

INDIAN RIVER SCHOOL DISTRICT

“A Model of Excellence”

Mark L. Steele
Superintendent



Jack Owens, Ed.D
Assistant Superintendent

Section 504 Grievance

The Indian River School District has adopted this internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973. Section 504 prohibits discrimination on the basis of disability in any program. Any students, parents, employees, or third parties of the Indian River School District shall have the right to file a complaint regarding alleged violations of Section 504 and/or Title II of the Americans with Disabilities Act of 1990. Such complaints should be addressed through the grievance procedure, which follows.

Key Definitions

A physical or mental impairment is:

- any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive, genitor-urinary; hemic and lymphatic; skin; and endocrine; or
- any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Major life activities are:

- functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, reading, thinking, concentrating, sleeping, bowel functions, bladder functions, digestive functions, and eating.

Has a record of such an impairment means:

- a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

Is regarded as having an impairment means:

- has a physical or mental impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such a limitation;
- has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or
- has none of the impairments defined above but is treated by a recipient as having such an impairment.

31 Hosier Street, Selbyville, Delaware 19975 • (302) 436-1000 • Fax (302) 436-1034

The Indian River School District is an Equal Opportunity Employer and does not discriminate or deny services on the basis of race, color, national origin, sex, disability, or age in its programs and activities.

Examples of Disabilities

- Communicable diseases: HIV, tuberculosis, hepatitis
- Medical conditions: asthma, allergies, diabetes, heart disease, cancer
- Temporary conditions due to illness or accident
- ADD/ADHD
- Behavioral difficulties relating to diagnosed emotional problems
- Neurological conditions: Tourette Syndrome
- Drug/alcohol conditions (not currently using)
- Students who have a specific learning disability or other health impairment, but function fully in general education, such as mildly hard of hearing.

Examples of Prohibited Discrimination

- Verbal or physical abuse or harassment based on disability
- Obstructing entry to programs or facilities
- Contempt or ridicule regarding accommodations
- The refusal to provide reasonable accommodations

Section I - Right to Invoke Grievance Procedure: Any person who believes that they have been discriminated against or denied equal opportunity or that the Indian River School District has inadequately applied the principles and/or regulations of Section 504 of the Rehabilitation Act of 1973 or Title II of the Americans with Disabilities Act of 1990 may bring forward a complaint, which shall be referred to as a grievance, to the Section 504 Coordinator:

Renee Jerns, E.d.D., Director of Curriculum and Instruction
Indian River School District
31 Hosier Street
Selbyville, DE 19975
pamela.jerns@irsd.k12.de.us
Phone: 302-436-1000
Fax: 302-436-1016

Section II – Section 504 Coordinator: The District's Section 504 Coordinator is responsible for overseeing legal requirements of the laws identified in Section I and provide for proper administration of this grievance procedure.

Section III - Notice of Procedures: Notice of the existence of this grievance procedure will be provided on a regular basis to students, parents of students, employees, visitors and applicants for employment by placement of the procedure in student handbooks, on the District's online website, in conspicuous locations in each building, and distribution of the procedure to all staff and applicants.

Section IV - Remediation: The District will make reasonable efforts and take reasonable interim measures to 1) prevent the occurrence or reoccurrence of any harassment, 2) provide a safe and nondiscriminatory environment for students, parents, employees, visitors and applicants for employment, and 3) to the extent provided by law without impeding the investigation, protect the confidentiality of complainants, the accused and witnesses. To the extent reasonably practicable, the District will take reasonable, timely, age appropriate and effective action designed to remediate the effects of any disabilities-based harassment confirmed by the District's investigation on any grievant or others, to eliminate to the extent reasonably possible, any hostile environment that has been created, and to prevent the recurrence of any harassment.

Section V - Protection Against Retaliation: This Policy and the laws in Section I prohibit retaliation against any individual who files a complaint or participates in an investigation or grievance pursuant to this procedure.

Section VI - Grievance Procedure:

Step 1: The District will process and investigate all grievances submitted to the Coordinator, whether orally or in writing. However, grievants are strongly encouraged to submit their grievance in writing utilizing the Section 504 Grievance Form that has been developed for this purpose. Copies of the Section 504 Grievance Form can be obtained from the Coordinator. Grievances must be submitted within sixty (60) calendar days after the grievant becomes aware of the alleged discriminatory act(s) that form the basis of the grievance. Regardless of the mode of submission, upon receipt the Coordinator shall conduct an investigation of the matters identified in the grievance and shall issue a written decision to the grievant, and other interested parties (if any), within fifteen (15) business days. The Coordinator's written decision shall provide notice of both the outcome of the grievance and of the basis for the Coordinator's decision. As part of the investigative process, the grievant shall be provided with the opportunity to provide additional information and/or to identify witnesses in support of their original grievance prior to a final disposition of the matter by the Coordinator. If the investigation takes longer than fifteen (15) business days, the Coordinator shall notify the grievant in writing, and shall furnish them with the reason for the delay and an estimation of when the investigation will be completed.

Step 2: If the grievant wishes to appeal the decision of the Coordinator, s/he may submit a signed statement of appeal to the Superintendent within five (5) business days of receipt of the Coordinator's decision. The Superintendent or his/her designee shall meet, when appropriate, with all parties involved, formulate a conclusion, and shall issue a final decision on the grievance, in writing, to the grievant and/or other interested parties, within fifteen (15) business days after receipt of the appeal.

Section VII - US Department of Education Contacts: The grievant may file a complaint with the U.S. Department of Education Office for Civil Rights at any time before or during the grievance process.

In addition any party aggrieved by the decision of the District shall have the right to notify the Office of Civil Rights with respect to said decision.

Office for Civil Rights, Philadelphia
U.S. Department of Education
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107
Tel: (215) 656-8541
Fax: (215) 656-8605
E-mail: ocr@ed.gov
OCR Electronic Complaint Form:
<http://www.ed.gov/about/offices/list/ocr/complaintintro.html>