

BRITTON-HECLA SCHOOL DISTRICT	ACA
Policies	

**GRIEVANCE PROCEDURE
SECTION 504 OF THE 1973 REHABILITATION ACT
AMERICANS WITH DISABILITIES ACT**

The District has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Department of Health, Education, and Welfare implementing Section 504 of the Rehabilitation Act of 1973 and Americans with Disabilities Act of 1990. Section 504/ADA states, in part, that "no otherwise qualified handicapped individuals...shall, solely by reason of this handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance..."

Complaints should be addressed to: Superintendent of Schools, who has been designated to coordinate Section 504/ADA compliance efforts.

1. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
2. A complaint should be filed within ten (10) days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.)
3. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the Superintendent of Schools. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint. Under 84.7 Wed., May 4, 1977, and ADA, the Superintendent need not process complaints from applicants for employment.
4. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by the Superintendent and a copy forwarded to the complainant.
5. The Section 504/ADA coordinator shall maintain the files and records of the District relating to the complaints filed.
6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for consideration should be made within ten (10) days.

7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504/ADA complaint with the Department of Justice. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.

8. These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the District complies with Section 504-ADA and the Department of Health, Education and Welfare.

Legal References:

Adopted:

Revised/Reviewed: 10/10/17