

## **Sanilac Intermediate School District**

### **SECTION 504**

#### **INTRODUCTION**

Section 504 of the Rehabilitation Act of 1973 (commonly referred to as "Section 504" prohibits discrimination against students on the basis of disability.

#### **STUDENTS PROTECTED UNDER SECTION 504**

Section 504 covers qualified students with disabilities who attend schools receiving Federal financial assistance. To be protected under Section 504, a student must be determined to: (1) have a physical or mental impairment that substantially limits one or more major life activities; or (2) have a record of such an impairment; or (3) be regarded as having such an impairment. Section 504 requires that school districts provide a free appropriate public education (FAPE) to qualified students in their jurisdictions who have a physical or mental impairment that substantially limits one or more major life activities.

#### **POLICY STATEMENT**

The District shall not discriminate against any student having a disability, a record of having had a disability, or who is otherwise regarded as having a disability. The District shall also, as required by law, attempt to locate and identify each student within the District's jurisdiction who may be an eligible student under Section 504 and provide each eligible student with a free and appropriate education as defined by law.

#### **NOTICE OF SECTION 504 PROCEDURAL SAFEGUARDS**

The following is a brief summary description of the rights provided by Section 504 of the Rehabilitation Act of 1973 to students with disabilities, or suspected disabilities, and some related rights provided by Title VI of the Civil Rights Act of 1964 and the Family Educational Rights and Privacy Act. The intent of the law is to keep you fully informed about decisions concerning your child and to inform you of your rights in the event you disagree with any decisions concerning your child.

You have the right to:

1. have the District advise you of your rights under federal law;
2. receive notice with respect to Section 504 identification, evaluation, and/or placement of your child;
3. have an evaluation and placement decision for your child based upon information from a variety of sources and which is made by a team of persons knowledgeable about the student, the meaning of evaluation data, and placement options;
4. have your child receive a free appropriate public education, which is the provision of regular or special education and related aids and services that are designed to meet individual educational needs of your child as adequately as the needs of students without disabilities are met, if the child is Section 504 eligible;
5. have your child be educated with non-disabled students to the maximum extent appropriate, if the child is Section 504 eligible;
6. have your child take part in and receive benefits from the District without discrimination on the basis of disability;

7. have your child educated in facilities and receive services comparable to those provided to non-disabled students;
8. examine all relevant records of your child, including those relating to decisions about your child's Section 504 identification, evaluation, educational program, and placement; and obtain copies of those records at a reasonable cost, unless the fee would effectively deny you access to the records;
9. receive information in your native language and primary mode of communication;
10. have a periodic re-evaluation of your child, including an evaluation before any significant change of placement;
11. have your child given an equal opportunity to participate in nonacademic and extracurricular activities offered by the District;
12. request and participate in an impartial due process hearing regarding the identification, evaluation, or placement of your child, including a right to be represented by counsel in that process and to appeal an adverse decision;
13. file a complaint in accordance with the District's grievance procedures or with the US Department of Education, Office for Civil Rights.

### **GRIEVANCE PROCEDURE**

A person who believes a student has been discriminated against by the District on the basis of the student's disability or who believes the District otherwise violated Section 504 also has the right to file a complaint through the District's grievance procedure.

The Sanilac Intermediate School District has adopted the following Grievance Procedure for addressing complaints of discrimination under Section 504. A person is not required to use this procedure and may instead file a complaint directly with the U.S. Department of Education's Office for Civil Rights (see contact information below).

**Step 1:** A person who believes that he/she has been discriminated against by the Sanilac Intermediate School District is encouraged, but is not required, to discuss the matter informally with the appropriate building principal, in the case of a student, or his/her immediate supervisor, in the case of an employee.

A. If the building principal or the immediate supervisor is the subject of the complaint, or the grievant is not a student or employee, the grievant may, instead, contact the Sanilac Intermediate School District Section 504 Coordinator (see contact information below).

B. The person receiving the complaint shall verbally convey his/her findings to both the person who alleged the violation and the person who is the subject of the complaint within 10 business days.

**Step 2:** If the informal Step 1 process does not resolve the matter, or if the grievant does not wish to use the informal procedures set forth in Step 1, a written complaint may be submitted to the Sanilac Intermediate School District Section 504 Coordinator who will investigate the complaint.

A. If the Section 504 Coordinator is the subject of the complaint, the complaint should be submitted to the Superintendent of Schools who will appoint another administrator to conduct the investigation.

B. The complaint shall be signed by the grievant and include the:

- (1) grievant's name and contact information;
- (2) facts of the incident or action complained about;
- (3) date of the incident or action giving rise to the complaint;
- (4) type of discrimination alleged to have occurred; and
- (5) specific relief sought.

(6) Note: Witness names and other evidence as deemed appropriate by the grievant may also be submitted.

C. An investigation of the complaint will be conducted within 10 business days following the submission of the written complaint. The investigation shall include an interview of the parties and witnesses, a review of relevant evidence, and any other steps necessary to ensure a prompt and thorough investigation of the complaint.

D. A written disposition of the complaint shall be issued within 10 business days of completion of the investigation, unless a specific written extension of time is provided to the parties. Copies of the disposition will be given to both the grievant and the person who is the subject of the complaint.

**Step 3:** If the grievant wishes to appeal the decision in Step 2 above, he/she may submit a signed, written appeal to the Superintendent of Schools within 10 business days after receipt of the written disposition. The Superintendent or his/her designee shall respond to the complaint, in writing, within 10 business days of the date of the appeal. Copies of the response shall be provided to both, the grievant and the person who is subject of the complaint.

The Sanilac Intermediate School District provides assurance that it strictly prohibits any form of retaliation against persons who utilize this Grievance Procedure. Further, a grievant making a complaint is neither required to prosecute the matter nor confront the alleged discriminator or harasser when that would be inappropriate.

A person who has questions regarding these procedures or wishes to file a complaint should contact:

Emma Navarro  
Sanilac Intermediate School District  
Section 504 Coordinator  
46 North Jackson Street  
Sandusky, MI 48471  
810 648 2200

A person may file a complaint with the Office for Civil Rights (OCR) if he/she does not wish to use the District's grievance procedure. A person who wishes to file a complaint with OCR should contact:

Office for Civil Rights  
U.S. Department of Education  
600 Superior Avenue East, Suite 750  
Cleveland, OH 44114-2611  
FAX: 216.522.2573; TDD: 877.521.2172  
Telephone: 216.522.4970  
E-mail: [OCR.Cleveland@ed.gov](mailto:OCR.Cleveland@ed.gov)

A discrimination complaint may be filed with OCR at any time. Additionally, if a person is dissatisfied with the District's resolution of a complaint, that complaint may be filed with OCR at the address above within 60 days of the District's resolution.