

## MONTGOMERY COUNTY SCHOOL DISTRICT POLICY MANUAL

nondiscrimination policies, the filing of grievances, and requests for copies of grievance procedures covering discrimination on the basis of disability.

LEGAL REF.: Section 504 of the Rehabilitation Act of 1973

CROSS REF.: Policies IB — Instructional Goals

IDDF — Special Education Programs

JAA — Equal Educational Opportunities

IDDHA (June 2002)

### **SECTION 504 -- AMERICANS WITH DISABILITIES ACT PROCEDURES (EMPLOYEES AND SCHOOL VISITORS)**

Any person who believes that he/she or any class of individuals have been subjected to discrimination as prohibited by Section 504 of the Rehabilitation Act of 1973 or the Americans With Disabilities Act may file a complaint pursuant to the procedures set forth below, on his/her own behalf, or on behalf of another person or on behalf of handicapped persons as a class. All persons are encouraged to file grievances to resolve any disputes arising under these laws. Your filing a complaint will not subject you to any form of adverse action, reprimand, and retaliation or otherwise negative treatment by school district personnel.

1. Within ten (10) days of when a complainant knew or should have known of discriminatory conduct, a complaint shall be given in writing to the Section 504/ADA Coordinator. The complaint shall describe specifically the time, place and nature of, and the participants in the alleged discriminatory acts. The Section 504/ADA Coordinator shall, within ten (10) days of receipt of the complaint, conduct or cause to be conducted a thorough investigation including questioning of all parties involved in the complaint. All parties shall make a written record of the statements involved. After the investigation is complete, the Section 504/ADA Coordinator shall meet with the complaining party and give a full report of the findings.
2. If the grievance or complaint is not satisfactorily resolved at Step 1, the complainant shall have ten (10) days to appeal the Step 1 findings to the Superintendent. The complainant shall present his complaint in writing, describing the reasons for his/her dissatisfaction with the results of Step 1. The Superintendent or his/her designee shall review all aspects of the complaint and complete an additional investigation if necessary. The Superintendent shall respond to the complainant in writing within ten (10) days of receipt of the written appeal.
3. If the complainant is not satisfied with the results of Step 2, the complaining party shall have fifteen (15) days from receipt of the Superintendent's decision to appeal the complaint to the school board. The appeal shall be in writing, describing the reasons for complainant's dissatisfaction with the results of Steps 1 and 2. The complainant shall have the opportunity to present an oral statement to the board before the board makes its decision. The board's decision shall be rendered within fifteen (15) days after receipt of the appeal.

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supportive services (including speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a child with a disability to benefit from special education, and includes the early identification and assessment of disabling conditions in children.

4. "Special education" means specially designed instruction provided by local educational agencies, at no cost to parents, to meet the unique needs of a child with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings. This term also includes instruction in physical education.
5. "Supplementary aids and services" means aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with the least restrictive environment requirements under IDEA, applicable federal regulations and relevant court cases.

The educational programs and services provided for exceptional children in Sections 37-23-1 through 37-23-15, 37-23-31 through 37-23-35, 37-23-61 through 37-23-75 and 37-23-77 shall be designed to provide individualized appropriate special education and related services that enable a child to reach his or her appropriate and uniquely designed goals for success. The State Board of Education shall establish an accountability system for special education programs and students with disabilities. The system shall establish accountability standards for services provided to improve the educational skills designed to prepare children for life after their years in school.

As provided under Section 2 of Senate Bill 2506 (1999 Legislative Session), "Educational services for children with disabilities who have been suspended or expelled from school shall be provided based on the requirements of IDEA, applicable federal regulations and state regulations."

Standard 23.3 is as follows: The school district is in compliance with state and/or federal requirements for Special Education. {MS Code 37-23-1 through 9} (SB Policies IDDF and Federal Code)

NOTE: For information on the awarding of a special diploma or an occupational diploma, please refer to MS CODE § 37-16-11.

LEGAL REF.: MS CODE as cited; §37-23-1 *et seq.* (1999) & Senate Bill 2506 (1999)  
1973 Rehabilitation Act, Sec. 504; P. L. 94-142 as cited  
*Mississippi Public School Accountability Standards* (2001)

CROSS REF.: Policies IB — Instructional Goals  
IHE — Promotion and Retention  
IHF — Graduation Requirements  
II — Testing Program

IDDH (June 2002)

## **SECTION 504 -- AMERICANS WITH DISABILITIES ACT -- NONDISCRIMINATION**

The Montgomery County School District will not discriminate on the basis of disability in admission or access to, or treatment or employment in, its programs and activities to the extent provided by law.

A certified employee of the district has been designated as the Section 504 /Americans with Disabilities Act Coordinator and will handle inquiries regarding the Montgomery County School District's

**SECTION 504 PROCEDURES (STUDENTS)**

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against persons with a handicap in any program receiving federal financial assistance. No discrimination against any person with a disability will knowingly be permitted in any of the programs and practices of the school system. To ensure the district's compliance with Section 504 as it applies to students with handicaps, the following procedures have been adopted.

1. If a student claims that he/she has been subjected to discrimination on the basis of a handicapping condition, in violation of Section 504 of the Rehabilitation Act of 1973, or if the district has reason to believe that a student has a handicap which substantially limits the student's ability to learn (and the student is ineligible for services under IDEA), the district shall convene a team of people who are knowledgeable of the student's educational needs to review and consider all pertinent information related to the suspected handicap. This meeting shall be convened within ten (10) days after the district receives a written statement describing the specific discriminatory conduct or the district becomes aware of the student's handicap affecting the student's ability to learn.
2. The team described in paragraph 1 above shall determine whether the student is handicapped under Section 504 and whether that handicap substantially limits the major life function of learning. If such a determination is made, the team must further determine what accommodations are required on behalf of the district to allow the student an equal opportunity to participate in school and school-related activities. If the student's parents disagree with the district's conclusion and recommendations, the parents shall be informed of their right to ask for an impartial hearing to decide the matter. Hearing requests shall be made in writing to the superintendent giving specific reasons describing the discriminatory actions by the district and why the district's accommodations are not appropriate.
3. An impartial hearing shall be held within ten (10) days of receipt of the written request. The district shall obtain as a hearing officer an individual who is not an employee of the district and who is knowledgeable of Section 504. The parent and student may take part in the hearing and have an attorney represent them at their own expense. Counsel also may represent the district.
4. The hearing officer shall conduct the hearing so as to give the parents an opportunity to present evidence supporting their claim that their child has been subjected to discriminatory treatment in violation of Section 504. The district shall be given the opportunity to present evidence supporting its position with respect to the student. The district, a copy of which will be provided the parents, will make a tape recording of the hearing.
5. The hearing officer shall make a decision within ten (10) days after the conclusion of the hearing. The decision shall be given in writing to the district's 504 coordinator and the parents.
6. If either party is aggrieved by the action of the Hearing Officer, an appeal may be taken to the board of trustees of the district at its next regularly scheduled meeting. The board, in its discretion, may allow a statement to be made by the parents and a representative of the district. The decision of the board shall be final.
7. The district shall publish its policy of nondiscrimination on the basis of handicap and shall inform parents of their rights under Section 504, including the right to examine records relevant to their child, the right to an impartial hearing with representation by legal counsel at their expense, and the district's review procedure.
8. The Section 504 Coordinator for the district may be contacted at phone number 283-4533.

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