

# Obion County Board of Education

|  |   |                                  |                                 |
|--|---|----------------------------------|---------------------------------|
| Monitoring:<br><b>Review: Annually,<br/>in September</b> | Descriptor Term:<br><b>Section 504 and ADA<br/>Grievance Procedures</b> | Descriptor Code:<br><b>1.802</b> | Issued Date:<br><b>11/03/03</b> |
|  |   | Rescinds:                        | Issued:                         |

1 The Board is committed to maintaining equitable employment/educational practices, services, programs  
2 and activities that are accessible and usable by qualified individuals with disabilities.

## 3 4 **DEFINITION**

5  
6 *Section 504 of the Rehabilitation Act of 1973* provides that : No otherwise qualified individual with  
7 handicaps in the United States...solely by reason of his/her handicap, be excluded from the participation  
8 in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving  
9 federal financial assistance.<sup>1</sup>

10  
11 *Title II of the Americans with Disabilities Act, 1990* provides that : No otherwise qualified individual with  
12 a disability shall be discriminated against in regard to job application procedures, the hiring, advancement,  
13 or discharge of employees, employee compensation, job training and other terms, conditions and privi-  
14 leges of employment.<sup>2</sup>

## 15 16 17 **COORDINATOR**<sup>3</sup>

18  
19 The Board shall designate at least one employee to coordinate its efforts to comply with and carry out its  
20 responsibilities under the Americans with Disabilities Act (ADA) and Section 504, including any inves-  
21 tigation of any complaint alleging non-compliance with the Acts or alleging any actions that would be  
22 prohibited by the Acts.

## 23 24 **NOTICE**<sup>4</sup>

25  
26 The Board shall make available the name, office address and telephone number of the ADA/Section 504  
27 coordinator.

28  
29 Methods of initial and continuing notification may include the posting of notices, publication in newspa-  
30 pers and student and employee handbooks and distribution of memoranda or other written communica-  
31 tions.

## 32 33 **COMPLAINT PROCEDURE**<sup>5</sup>

34  
35 The coordinator will hear ADA/Section 504 complaints. Complaints shall be submitted in writing to the  
36 coordinator who will endeavor to accomplish prompt and equitable resolution of complaints alleging any  
37 action that would be prohibited by the ADA/Section 504. The coordinator will respond to all complaints  
38 within twenty (20) days with a written response as well as information on further grievance procedures  
39 that may be followed if the complaining party is not satisfied with the coordinator's proposed resolution.  
40  
41

1 **Section 504 Due Process Hearing Request**

2  
3 At any time a complaining party may request a hearing before an impartial hearing officer designated by  
4 the LEA. The request for a hearing must be in writing and signed by the requesting party and sent to the  
5 the ADA/504 Coordinator. The LEA shall ensure that not later than forty-five (45) days after the receipt  
6 of a request for a hearing —

- 7  
8 a. a final decision is reached in the hearing; and  
9 b. a copy of the decision is mailed to each of the parties.

10  
11 The hearing officer may grant specific extensions of the forty-five (45) day timeline at the request of either  
12 party.

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49

---

Legal Reference:

1. 34 CFR § 104.4(a)
2. 42 USCA §12112(a)
3. 28 CFR § 35.107
4. 28 CFR § 35.106; 34 CFR § 104.8
5. 28 CFR § 35.170;172