

**The Americans with Disabilities Act Amendments Act,
Section 504 of the Rehabilitation Act,
And Public Schools**



SECTION 504 HANDBOOK

General Information for Parents and Students

In compliance with federal law, Union County Public Schools administers all educational programs, employment activities and admissions without discrimination against any person on the basis of gender, race color, religion, national origin, age, or disability.

2023-2024

MESSAGE FROM THE DISTRICT SECTION 504 ADMINISTRATORS

The Americans with Disabilities Act Amendments Act (ADAAA) and Section 504 of the Rehabilitation Act of 1973 (Section 504) are civil rights laws that prohibit discrimination based on disability. Students eligible under Section 504 are entitled to an appropriate education with the provision of accommodations and related services that are designed to meet the individual needs of the student with the disability as adequately as the needs of nondisabled students are met. Section 504 Plans are developed to outline the accommodations and related services that meet the individual needs of the student with a disability at school.

The purpose of this handbook is to provide parents and school personnel with an overview of Section 504 and the ADA, and specific, practical guidelines for schools to use when working with children who are eligible for protections and services under Section 504 and the ADA.

Kate Earp
District Section 504 and Compliance Administrator

Vicki Merritt
District Section 504 Administrator

***For Section 504 and/or ADA issues related to employment within UCPS, please contact
Tiwana Meggett, Director of Employee Relations.**

Table of Contents

WHAT IS SECTION 504 OF THE REHABILITATION ACT OF 1973?	4
Determining Eligibility	4
Physical or Mental Impairment.....	4
MAJOR LIFE ACTIVITIES	4
Major Bodily Functions	4
Protection from “Record of” or “Regarded as” having an impairment	4
SUBSTANTIAL LIMITATION	4
MITIGATING MEASURES	5
IMPAIRMENTS THAT ARE EPISODIC OR IN REMISSION	5
Episodic Impairments	5
TEMPORARY IMPAIRMENTS	6
RELATED SERVICES	6
NOTIFICATION OF REFUSAL TO USE SECTION 504 ACCOMMODATIONS	6
SECTION 504 AND IDEA COMPARISON	8
SECTION 504 AND FOOD ALLERGIES	9
ADDITIONAL INFORMATION	9
Transfer Students	9
Otherwise Qualified.....	9
Inclusion.....	10
Bullying/Harassment.....	10
DISCIPLINE AND SECTION 504 STUDENTS	10
NOTICE OF PARENT AND STUDENT RIGHTS/ PROCEDURAL SAFEGUARDS	11
SECTION 504 GRIEVANCE PROCEDURES	13
Grievance Steps	13
SECTION 504 GRIEVANCE FORM	16
DISTRICT-WIDE INFORMATION	17
Notice of Non-Discrimination	17
Child-Find Activities	17
Non-Academic Services.....	17

WHAT IS SECTION 504 OF THE REHABILITATION ACT OF 1973?

Section 504 of the Rehabilitation Act is a civil rights law that applies to entities, including school districts, that receive federal funding. The purpose of the Act is to protect qualified persons with disabilities from any form of discrimination based on disability.

Determining Eligibility

To consider a student for eligibility under Section 504, the following question must be answered:

“Does the student have a physical or mental impairment that substantially limits a major life activity or major bodily function?”

Under Section 504, a person is considered to have a disability if that person (34 C.F.R. 104.3 (j)):

1. has a physical or mental impairment which substantially limits one or more such person’s major life activities or bodily functions
2. has a record of such impairment, or
3. is regarded as having such an impairment.

Physical or Mental Impairment

- a. any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin and endocrine; or
- b. any mental or psychological disorder, such as a cognitive impairment, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

MAJOR LIFE ACTIVITIES

Caring for one’s self, performing manual tasks, walking, breathing, seeing, hearing, speaking, learning, working, reading, concentrating, thinking, sleeping, eating, lifting, bending, and communicating.

