

Title IX And Section 504 Complaint Procedure

A. Filing

Use the prepared complaint form - in triplicate. Complainant keeps one copy. File other copies according to the following:

Students - File with the principal or directly with the appropriate District Coordinator (hereafter referred to as "compliance officer").

Employees - File with the immediate supervisor or directly with the appropriate compliance officer.

Citizens - File directly with the appropriate compliance officer.

B. Study

The principal or supervisor will sign the complaint, make appropriate comments, and forward it to the compliance officer for investigation.

If a student files directly with the compliance officer, a copy of the complaint will be sent to the principal for comments and signature.

If an employee files directly with the compliance officer, a copy of the complaint will be sent to the immediate supervisor for comments and signature.

C. Resolution

After reviewing the facts, the compliance officer will provide an opportunity for an informal hearing with the complainant.

Following the informal hearing, a decision will be mailed to the complainant within five (5) days.

D. Appeal to Superintendent

If the compliance officer's resolution is not satisfactory, the complainant may file, within five (5) days, an appeal to the Superintendent. The Superintendent's decision will be mailed to the complainant within ten (10) days of receipt of the appeal, unless the Superintendent elects first to schedule a conference with the complainant, in which case the decision will be mailed within ten (10) days following the conference.

E. Further Section 504 Appeal

If a Section 504 complaint is not resolved at the Superintendent's level, a request for mediation and/or an impartial due process hearing may be made in accordance with the District's Section 504 Procedural Safeguards appearing in "Model Procedures for the Education of Children with Disabilities.

F. Meaning of "Days"

For purposes of this policy, "days" means days upon which the District's central office is open for business.

G. Filing Complaint with Office of Civil Rights

This policy does not preclude a complainant, consistent with applicable law, from filing a complaint at any time with the Office of Civil Rights, U. S. Department of Education, 600 Superior Avenue East, Suite 750, Bank One Center, Cleveland, Ohio 44114-2611.

Adopted 1/27/97
Adopted 2/23/04
Reviewed 1/24/05
Reviewed 3/19/2012

NON-DISCRIMINATION

The District’s Section 504 Complaint Form will be published in student handbooks. Notice of the Board's non-discrimination policy and the names, office addresses, and telephone numbers of the Board’s Title VI, Title IX, and Section 504 District Coordinators shall be published annually.

Such notice will be disseminated annually before October 1, according to the following procedures:

| <u>Audience</u> | <u>Publications</u> | <u>Responsibility of</u> |
|-----------------------------------|--|--|
| General public | newspaper, community newsletter | Assistant Superintendent |
| Licensed/handbooks, newsletter | Assistant Superintendent | Certificated staff |
| Classified staff | handbooks, staff newsletter | Assistant Superintendent |
| Students | student registration materials, handbooks, memo to parents via students, post in building | Building principal/ director/ supervisor |

Complaints should be referred to:

Title VI (race, color, and national origin)
Mrs. Krista Miller
2019 Broad Ave.
419-425-8202

Title IX (gender)
Mrs. Krista Miller
2019 Broad Ave.
419-425-8202

Section 504 (handicap)
Dr. Kelly Glick
1100 Broad Ave.
419-425-8238

Adopted 1/27/97, Revised 5/14/01, Adopted 2/23/04, Reviewed 1/24/05, Revised 2/22/2012, Reviewed 3/19/2012, Reviewed 8/27/13, Revised 8/25/2014, Revised 6/25/2015, Revised 8/7/2017, Revised 5/18/2018
Revised 6/15/2020

SECTION 504 PROCEDURAL SAFEGUARDS

Section 504 of the federal Rehabilitation Act of 1973 is a law that prohibits discrimination against persons with a disability, as defined in the Act, in any program receiving federal financial assistance.

In fulfilling its obligation under Section 504, the District recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person with a disability will knowingly be permitted in any of the District's programs and practices.

With respect to students, the District's responsibilities under the Act are detailed in the Procedural Safeguards Notice to parents/guardians who have a disabled child within the meaning of Section 504. This Notice reads:

FINDLAY CITY SCHOOL DISTRICT
SECTION 504 OF THE REHABILITATION ACT OF 1973
PROCEDURAL SAFEGUARDS NOTICE

The following is a description of the rights and options granted by federal law to students with disabilities under Section 504 of the federal Rehabilitation Act of 1973 and their parents/guardians. Should you have any questions, contact the District's Section 504 Coordinator identified in Board Policy 1.03. A parent/guardian with a child who is disabled within the meaning of Section 504 has the right to:

1. Have the District advise you of your rights and options under federal law.
2. Receive notice with respect to identification, evaluation, or placement of your child.
3. Have your child receive a free appropriate public education. This includes the right to have your child educated with students without disabilities to the maximum extent appropriate to the needs of your child. It also includes the right to have the District provide regular or special education and related aids and services that are designed to meet the needs of your child as adequately as the needs of non disabled students are met.
4. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, evaluation data, and placement options.
5. Have transportation provided to and from an alternative placement setting at no greater cost to you than would be insured if the student were placed in a program operated by the District.
6. Have your child receive an equal opportunity to participate in non-academic and extracurricular activities offered by the District.
7. Examine all relevant records relating to decisions regarding your child's identification, evaluation, education program, and placement.
8. A response from the District to reasonable requests for explanations and interpretations of your child's records.

