

**PROCEDURAL SAFEGUARDS  
NON-DISCRIMINATION ON THE BASIS OF DISABILITY**

The District provides the following Notice of Procedural Safeguards to parents/guardians, and disabled persons, as required by 34 Code of Federal Regulations 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 or employment in, its programs and activities.

The District provides a grievance procedure with appropriate due process rights. The Superintendent is the designated employee, charged with coordinating efforts to comply with Section 504. The parent/guardian of disabled students or any disabled person may use the grievance procedure established by the Board.

**Grievance Procedure:**

Parents/guardians of a student with a disability have the right to notify the above-designated employee with a 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 complaint. The parties will attempt to work out their differences informally in a prompt and equitable manner. A written record of the resolution shall 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: (a) request that the Board places this matter on its agenda; or (b) notify the Superintendent of the complaint. The Superintendent will notify the Board if he/she receives such a complaint.

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

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(continued)

**Procedural Safeguards:**

As required by 34 Code of Federal Regulations 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. At 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 review process.

**Legal References:**

34 Code of Federal Regulations, Part 104, Nondiscrimination on the Basis of Handicap  
Section 504 of the Rehabilitation Act of 1973

1<sup>st</sup> Reading: July 16, 2007  
2<sup>nd</sup> Review: August 13, 2007  
3<sup>rd</sup> Review: September 17, 2007  
Adoption: October 1, 2007  
Revised: December 7, 2009, April 6, 2009  
Reviewed: November 16, 2020  
Approved: December 21, 2020