Major Bodily Functions

The immune system, normal cell growth, digestive, bowel, and bladder functions, respiratory function, circulatory function, endocrine function, reproductive function, brain, and neurological function.

The regulation does not set forth an exhaustive list of specific diseases or categories that may constitute physical or mental impairments. The definition of physical or mental impairment under section 504 is broad, including students with life-threatening health conditions that will put a student in danger of death during the school day if medication or treatments are not in place.

If a student does not have a physical or mental impairment, the student does not meet the definition as being disabled under Section 504. *Section 504 does not guarantee success for students with disabilities; it guarantees an equal opportunity for success.*

Protection from “Record of” or “Regarded as” having an impairment

- a. “Record of” protects a person who has a record of a disability.
- b. “Regarded as”: the laws protect a person who is regarded as having an impairment if that person establishes that s/he has been subjected to a discriminatory action because of an actual or perceived impairment, regardless of whether the impairment limits a major life activity.

SUBSTANTIAL LIMITATION

A physical or mental impairment substantially limits a major life activity if the student’s ability to perform a major life activity or major bodily function is decreased as compared to the student’s non-disabled age/grade peers. There is no single formula or scale that measures substantial limitations. An impairment need not prevent

or significantly or severely restrict a student in performing a major life activity to be considered substantially limiting. Title II provides three (3) factors to consider when determining whether or not the disability substantially limits a major life activity or major bodily function:

1. **Nature and severity** of the impairment;
2. **Duration** or **expected duration** of the impairment; **AND**
3. **Permanent, long-term impact** or **expected impact** of the impairment.

The determination of whether a student has a physical or mental impairment that substantially limits a major life activity or major body function must be made by the Section 504 team. Section 504 regulations do not define the term “substantial” and therefore have left this interpretation to school districts. For the most part, “substantial” means a student is limited in the performance of a major life activity when compared to how students in the general population perform the same activity. School Section 504 teams, therefore, use data from a variety of sources to make decisions regarding a student’s substantial limitation as it relates to eligibility under Section 504.

Section 504 teams must be sure that a student’s disability is based on a mental or physical impairment and not a condition such as environmental, cultural, or economic disadvantage. Conditions such as homelessness, limited English ability, attendance, lack of motivation, transiency, or lack of educational opportunity, are not conditions that have as a basis a mental or physical impairment. A condition may trigger an impairment, but the impairment is the basis for the disability and is documented through medical/other health-related diagnoses.

MITIGATING MEASURES

Mitigating measures are defined as actions or procedures that may be used by a disabled student to manage the impairment or lessen the impact of the impairment. Mitigating measures include medication, medical devices, related aids, and/or services. Mitigating measures must be disregarded when determining a student’s eligibility under Section 504. However, the mitigating measures or supports may be considered when writing a student’s accommodation/support plan, as this information is useful to know what accommodations work/are helpful for this student.

IMPAIRMENTS THAT ARE EPISODIC OR IN REMISSION

The ADAAA declares that “An impairment that is episodic or in remission is a disability only if it would substantially limit a major life activity when active.” Students who have an impairment that may be considered episodic or in remission may be determined eligible under Section 504 as a student with a disability but may not need an active Section 504 plan at this time. An example is a student who had cancer that is now in remission. The student would be eligible if the cancer substantially limited the student when it was active in the past. However, this student may not need an accommodation plan but may need to be monitored for a period of time. If the cancer returns, a plan may need to be developed immediately. School teams should monitor these students to activate a plan if the student’s condition becomes active and substantially limits the student’s functioning.

