

R 3-20-2 Section 504/ADA Grievance Procedure

The Preston County Board of Education has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Americans With Disabilities Act (ADA) and by Office for Civil Rights regulations implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 D.S.C. §794). Section 504 states, in part, that "no otherwise qualified individual with a disability ... shall, solely by reason of her or his disability, 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: Director of Special Education Programs; Preston County Schools, 300 Preston Drive, Kingwood, WV 26537-1551; Telephone – 304-329-0580, extension 223, who has been designated to coordinate Section 5041 ADA compliance efforts.

- ❖ 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. Verbal complaints must be followed up with a written statement of the nature of the complaint.
- ❖ A complaint should be filed within 60 days after the complainant becomes aware of the alleged violation. (Processing allegations of discrimination that occurred before this grievance procedure was in place will be considered on a case-by-case basis.)
- ❖ An investigation, as may be appropriate, will follow a filing of a complaint. The investigation will be conducted by the Director of Special Education Programs or his/her designee. 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.
- ❖ A written determination as to the validity of the complaint and a description of the resolution, if any, will be issued by the Director of Special Education Programs and a copy forwarded to the complainant no later than 60 days after its filing.
- ❖ The Section 504/ADA coordinator will maintain the files and records of the Preston County Board of Education relating to the complaints filed.
- ❖ The complainant can request a reconsideration of the case in instances where s/he is dissatisfied with the resolution. The request for reconsideration should be made within 10 days to the Assistant Superintendent.
- ❖ The right of a person to a prompt and equitable resolution of the filed complaint will not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 or ADA complaint with the responsible federal department or agency. Using this grievance procedure is not a prerequisite to the pursuit of other remedies.
- ❖ These rules will be construed to protect the substantive rights of interested persons, meet appropriate due process standards and assure that the Preston County Board of Education complies with the ADA, Section 504 and their implementing regulations.

Section 504 of Rehabilitation Act of 1977; State Board of Education Policy 2419; P.L. 94-482 Individuals with Disabilities Act, IDEA 98-PL 94-482.