

Kearney R-1 School District

Section 504/ADA Grievance Plan

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prohibit discrimination against students with a disability. No discrimination against any student with a disability will knowingly be permitted in any of the programs or activities of the school district. To ensure the district's compliance with Section 504 and the ADA, the following grievance procedures have been adopted.

1. If a student claims that he or she has been subjected to discrimination on the basis of a documented disability, in violation of Section 504 or the ADA, or if the District has reason to believe that a student making the claim has a disability requiring special instruction or related services (and the student is not eligible for services under IDEA), a team of individuals who are knowledgeable about the student's educational needs shall be convened to review and consider all pertinent information related to the suspected disability. The team will be a multidisciplinary team including, where possible, the Building Level 504/ADA Coordinator, the student's teachers, parents, principal, and someone qualified to interpret test scores. Information such as grades, classroom documentation, comprehensive assessment data, and other relevant information should be examined. This meeting will be convened within ten calendar days after the District receives a written statement describing the specific discriminatory conduct.
2. The team shall determine (1) whether the student is disabled under Section 504 and the ADA, and (2) whether the student, because of the disability, requires special instruction or related services. If the student meets both criteria, the team must determine what accommodations are required to allow the student an equal opportunity to participate in school and school-related activities.
3. If the student's parents disagree with the District's conclusion and recommendation, the parents shall be informed of their right to ask for an Impartial Hearing to decide the matter. Hearing requests shall be made in writing to the Superintendent of Schools within ten calendar days of the District's conclusion and recommendations regarding accommodations. The request shall give specific reasons describing the discriminatory actions by the District and why the District's decisions/accommodations are not appropriate. The hearing request shall include a list of accommodations requested by the parents and an explanation of why such accommodations are appropriate, along with copies of any documents upon which the parents rely for support.
4. An Impartial Hearing shall be held within ten calendar days of receipt of the written request. The District shall obtain as a Hearing Officer an individual who is not an employee of the District and who is knowledgeable of Section 504 and the ADA. The parent and student may take part in the Impartial Hearing and have an attorney represent them at their own expense. The District also may be represented by legal counsel.
5. The Hearing Officer shall conduct the hearing so as to give the parents an opportunity to present evidence supporting their claim that their child has been subjected to discriminatory treatment in violation of Section 504 and the ADA. The District shall be given the opportunity to present evidence supporting its position with respect to the student.
6. The Impartial Hearing will be conducted in an informal manner with the Hearing Officer directing the meeting and presentation of evidence.

7. The Hearing Officer shall make a decision within ten calendar days after the conclusion of the Impartial Hearing. The decision shall be given in writing to the Superintendent of Schools and the parents.
8. Any party aggrieved by the decision may file a Civil Action in a Federal District Court.
9. The District shall publish its policy of nondiscrimination against persons with disabilities and shall inform parents of their rights under Section 504 and the ADA, including the right to examine records relevant to their child, the right to an Impartial Hearing with representation by legal counsel.
10. Procedural Safeguards must be provided to parents any time the District takes action with regard to identification, evaluation, or educational placement of a student with a disability.
11. The name and telephone number of the District 504/ADA Coordinator will be posted in each school. Parents should contact the Coordinator regarding any questions related to Section 504 and the ADA.

(4) Describe the disability that forms the basis of the complaint:

B. What steps have you taken to resolve the grievance? Describe any communication that has already occurred, with whom and when, to address the issue.

C. Describe what you think should be done to resolve the grievance.

Signature of grievant: _____ **Date:** ___/___/___

(For District office use only)

Signature of person receiving grievance: _____

Name

Role

Date grievance was received: ___/___/___

(month/day/ year)