Episodic Impairments

Some students have physical or mental impairments that vary in severity. Conditions such as seasonal allergies or asthma, migraines, rheumatoid arthritis, and cystic fibrosis are good examples of impairments that may be substantially limiting at times (in hot or cold weather, when the student is stressed, when irritants or trigger factors are present) and have little impact at other times. Schools commonly qualify students under Section 504 if their condition, though not constant, episodically rises to the level of substantial limitation of a major life activity. Students should not be denied eligibility simply because the disability, at the moment of evaluation, is not substantially limiting, especially when the school knows from past experience that substantial limitation will likely occur. School Section 504 teams should look carefully at the range of data over a period of time and not just the student’s current level of performance. The timing of the evaluation should not function to preclude eligibility for students whose impairments are episodic and who are not substantially limited at the time of evaluation.

TEMPORARY IMPAIRMENTS

A temporary impairment is an impairment of a short duration (usually 6 months or less) or there is no residual effect to major bodily functions or life activities. The issue of whether a temporary impairment is substantial enough to be a disability must be resolved on a case-by-case basis, taking into consideration both the expected duration of the impairment and the extent to which the impairment limits a major life activity or bodily function. At a Section 504 eligibility determination meeting, the team makes the determination if the impairment is temporary or not. Contact the District Section 504 Office for further information.

RELATED SERVICES: OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AUDIOLOGY & TRANSPORTATION

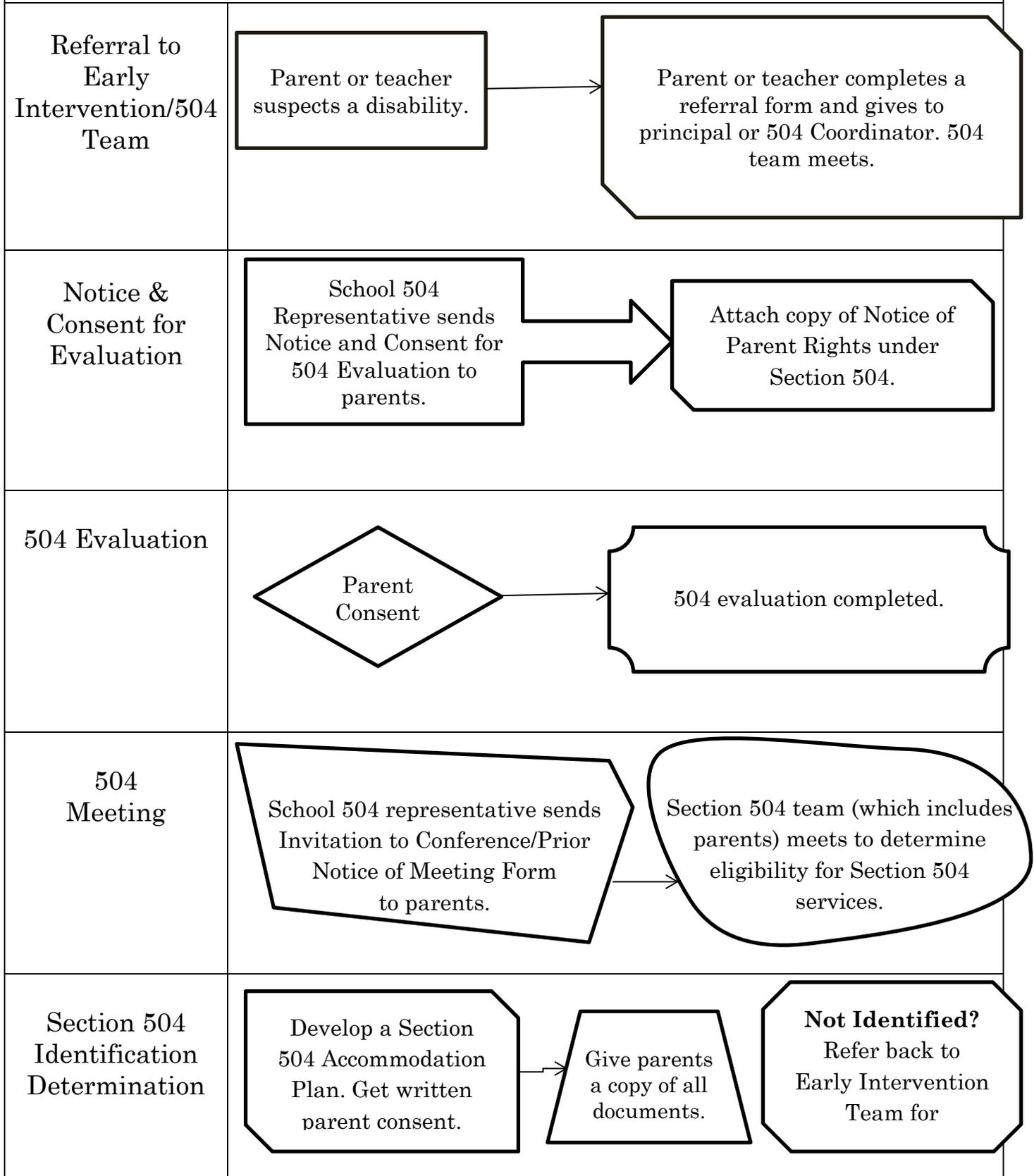
Section 504 requires that related services be provided for students with disabilities if these services are essential to meet the student's educational needs. A related service can be provided under Section 504 to children who do not receive any other special education services or interventions. The UCPS-related services consist of physical therapy, occupational therapy, and audiology services. Related services staff must be contacted to assist in evaluating a student before services are provided. The school-level Section 504 coordinator will be contacted by the related services staff to schedule the evaluation. Students who receive a related service must receive progress monitoring to determine the effectiveness of the accommodations provided. Monitoring must be completed each quarter and reported to the student's parent or guardian.

