

SOUTH BURLINGTON SCHOOL DISTRICT

**TITLE VI, SECTION 504, TITLE IX
AND FEDERAL REGULATIONS**

NON-DISCRIMINATION PROCEDURE

The South Burlington School Districts will not unlawfully discriminate against nor exclude from participation in, nor deny the benefits of any program or activity to any person or group on the basis of race, color, religion (creed), ancestry, national origin, place of birth, sex, sexual orientation, disability, age, or marital status. The following Notice shall be published annually by means that provide effective notice.

Notice of Non-Discrimination

Applicants for admission and employment, students, parents, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the South Burlington School District, are hereby notified that this District does not discriminate on the basis of race, color, religion (creed), ancestry, national origin, place of birth, sex, sexual orientation, disability, age, or marital status in admission or access to, or treatment or employment in, its programs and activities.

A person has been designated by the South Burlington School District to coordinate the District's efforts to comply with the regulations implementing Title VI, Title IX, and Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and other non-discrimination laws or regulations. The designated coordinator is:

Joanne Godek, Director of Educational Support Services
South Burlington School District
500 Dorset Street
South Burlington, VT 05403
(802) 652-7392

Any person having inquiries concerning the South Burlington School District's compliance with the regulations implementing Title VI, Title IX, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act, or other state or federal nondiscrimination laws or regulations is directed to contact the non-discrimination coordinator described above.

Grievance Procedure

In the absence of a controlling grievance procedure outlined in a collective bargaining agreement the procedure accompanying this policy will be in effect.

**SUMMARY OF PARENT/STUDENT RIGHTS UNDER
SECTION 504 OF THE REHABILITATION ACT OF 1973**

The following is a summary of the rights granted under federal law to qualified students with disabilities and their parents. The full provisions of the federal law creating these rights can be found at 29 U.S.C. Section 794 (Section 504 of the Rehabilitation Act of 1973) and 34 C.F.R. Part 104 *et seq.*, and in the Americans with Disabilities Act and its regulations. Copies of the full District 504/ADA procedures are available from the District's Non-Discrimination Coordinator, Joanne Godek, or through the student's building principal.

A. Qualified Students with Disabilities:

1. May not, on the basis of disability, be excluded from participation in, or denied the benefits of, programs or activities offered by the District;
2. May not be discriminated against on the basis of their disability in connection with any district program or activity;
3. Have a right to be educated in facilities and receive services comparable to those provided for students without disabilities
4. Have a right to be educated with students who are not individuals with disabilities to the maximum extent appropriate;
5. Have a right to receive a free appropriate public education. (Under Section 504, a "free appropriate public education" ("FAPE") means the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of the qualified student with a disability as adequately as the needs of the students who are not individuals with disabilities are met);
6. Have a right to an equal opportunity to participate with students who are not individuals with disabilities in the district's nonacademic/ extracurricular services and activities;
7. Have a right to have evaluation, educational, and placement decisions made based upon information from a variety of sources; to periodic reevaluations and an evaluation before any significant change in placement in a regular or special education program; and to have placement decisions made by a group of persons, including persons knowledgeable about the student, the meaning of the evaluation data and the placement options;
8. Have a right to be placed in a regular educational environment operated by the District unless the District demonstrates that the education of the student in the regular education environment with the use of supplementary aids and services cannot be achieved satisfactorily;
9. Have a right to be advised by the District regarding the District's duties under Section 504 regulations.

B. Parents Have a Right:

1. To be advised by the District regarding the District's duties under Section 504 regulations;
2. To examine their child's education records;
3. To receive notice with respect to identification, evaluation, or placement of their child (such notice to be in parent's native language and primary mode of communication);
4. To file a local grievance;
5. To request mediation through the Vermont Department of Education, and/or to request an impartial hearing before a State hearing officer and/or any other means available through State or federal law, in the event that they disagree with an action regarding identification, evaluation, services or placement of the child; and a right to a review of such decision. (*Mediation requests should be addressed to Joanne Godek and due process hearing requests should be filed with the Commissioner of the Vermont Department of Education, 120 State Street, Montpelier, Vermont 05602*) In such a hearing, parents shall have the opportunity to participate and be represented by counsel at their own expense.