9. Request amendment of your child's education records if there is reasonable cause to believe they are inaccurate, misleading, or otherwise violate the privacy rights of your child. If the District refuses this request for amendment, it will notify you within a reasonable time, and advise you of the right to a hearing. This hearing will be in accordance with the federal Family Educational Rights and Privacy Act (FERPA) and should not be confused with an impartial due process hearing.
10. Request mediation (under Paragraph 11 below) and an impartial due process hearing (under Paragraph 12 below) related to decisions or actions regarding your child's identification, evaluation, educational program, or placement.
11. Request for Mediation - If a parent/guardian disagrees with the identification, evaluation, educational placement, or the provision of a free appropriate public education for his/her child, the parent/guardian may make a written request for mediation to the Superintendent. The Superintendent will designate an impartial mediator to mediate at a time and place mutually agreeable to the parent/guardian and the District. The parent/guardian and the child have the right to counsel of their choosing.
12. Request for Impartial Due Process Hearing - The following details the procedure:
 - a. If the parent/guardian disagrees with the identification, evaluation, educational placement, or the provision of a free appropriate public education for his/her child, the parent/guardian may make a written request for an impartial due process hearing to the Superintendent. This request must include a description of the nature of the problem of the child including facts relating to the problem and a proposed resolution of the problem to the extent known and available to the parent/guardian at the time.
 - b. The District may initiate a hearing regarding the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student. The District shall notify the parent of the specific reason(s) for the request.
 - c. Such hearing shall be conducted within forty (40) instructional days after the request, unless the hearing officer grants an extension, and at a time and place reasonably convenient to the parent/guardian and the District. Upon receipt of the request for a hearing, the Superintendent (or designee) will designate the impartial hearing officer, who will not be a District employee. The District will pay the hearing officer's fee and expenses and will either tape record the hearing or have the hearing transcribed.
 - d. The parent/guardian and the child have the right to counsel of their choosing. The District may inform the parent/guardian of any free or low-cost legal services available in the area if requested or if the District initiates a hearing.
 - e. The parent/guardian (or counsel) and the District(or its counsel) will have the right to present evidence and testimony, including expert medical, psychological, or education testimony, at the hearing. Introduction of any evidence not being disclosed to the other party at least five (5) instructional days before the hearing is prohibited, subject to the discretion of the hearing officer. The decision of the hearing officer shall be based solely upon the evidence presented at the hearing.
 - f. Within twenty-five (25) instructional days after the hearing, the hearing officer shall render a decision in writing. Such decision shall include findings of fact, conclusions of law, and an order, if

necessary, which will be binding on all parties. The dated decision shall be sent by mail to the parent/guardian and Superintendent and shall contain notice of the right to review the decision. The decision shall be implemented no later than twenty (20) instructional days following the date of the decision, unless review is sought by either party.

g. If a due process hearing has been requested under the federal Individuals with Disabilities Education Act (IDEA) or Ohio Revised Code Chapter 3323, a hearing officer qualified as to the IDEA/Chapter 3323 proceeding may preside in a joint hearing for purposes of the IDEA/Chapter 3323 and Section 504. The issues for each IDEA/Chapter 3323 or Section 504 determination shall be defined at the outset, and determinations by the hearing officer shall be separate and distinct.

13. Request for Review - The following details the procedure:

a. A petition to review the decision of a hearing officer may be made by any party. The request must be in writing, sent to the Superintendent and the opposing party, be specific as to the objections, and be post-marked within twenty (20) instructional days of the date of the hearing officer's decision. The District is responsible for hiring and paying any cost of an impartial review officer, who will not be a District employee, to review the record as a whole and, at his/her election, conduct the review with or without legal briefing and oral argument. Such review shall be conducted within twenty (20) instructional days of the receipt of the petition for review, unless an extension of time is granted.

b. The impartial review officer shall mail a decision to both parties.

Adopted 2/23/04
Reviewed 1/24/05
Reviewed 3/19/2012
Reviewed 8/27/13