

STUDENT GRIEVANCE PROCEDURE
Resolving Student Complaints under the Rehabilitation Act of 1973

Purpose and Scope

Gallipolis City Schools prohibits discrimination on the basis of disability. The purpose of this procedure is to provide a process for resolving student disability discrimination grievances. This grievance procedure does not apply to complaints from District employees who believe a violation, misapplication or misinterpretation of Section 504 has occurred. Employees are encouraged to utilize other employee grievance procedures to address such complaints.

Definitions

A "grievance" is a complaint by a student and/or parent. This grievance procedure may be used for any disagreement with respect to actions regarding the identification, evaluation, educational services or educational program of students who, because of disability, need or are believed to need Section 504 Plans and are not eligible under the IDEA. A student and/or parent may initiate the procedure when s/he/they believe that a violation, misapplication or misinterpretation of Section 504 has occurred.

"Compliance Officer" means the individual responsible to coordinate the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination or denial of equal access. The District's Compliance Officer may be reached at:

Address:	61 State Street Gallipolis, OH 45631
Phone number:	740-446-3211
Fax number:	740-446-6433

Grievance/Due Process Procedures

1. If a student believes that he/she has been subjected to discrimination on the basis of a disability, in violation of Section 504 or Title II of the ADA, or if the student or parent/guardian disagrees with the District's decision/actions regarding the identification, evaluation, educational services, or educational program of student who, because of a disability, needs or is believed to need Section 504 services, the student or parent/guardian may initiate a written grievance.
2. A grievance must be filed with the District's Compliance Officer within 30 calendar days of the date upon which the facts giving rise to the grievance arise.
3. Upon the filing of a grievance, the student or parent/guardian will be scheduled for a conference with the building principal and/or the District's Compliance Officer. This conference shall be convened within ten (10) school days of the receipt of the grievance.
4. The building principal and/or the District's Compliance Officer shall issue a written decision to the complaining party within five (5) school days of the conference.
5. If the student or the student's parent/guardian disagrees with the building principal and/or the District's Compliance Officer's decision, the student or the student's parent/guardian may take the matter directly to the U.S. Department of Education's Office of Civil Rights. Alternatively, the student or the student's parent/guardian may request a due process appeal before an impartial hearing officer (see below). Hearing requests must be made in writing to the Superintendent within ten (10) calendar days of

the issuance of the building principal and/or the District's Compliance Officer's written decision. The request shall give specific reasons describing the discriminatory conduct and or why the complainant believes the District's actions/decisions are not appropriate. The hearing request should also include the student or the student's parent/guardian proposed resolution of the grievance along with copies of any documents upon which the student or the student's parent/guardian rely for support.

6. An impartial hearing shall be held within ten (10) calendar days of receipt of the written request. The District shall appoint as a hearing officer an individual who is not an employee of the District and who is knowledgeable of Section 504 and the ADA.
7. Each party to the due process hearing has the right to participate in the hearing, present evidence, confront and cross-examine witnesses, and be represented by legal counsel at their own expense.
8. A recording of the due process hearing shall be made by the District and a copy of the tape recording shall be provided to the parents upon request.
9. The hearing officer shall issue a written decision within then (10) calendar days of the conclusion of the hearing. The decision shall be provided to the District's Section 504 Compliance Officer and the student or parents/guardian.
10. Any party aggrieved by the hearing officer's decision may file a civil action in a federal district court.

Prohibition Against Retaliation

The Board will not discriminate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by any Federal civil rights law, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

Procedural Rights and Safeguards - Students and Parents

With respect to decisions or actions regarding the identification, evaluation or educational placement/modifications of a student who is or may be disabled under Section 504, but not also disabled under the IDEIA, the following Procedural Rights and Safeguards will be provided:

- parents have the right to be advised of their rights under Section 504;
- parents have the right to receive written notice of any decision regarding the identification, evaluation, or educational placement of their child;
- parents have the right to have his/her child receive a free appropriate public education;
 - This includes the right to be educated with students who are not disabled to the maximum extent appropriate. It also includes the right to have the District make reasonable accommodations to allow their child an equal opportunity to participate in school and in school-related activities.
- parents have the right to have their child educated in facilities and receive services comparable to those provided to students without disabilities;
- parents have the right to have evaluation and educational placement decisions made based upon a variety of informational sources, and by persons who know the student, and are knowledgeable about the evaluation data and placement options;

- parents have the right to have their child given an equal opportunity to participate in nonacademic and extracurricular activities offered by the District;
- parents have the right to examine relevant education records;
- parents have the right to obtain copies of educational records at a reasonable cost unless the fee would effectively deny the parents access to the records;
- parents have the right to receive all information in the parent's native language and mode of communication;
- parents have the right to periodic re-evaluations and an evaluation before any significant change in program/service modifications;
- parents have the right to request mediation or an impartial due process hearing related to decisions or actions concerning their child's identification, evaluation, educational program or placement;
- parents have the right to file an internal grievance;
- parents have the right to be notified of their Section 504 Procedural Rights and Safeguards:
 1. when evaluations are conducted;
 2. when eligibility is determined;
 3. when an Section 504 plan is developed; and
 4. before there is significant change in the plan for services.

[Adoption date: December 20, 1995]

Revised: April 12, 2011
February 17, 2016