

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: ACE Category: Required
Review/First Read School Board: December 5, 2012 Second Read/Adoption: December 19, 2012	Page 1 of 1

## NON-DISCRIMINATION ON THE BASIS OF HANDICAP/DISABILITY

The Oyster River Cooperative School 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 does not discriminate on the basis of disability in admission or access to, or treatment of or employment in, its programs and activities.

The District provides a grievance process with appropriate due process rights. The Superintendent and/or his designee is charged with coordinating efforts to comply with Section 504. The parent/guardian of handicapped students or any handicapped person may use the grievance process established by the Board.

### Grievance Process

Parents/guardians of a student with a disability have the right to notify the above-designated employee with their complaint. Additionally, any disabled individual also has the right to notify the above-designated employee with their complaint.

The designated employee 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. Both parties will receive a copy of the written record. Additionally, the Superintendent will keep a copy on file.

If the issue is not resolved after the informal resolution process, the complainant may request that the Board places this matter on its agenda. This request may be made through the Superintendent.

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. Both parties will receive a copy of the written record. Additionally, the Superintendent will keep a copy on file.

### 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 process for reviewing complaints raised under these Procedural Safeguards. Such review process need not be formal.

### Legal References:

34 C.F.R. Part 104, Nondiscrimination on the Basis of Handicap  
Section 504 of The Rehabilitation Act of 1973