracurricular services and activities will be provided to qualified disabled persons.
4. No one will exclude any qualified disabled person, on the basis of disability, from participation in any preschool education, day care, adult education, or vocational education program.
5. Each qualified disabled person will be provided the same health, welfare, and other social services which are provided to others.

### **DISABILITY GRIEVANCE PROCEDURES**

The District has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by either Section 504 of the Rehabilitation Act of 1973 (or regulations implementing the Act) or Title II of the Americans with Disabilities Act.

#### **Informal Settlement of Grievance**

It is the goal of the District to settle any and all grievance matters with students, parents, staff, and the public in an informal way. The informal grievance procedures are voluntary. The parties have the right to go directly to the formal grievance procedure

listed below. If the grievant begins the informal settlement of a grievance, he or she has the right to end the informal process at any time and begin the formal stage of the complaint process.

Upon receipt of a grievance involving a disability issue, the grievance will be submitted for review to the appropriate supervisor (e.g., building principal). This supervisor will then meet with the grievant at a time, date and place convenient to both parties. The supervisor hearing the grievance must always be someone other than the person who took the action resulting in the grievance. At the informal settlement, both parties shall present any and all statements and other evidence pertaining to the current grievance. An informal settlement will try to be reached within 10 working days. If an agreement is not reached, the grievant will be advised that he or she may request a commencement of formal grievance proceeding by sending a request to the District's Section 504 Coordinator.

### **Section 504 Coordinator**

The District's Section 504 Coordinator is the District's Director of Pupil Services. The Section 504 Coordinator's contact information is:

Director of Pupil Services  
Indian Hill Exempted Village School District  
6855 Drake Road  
Cincinnati, Ohio 45243  
(513) 272-4500

### **Procedures to Commence a Formal Grievance Proceeding**

Any person who believes he or she has been subjected to discrimination by the District on the basis of disability may file a grievance under this procedure. The District will not retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

- Grievances must be submitted to the Section 504 Coordinator within the later of 10 working days of receipt of the results of the informal settlement or 20 working days after the date the person filing the grievance becomes aware of the alleged discriminatory action.
- A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought.
- The Section 504 Coordinator (or her/his designee) shall conduct an investigation of the complaint. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to present witnesses and other evidence relevant to the complaint. The Section 504 Coordinator will maintain the files and records of the District relating to such grievances.
- The Section 504 Coordinator will issue a written decision of the outcome of the investigation to both parties no later than 30 working days after its filing.

- In the event that the District's investigation uncovers harassment or other discrimination, the District will take steps to prevent recurrence of any harassment or other discrimination, and to correct discriminatory effects on the complainant, and others if appropriate.

### **Appeal of Formal Grievance Decision**

- The person filing the grievance may appeal the decision of the Section 504 Coordinator by writing to the Superintendent within 15 working days of receiving the Section 504 Coordinator's decision.
- The Superintendent shall issue a written decision of the outcome of the investigation to both parties no later than 30 working days after its filing, which shall be final.

The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U. S. Department of Education, Office for Civil Rights at any time.

The District will make appropriate arrangements to ensure that disabled persons are provided reasonable accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing taped cassettes of material for the blind, assuring a barrier-free location for the proceedings, or assisting with committing an oral complaint to writing. The Section 504 Coordinator will be responsible for such arrangements.

[Revised: August 11, 2015]

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[Revised: March 10, 1992]

LEGAL REFS.: Education for All Handicapped Children Act of 1975, Pub. L. No. 94-142 (1975)  
 Rehabilitation Act of 1973, § 504  
 Individuals with Disabilities Education Act; 20 USC 1401 et seq.  
 Rehabilitation Act of 1973; 29 USC 794  
 Americans with Disabilities Act Amendments Act of 2008; USC 12101 et seq.  
 US CONST. amend XIV  
 ORC 3323.01 et seq., Chapter 4112

CROSS REFS.:    Nondiscrimination  
                     Nondiscrimination on the Basis of Sex  
                     School District Goals and Objectives  
                     Equal Opportunity Employment  
                     Programs for Disabled Students  
                     Equal Educational Opportunities