

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"). It may also be used to file complaints brought under the Americans with Disabilities Act of 1990 ("ADA"). It may be used by students and parents or guardians who wish to file a 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.

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:

Director of Student Services/
Employee/Community Relations
175 Bingham Road
Asheville, NC 28806
Tel. No. (704) 255-5922
Fax No. (704) 255-5923

Any complaint regarding a violation of law and this policy shall be subject to a grievance procedure that provides for the prompt and equitable resolution of disputes. A complaint regarding the identification, evaluation, classification, or educational program of a student with a disability within the meaning of Section 504 shall be governed by this Grievance Procedure. Grievances alleging discrimination on the basis of disability in employment opportunities with the Board of Education shall be governed by Board Policy #730.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of the grievant and the location, date, and description of the complaint. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, 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, stating the specific facts of his grievance and the alleged discriminatory act.

- B. The 504 Coordinator 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, no later than 15 [working] days after the filing of the complaint, at which both the grievant 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; a copy of the minutes will be made available to each party. Within ten (10) working days after the hearing, the 504 Coordinator will provide a written copy of his determination to both parties, and, where appropriate, in a format accessible to the grievant, such as large print, Braille, or audio tape.
- D. The grievant may appeal the determination of the 504 Coordinator to the Superintendent within ten (10) working days of the receipt of the 504 Coordinator's determination. The appeal shall be in writing and attached to copies of the original complaint, the minutes of the hearing, and the written determination of the 504 Coordinator. The Superintendent may, at his discretion, convene a hearing at which the parties may present additional testimony and argument.
- E. Within ten (10) working 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 still 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.