

**Derry Cooperative School District #1
NH School Administrative Unit #10
18 South Main Street
Derry, NH 03038**

EPS CODE: ACE

DISTRICT CODE

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

The District provides the following Notice of Procedural Safeguards as required by 34 C.F.R. Sections 104.7, 104.8, 104.22(4)(f), and 104.36 of the Regulations implementing Section 504 of The Rehabilitation Act of 1973.

Any student, parent/guardian on behalf of their child, or employee who believes that the Derry Cooperative School District has discriminated against him/her because of his/her disability in admission to, access to, treatment in, or employment in its services, programs, and activities, may file a complaint with the building 504 Coordinator. If the building 504 Coordinator is the person who is alleged to have caused the discrimination, the complaint may be filed with the District 504 Coordinators listed below.

The Federal Projects Manager and Director of Supplemental Services, are designated as Section 504 Coordinators. A complaint regarding an alleged violation of law shall be subjected to a grievance procedure that provides for the prompt and equitable resolution of disputes.

GRIEVANCE PROCEDURE:

INFORMAL PROCEDURE :

Any qualified disabled person, or persons, who has a grievance shall discuss it first with the appropriate building Section 504 Coordinator in an attempt to resolve this matter informally at that level.

If, as a result of the discussion, the matter is not resolved to the satisfaction of the complainant within five (5) school days, the following procedure is followed.

FORMAL PROCEDURE:

Step 1 A written statement of the grievance signed by the complainant shall be submitted to the building Section 504 Coordinator within five (5) school days of receipt of answer to the informal complaint. This gives the complainant the opportunity to present evidence regarding the grievance. The statement shall specify:

1. The nature of the alleged discrimination and the date(s) occurred.
2. The nature and extent of the violation, misinterpretation, or inequitable application.
3. The results of previous discussions.
4. His/her dissatisfaction with decision previously rendered.
5. The remedy sought.

The building 504 Coordinator shall communicate his/her decision to the complainant in writing within five (5) school days of receipt of the written grievance.

Step 2 The complainant, no later than five (5) school days after receipt of the building Section 504 Coordinator's decision, may appeal the decision to the District Section 504 Coordinator. The appeal to the Coordinator must be made in writing reciting the matter submitted to the building Section 504 Coordinator and the complainant's dissatisfaction with decisions previously rendered. The Coordinator shall meet with the complainant to attempt to resolve the matter as quickly as possible, but within a period not to exceed five (5) school days. The Coordinator shall communicate his/her decision in writing to the complainant and building Section 504 Coordinator not later than five (5) school days after the meeting.

Step 3 If the complainant wishes to appeal the decision of the Section 504 Coordinators, he/she no later than five (5) school days after receipt of the 504 Coordinators' decision, or if none, no later than five (5) school days after the deadline for the 504 Coordinators to issue a written decision, may appeal to the School Board through the Superintendent of Schools or his/her designee. The appeal to the Superintendent or his/her designee must be made in writing reciting the matter submitted to the 504 Coordinators, as specified above, and the complainant's dissatisfaction with the decision previously rendered. The hearing will be held within thirty (30) calendar days of the written request. The School Board must provide the aggrieved party with a written decision on the appeal within ten (10) calendar days after the hearing. If the Derry Cooperative School Board holds a hearing, all parties will have the right to representation and the right to present witnesses and evidence.

There is no further level of appeal within the Derry Cooperative School District.

Step 4 Between the date the complainant requests the hearing and the date the hearing is held, the Superintendent or his/her designee may meet with the complainant to attempt to resolve the matter as quickly as possible. If the District and complainant agree on a mutual solution to the alleged discrimination, the hearing would be canceled.

Step 5 If the Board does not resolve the complaint to the satisfaction of the complainant, the complainant may request an impartial due process hearing before an impartial due process hearing officer. The request should be made in writing to the District Section 504 Coordinator within five (5) school days of receipt of the decision of the School Board. The District Coordinators are the Federal Projects Manager and Director of Supplemental Services, 18 South Main Street, Derry, NH 03038.

Step 6 If at any point the grievance has not been satisfactorily settled, the complaint may be made to The Director, Office of Civil Rights, U.S. Department of Health & Human Services, Region 1, JFK Federal Building, Room 1875, Boston, MA 02203, Telephone: 617-565-1340.

Section 504 Impartial Hearing Process

Purpose

An impartial hearing process is available to the parent(s)/guardian(s) of students with disabilities, as defined by Section 504, to resolve disputes regarding educational services available under Section 504 of the Rehabilitation Act when such disputes cannot be resolved by less formal means. Students and their parents are encouraged to use the District's Grievance Procedure for resolution of differences whenever possible.

Requesting an Impartial Hearing

1. Requests for an impartial hearing shall be made by filing a written request to the District Section 504 Coordinator. The request shall include: the name of the student, the address of the student, the name of the school the student is attending, a description of the nature of the dispute, a proposed resolution of the dispute, and any other information believed to be important to understanding the dispute. Phone and/or email contact information is also helpful. The District Coordinators are the Federal Project Manager (432-1210) and the Director of Supplemental Services (432-1210), Derry Cooperative School District, 18 South Main Street, Derry, NH 03038.
2. The Section 504 Coordinator arranges for an impartial hearing officer who is not a Derry Cooperative School District employee. The 504 Coordinator shall appoint a hearing officer within five (5) business days of the receipt of the request. The impartial hearing officer shall conduct the hearing within ten (10) days of appointment.
3. The parent(s)/guardian(s) will be given written notice of the hearing, including time, date, and location of the hearing at least five (5) business days before the hearing.
4. Both parties have the right to be accompanied and represented by counsel with each party being responsible for their own attorney fees.
5. Both parties shall be afforded a full and fair opportunity to present evidence relevant to the issues raised.
6. The hearing officer will issue a decision in writing after considering the whole record. The decision will be issued within fifteen (15) business days of the conclusion of the hearings. The decision is final and binding unless either party files a timely appeal in an appropriate court.

Procedural Safeguards

As required by 34 C.F.R. 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. 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 process for reviewing complaints raised under these Procedural Safeguards. Such review process need not be formal.

Legal References:

*34 C.F.R. Part 104, Nondiscrimination on the Basis of Handicap
Section 504 of the Rehabilitation Act of 1973*