Equipment assigned to a student must be maintained and kept in working order. Equipment that is not in working order may compromise the implementation of a student's Section 504 plan. When a problem is noted with any equipment, notify the District Section 504 Office or the related service provider immediately.

NOTIFICATION OF REFUSAL TO USE SECTION 504 ACCOMMODATIONS

If a student refuses to use an accommodation or assigned equipment as stipulated in the student's Section 504 plan, the **Notification of Refusal to Use Section 504 Accommodations** form must be completed by following all procedures followed as outlined on the document. In addition, the student's refusal shall be documented, as well as the staff's attempts to provide the student with the accommodation/service, and the student's parents will be contacted. If the student does not respond to the interventions, staff will speak with parents and other teachers to find out the reason for the student's refusal. A Section 504 Team meeting will be convened if there is no response to the interventions and attempts to provide the accommodation/service.

GENERAL OVERVIEW OF SECTION 504 PROCESS



**SECTION 504/ADAAA COMPARED TO THE INDIVIDUALS WITH DISABILITIES
EDUCATION ACT (IDEA)**

Eligibility for protections and services under Section 504 is not the same as eligibility for IDEA. Section 504 has a much broader definition of what constitutes a disability. Under IDEA, students must need specialized instruction and related services and meet various criteria for the suspected disability. Specialized instruction is provided to the student via an Individualized Education Program (IEP). Section 504, however, is an anti-discrimination statute that prevents schools from discriminating against students who are otherwise qualified to participate in school activities but are precluded from participating to the same extent as a nondisabled person on the basis of disability. These students may need support, for example, with medication, accommodations for testing and/or class work, or for behavior support. Some individuals may be eligible for protections under Section 504, yet may not require specific accommodations or supports due to mitigating measures such as medication or therapy. **(Keep in mind that a student who is eligible under IDEA is automatically eligible under Section 504).**

