

Buncombe County Schools Section 504 Grievance Procedure

This Grievance Procedure is established to meet the requirements of Section 504 of the Rehabilitation Act of 1973, as amended ("Section 504") which specify that any complaint alleging a violation of Section 504/ADA be subject to a grievance procedure that provides for the prompt and equitable resolution of disputes. It may also be used to file complaints brought under the Americans with Disabilities Act of 1990 ("ADA"). It should be used by students and parents or guardians who wish to file a Section 504/ADA complaint alleging discrimination on the basis of disability in the policies or the provision of educational programs, services, activities, or benefits by the Buncombe County Board of Education or a Section 504/ADA complaint regarding the identification, evaluation, or educational placement of a student with a disability. Grievances alleging discrimination on the basis of disability in employment opportunities with the Board of Education are governed by Board Policy #730.

The complaint should be submitted by the grievant and/or his designee as soon as possible, but no later than 30 calendar days after the alleged violation, to the 504 Coordinator:

Mr. David Thompson
Director of Student Services
Buncombe County Schools
175 Bingham Road
Asheville, NC 28806
Phone: (828) 255-5918
Fax: (828) 255-5922

The complaint should be in writing and contain information about the alleged discrimination, the location, date and description of the alleged discriminatory acts, and include the grievant's name, address, and phone number. Alternative means of filing complaints, such as personal interviews or a tape recording, will be made available for persons with disabilities upon request to the 504 Coordinator.

The grievance procedure shall follow these steps:

- A. The grievant will file a written complaint with the 504 Coordinator as outlined above.
- B. The 504 Coordinator will refer the complaint to the school-based 504 coordinator who will consider the information and make all reasonable efforts to resolve the matter informally and as expeditiously as possible.
- C. In the event the complaint cannot be resolved informally, and in no event later than 15 days after the filing of the complaint, the 504 Coordinator shall convene an informal hearing, at which hearing both the grievant and/or their attorney or other representative and the administrator responsible for the disputed action may present testimony and documents relevant to the complaint. Witnesses may be called and cross-examined. Detailed minutes of the hearing will be made and kept, and a copy of the minutes will be made available to each party. Within ten (10) school days after the hearing, the 504

Coordinator will provide a written copy of his/her determination to both parties, and, where appropriate, in a format accessible to the grievant, such as large print, Braille, or audiotape.

- D. The grievant may appeal the determination of the 504 Coordinator to the Superintendent within ten (10) school days of the receipt of the 504 Coordinator's determination. The appeal shall be in writing and attach copies of the original complaint, the minutes of the hearing, and the written determination of the 504 Coordinator. The superintendent will review the written record or, in conjunction with such review, may, at his discretion, convene a hearing at which time the parties may present additional testimony and argument.
- E. Within ten (10) school days of the filing of appeal, the Superintendent shall provide both parties with a written decision and, where appropriate, in a format accessible to the grievant.

All parties involved in a grievance shall be informed that a complaint may be filed without reprisal. The grievant shall be notified of his rights of appeal by being provided a copy of this administrative regulation.

If the grievant is not satisfied with the decision of the Superintendent, he may make further appeal to the Office for Civil Rights, Department of Education, Washington, D.C. 20201.