*****Time for Filing Claims*****

** An action and/or due process proceeding seeking to enforce Section 504 and/or the ADA against this school district **must be commenced within two years** of the alleged violations, and not after, pursuant to Vermont law, 16 VSA '2957 and VDE Rule 1253.

An action or due process claim for reimbursement for the costs of a unilateral placement must be filed with the Commissioner of Education **within 90 days of the unilateral placement, and not after.

This notice shall not be construed to create any right or any claim or cause of action not otherwise provided by law.

The person who is responsible for assuring that the District and its member school districts comply with Section 504 of the Rehabilitation Act and the Americans with Disabilities Act is:

Joanne Godek, Director of Educational Support Services
South Burlington School District
500 Dorset Street
South Burlington, VT 05403
(802) 652-7392

August 14, 2013

NON-DISCRIMINATION GRIEVANCE PROCEDURE

DEFINITIONS

A grievance under this procedure means a complaint made by a person or persons claiming that the South Burlington School District discriminates on the basis of handicap or disability.

A grievant shall be the student(s) and/or parent(s), guardian(s), employee(s), or other intended beneficiary of Section 504 or the ADA, making the grievance.

INFORMAL RESOLUTION ENCOURAGED

This grievance procedure shall not be construed as preventing an aggrieved person from informally discussing and resolving a problem with the school administration or staff. Should such an informal process seem inappropriate to the aggrieved person under the circumstances, or if it fails to resolve the situation, then a formal grievance may be filed in accordance with the procedures outlined below.

NOTICE

Reasonable prior notice of the time, date and place of hearing shall be provided to the grievant at each step of the grievance procedures below.

GRIEVANCE STEPS

Step 1- The grievant shall forward a written copy of the grievance to the principal of the school involved. If the grievance does not concern a specific school, or is complaining of the actions of the principal, it shall be addressed to the Superintendent of Schools. The principal or Superintendent shall gather information concerning the facts alleged in the grievance, and shall hold an informal hearing on the grievance within a reasonable period of time, at which the grievant shall have an opportunity to be heard and present relevant information. A representative of the District shall attend to provide information concerning the school's view of the facts underlying the complaint. Within a period of five (5) school days following this informal hearing the administrator involved shall render his/her decision in writing and provide the decision to the parent. The person hearing the grievance shall not be a person who is directly involved in the actions complained of.

Step 2- If Step 1 takes place before the principal, and if the grievant is not satisfied with the disposition of the grievance at Step 1, the grievant may request review of the principal's decision by the Superintendent. The Superintendent shall promptly set a time where the grievant can appear and provide information and argument to the Superintendent explaining the grievant's reasons for disagreeing with the decision. A school representative shall appear to provide facts and argument in response to the

grievant's concerns. The Superintendent will have the opportunity to ask questions of the grievant and/or the school representative concerning the facts and/or law. The Superintendent may also take additional time (up to 5 additional working days) to gather any additional information the Superintendent believes to be necessary to decide the grievance. The Superintendent shall render his/her decision in writing within five (5) working days of the hearing. The Superintendent's ruling shall be final.

Step 3- If the Superintendent decides the grievance at Step 1, and the grievant is not satisfied with the disposition of the grievance, he or she may request a hearing before the local Board of School Directors. The Chair of the Board of School Directors shall conduct the hearing and both parties may have counsel present. The grievant shall be afforded an opportunity to appear and provide information and argument to the Board explaining the grievant's reasons for disagreeing with the Step 1 decision. A school representative shall appear to respond to the grievant's information/arguments. The school and the grievant may invite to the proceeding individuals with knowledge of the underlying facts, to be available in the event that the Board desires to ask questions of them. The Board shall have the opportunity to ask questions of the grievant and/or the school representative concerning the facts and/or law. The Board shall render its decision in writing within seven (7) working days of the hearing. This decision shall be final and binding to the extent of the jurisdiction limits and authority of the Board of School Directors, and shall be provided to the Parent(s).

For more information and assistance please call Joanne Godek the designated Non-discrimination Coordinator for South Burlington (802) 652-7392.

The existence of this grievance procedure does not affect the right of any individual or group to pursue any other procedure provided for by contract or by law.