	IEP	SECTION 504
DEFINITION	Individualized Education Program: the provision to a student specialized instruction that is designed to meet the needs of that student.	Section 504 of the Rehabilitation Act of 1973: the provision of accommodations and related services to meet the needs of students with disabilities as adequately as the needs of nondisabled students are met.
PURPOSE	Specialized instruction with modification of actual program or curriculum materials.	Accommodations/related services for accessing standard program or curriculum materials.
ELIGIBILITY	Students must meet the State’s specified disability categories, for example, Autism, Emotional, Specific Learning Disability, Sensory (Hearing, Vision, Deaf- Blind)	Students must have a physical or mental impairment substantially limiting at least one major life activity, have a record of such impairment, or be regarded as having such an impairment.
OVERSIGHT	Individuals with Disabilities Education Act (IDEA) – Education Law—Office of Special Education Programs (OSEP)	Americans with Disabilities Act Amendments Act (ADAAA); Section 504 of the Rehabilitation Act of 1973 – Civil Rights Law—Office for Civil Rights (OCR)
CONTENTS	Disability listing, vision statement, present level of academic and functional performance, annual goals, accommodations/modifications, summer services, transport needs, placement recommendation.	Plan objectives, definitions, care and self-care details, resource access, health/medical monitoring, emergency planning, testing and classroom dynamics, communication and notification instructions, additional contact details.
FUNDING	Federal funding	No federal funding
RECIPROCITY	A student covered under IDEA on an IEP is automatically covered under Section 504.	A student covered under Section 504 is not automatically eligible for specialized instruction and related services under IDEA.
TESTING	Standardized testing accommodations available.	Standardized testing accommodations available.
TRACKING	Progress reporting	No progress reporting

SECTION 504 AND FOOD ALLERGIES

According to the USDA, “when in the licensed physician’s assessment, food allergies may result in severe, life-threatening (anaphylactic) reactions, the child’s condition would meet the definition of ‘disability’.”

The Americans with Disabilities Act (ADA) recommends that parents of children with food allergy create, in collaboration with their school, a written plan that addresses the student’s medical needs, emergency procedures in the event of a reaction, and the accommodations to prevent the student from encountering the specific allergen(s). The plans can be developed by the Section 504 Team as a Section 504 Plan pursuant to federal civil rights law **Section 504 of the Rehabilitation Act of 1973**. **Section 504** applies to any school that receives federal funds (i.e., all public schools and many private schools), and applies to a variety of health conditions, including a life-threatening food allergy.

A Section 504 Plan is a written plan outlining how the school will address and accommodate the individual needs of your child and allow your child to access the same programs and activities as nondisabled peers during all facets of the school day.

If you believe that your child has a mental or physical impairment that substantially limits a major life activity such that your child requires accommodations to access the educational day, please contact the school’s Section 504 Coordinator. The school Section 504 Coordinator will help assemble a 504 team, including you as parent/guardian that will determine if your child qualifies for eligibility under Section 504. A 504 team may include multiple key members of the school staff such as the school nurse, teachers, food service personnel, coaches, counselors, and other individuals with knowledge of the child.

Please provide at the 504-team meeting any medical/health-related and other information and documentation that may assist the Team in making an eligibility determination.

Once the 504 team finds your child eligible, the team may, if the student requires accommodations/related services/interventions, create a Section 504 Plan to address the student’s needs.

ADDITIONAL INFORMATION

Transfer Students

A student with an active Section 504 plan who enrolls or reenrolls in UCPS from outside the district must be reevaluated within a reasonable time but no later than 45 days. UCPS accepts the student’s current plan on a temporary basis. At the evaluation meeting, scheduled within 45 days, the Section 504 team determines if the student continues to meet eligibility under Section 504. If the student is determined to be eligible, a new accommodation plan, if needed, is written for use at the UCPS school. If the student is determined to no longer be eligible for services under Section 504, the student may always be evaluated in the future if the student’s needs change.

Otherwise Qualified

If a person with a disability wants to participate in an activity in which the individual is not otherwise qualified to participate, disallowing participation may not constitute discrimination.

Example: A 16-year-old student with attention deficit hyperactivity disorder (ADHD) tries out for the basketball team but cannot dribble, shoot, or pass; therefore, the student does not have the basic skills to play basketball. As a result, the coach does not select the student to play on the team. This is not discrimination under Section 504 because the student is not otherwise qualified to be on the team.

