

**PROCEDURAL SAFEGUARDS  
NONDISCRIMINATION ON THE BASIS OF HANDICAP/DISABILITY**

The district does not discriminate on the basis of handicap in admission or access to, or treatment or employment in, its programs and activities. (Reference policy AC)

The district provides the following Notice of Procedural Safeguards to parents/guardians, and handicapped persons, as required by 34 C.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 provides a grievance procedure with appropriate due process rights. The assistant superintendent or designee is the designated employee for the district, charged with coordinating efforts to comply with Section 504.

Grievance Procedure:

Parents/guardians of a handicapped student have the right to notify the assistant superintendent or designee with their complaint. Additionally, any handicapped individual also has the right to notify the assistant superintendent or designee with their complaint.

The assistant superintendent or designee 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 school board place 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.

**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 CFR 104, *Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Assistance*

Section 504 of The Rehabilitation Act of 1973

Adopted 1999

Revised 2008

Revised 2010

