

## SECTION 504 GRIEVANCE PROCEDURE

It is the policy of the Plattsburgh City School District not to discriminate on the basis of disability. The Plattsburgh City School District has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended, 29 U.S.C. §729 and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §12131 *et seq.* and its implementing regulation at 28 C.F.R. Part 35 which prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance. The law and regulations may be examined in the office of the District's 504 Compliance Officer, who has been designated to coordinate the efforts of the Plattsburgh City School District to comply with Section 504.

The District's 504 Compliance Officer is:

Claudine Clark, 504 Compliance Officer  
50 Bailey Avenue, Plattsburgh NY 12901  
Ph: - (518) 563-2410  
Email: cselzer@plattscsd.org

The Plattsburgh City School District prohibits discrimination and harassment in the school environment and on its campus, including all academic, athletic and school sponsored events. The District will investigate all formal and informal complaints of harassment which are shared with District administration or the Compliance Officer.

Any staff that observe, witness, or receive reports of acts of harassment based on disability should intervene to address the harassment and either report or assist the student in reporting the incident to the building administrator or Compliance Officer for further action or review.

Examples of disability based harassment may include (but are not limited to) denying the benefits of a program or activity because the schools' facilities are inaccessible; failure to provide appropriate academic adjustments and/or implement students' individualized education programs and Section 504 plans. The nature, level and frequency of alleged discrimination, if proven, will be reflected in the corrective action taken. Such actions may include, but are not limited to, discipline; counseling; staff and student education and training; class, building or school-wide assemblies; positive behavioral intervention strategies (PBIS); community and parent outreach; special programs; parent meetings and other forms of District communication. In addition to corrective action, the District may also incorporate remedial action(s), as appropriate.

Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for the Plattsburgh City School District to retaliate against anyone who files a formal or informal grievance or complaint or

cooperates, participates, or conducts the investigation of a grievance.

### **Grievance Procedure:**

The Plattsburgh City School District will make appropriate arrangements to ensure that disabled persons are provided related aids and services or accommodations, if needed, to participate in this grievance process. The 504 Compliance Officer will be responsible for such arrangements, upon request.

The District Compliance officer will ensure that the complainant is informed of his/her rights and has an opportunity to discuss available resources.

### **Initial Investigation- Compliance Officer:**

- Within fifteen (15) days after events giving rise to the grievance, the grievant will file a written grievance to the Compliance Officer.
- A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory, the date time and location where such conduct occurred and the remedy or relief sought. Complaints may be submitted using the District's Complaint Form, which is available in each building's main office and on-line at the District's website.
- The Section 504 Compliance Officer (or her/his designee) shall conduct an investigation of the complaint. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The Section 504 Compliance Officer will maintain the files and records of the Plattsburgh City School District relating to such grievances.
  - Any parties to the complaint (including the complainant and the alleged actor) may identify witnesses or provide or identify evidence for the investigators' consideration.
  - The Compliance Officer will identify and arrange any necessary interim measures or preventive steps to ensure the safety of the complainant and the larger school community during the investigation.
  - Complainants shall be informed of their rights and have an opportunity to discuss available resources.
  - All District employees shall cooperate with the Compliance Officer in such investigation.
- The Compliance Officer will issue a written decision on the grievance no later than fifteen (15) days after its filing, barring reasonable extension of investigation to ensure that all parties have had the opportunity to submit evidence and/or for the Officer to interview witnesses.
- The written decision shall indicate whether a finding of a violation of Section 504 of the Rehabilitation Act occurred and shall also recommend a proposal for the equitable resolution of the complaint, as necessary.
  - For complaints related to students, as appropriate, the District will offer counseling and academic support services to any student found to be subjected to harassment and as appropriate, counseling to the individual(s) who committed the

harassment.

- The person filing the grievance may appeal the decision of the Compliance Officer by writing to the Superintendent within fifteen (15) days of receiving the determination. The individual accused of harassment may also appeal the determination within (15) days of receiving the determination.

### **Initial Review- Superintendent Review of Compliance Officer Determination**

- The review by the Superintendent shall be conducted in an impartial manner by an impartial decision-maker. The Superintendent shall have discretion to appoint an independent decision-maker, with the understanding that such alternate reviewer shall be impartial.
- The Compliance Officer will forward the underlying determination being appealed as well as evidence or information related to such determination and finding(s) to the Superintendent or their designee for review.
- The Superintendent or their designee may request that the Complainant, the Respondent, the Compliance Officer or any member of the District staff present a written statement to him/her related to the appeal and/or to clarify information in the underlying investigation record.
- The Superintendent and/or their designee may elect to convene an informal hearing, and shall notify all parties as to the time and place when an informal hearing will be held. At the designated time and date, both parties (the Compliance Officer, the Complainant; the Respondent) may appear and present oral and written statements supplementing their position in the case. This hearing, if pursued, shall be held within fifteen (15) school days of the receipt of the appeal, unless a short adjournment is granted to ensure that both parties were afforded the opportunity to attend and present their position at the hearing.
- The Superintendent or their designee shall issue a written decision in response to the appeal no later than thirty (30) days after its filing. (If a short adjournment is granted, then the decision shall be issued within 15 days of the hearing).
  - The determination shall identify whether a finding of a violation of Section 504 of the Rehabilitation Act, and if such a finding is made, a proposal for equitably resolving the complaint.
  - The Superintendent's determination shall also provide the Complainant and the Respondent notice of the right to appeal to the Board of Education within fifteen (15) days from receipt by filing a written appeal with the Clerk of the Board of Education seeking a review by the Board.

### **Final Review- Board of Education**

- Upon receipt of a request for review of the Superintendent's determination, the Board Clerk shall notify the Superintendent to submit all written statements and other materials concerning the case to the President of the Board.
- The Board shall notify all parties concerned of the time and place where an informal hearing will be held. All parties shall have the right to present further statements, evidence or testimony at such hearing.
- Such hearing shall be held within fifteen (15) school days of the receipt of the requested

Appeal by the Complainant, unless a brief extension of time is warranted to ensure that all parties concerned have the opportunity to attend and to participate in the hearing and to clarify their positions.

- The Board of Education shall render a written decision within fifteen (15) days after the hearing has been concluded.

### **Other Options for Filing a Complaint**

The availability and use of the District's Section 504 Grievance Procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U. S. Department of Education, Office for Civil Rights. The address is:

Office for Civil Rights, Region II  
32 Old Slip, 26<sup>th</sup> floor  
New York, New York 10005

The Plattsburgh City School District will take reasonable steps to prevent recurrence of harassment or discrimination, as appropriate, if a violation is identified as a result of an investigation or appeal.

Cross-ref: 4321, Programs for Students with Disabilities  
5300, Code of Conduct

Ref: Rehabilitation Act of 1973, 29 USC §§794 et seq. (Section 504)  
34 CFR Part 104  
Individuals with Disabilities Education Act, 20 USC §§1400 et seq. (IDEA)  
Education Law, §§4401 et seq. (Article 89)  
8 NYCRR Part 200

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