If this student was not allowed to try out for the team based solely on his/her disability of ADHD, or based solely on a disability, that is discrimination and is a violation of the law under Section 504.

Example: A 16-year-old student with ADHD tries out for the basketball team and demonstrates the required skills to play basketball. After reviewing the student's file, the coach does not select the student to play on the team because he has ADHD. This is discrimination under Section 504 because the student is otherwise qualified to be on the team. The student met all requirements to be on the team but was denied access only because of the ADHD diagnosis.

Inclusion

Section 504, like the IDEA, requires that students with disabilities be educated with their non-disabled peers to the maximum extent appropriate while meeting the needs of students with disabilities. Schools should always place students with disabilities with their non-disabled peers unless the school can demonstrate that the student's education cannot be achieved satisfactorily, with or without supplementary aids and services, in the general education setting. This mandate also applies to extracurricular activities such as field trips.

Bullying/Harassment

When a student with a disability is harassed or bullied on any basis (e.g., bullied based on disability, national origin, race, other), the bullying/harassment can result in a denial of a free appropriate public education. When a school is on notice that a student has been bullied/harassed, the school must investigate. If the school becomes aware that the effects of the bullying has adversely affected the student's educational performance (academically, socially, behaviorally, etc.), then the Section 504 Team must determine whether additional or different services are needed and implement those changes promptly.

DISCIPLINE AND SECTION 504 STUDENTS

Section 504 requires the implementation of certain procedural safeguards prior to a "significant change in placement" (a long-term suspension or a series of short-term suspensions which result in a change in placement).

Once a proposed disciplinary consequence has resulted in a significant change in placement, the Section 504 team will convene to hold a Manifestation Determination Review ("MDR") meeting to consider the causal link between the conduct and the disabling condition.

A significant change in placement triggering a manifestation determination review occurs when a student with a disability is suspended for more than 10 school days in a single year.

Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the child's MDR team must review all relevant information in the student's file, including the child's Section 504 Plan, teacher observations, and any relevant information provided by the parents to determine:

1. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
2. If the conduct in question was the direct result of the local educational agency's failure to implement the 504 Plan.

If, as a result of an MDR, it is decided that the student's misconduct was not related to the disability, then the student may be disciplined just as any other student.

If it is determined that the misconduct is caused by the disability, the student may not be disciplined, and the evaluation team must review the 504 Plan and determine whether the student's accommodations and current educational placement is appropriate.

Under Section 504, the same disciplinary action taken against nondisabled students for use and possession of alcohol and drugs can be taken for students with disabilities who currently engage in their illegal use.

NOTICE OF PARENT AND STUDENT RIGHTS/ PROCEDURAL SAFEGUARDS
UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973

Section 504 of the Rehabilitation Act of 1973 is a non-discrimination statute barring discrimination on the basis of one's disability. Section 504 states: *No otherwise qualified individual with a disability shall solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination in any program or activity receiving Federal financial assistance.* School districts are required to establish and implement procedural safeguards that include notice, an opportunity for parents to review relevant records, an impartial hearing with an opportunity for participation by the student's parents or guardian, representation by counsel, and a review process. Under Section 504, a person is considered disabled if s/he suffers from a physical or mental impairment that substantially limits one or more major life activities, including but not limited to learning, walking, breathing, eating, working, and seeing.

The purpose of this notice is to inform parents and students of their entitlement to the following rights under Section 504:

1. You have a right to be informed by the school district of your rights under Section 504. (The purpose of this document is to advise you of those rights.)
2. Your child has the right to a free appropriate public education designed to meet his/her individual educational needs as adequately as the needs of non-disabled students are met.
3. Your child has the right to free educational services except for those fees that are imposed on non-disabled students or their parents.
4. Your child has a right to be educated to the maximum extent appropriate with children who are not disabled.
5. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. This right includes your child's right to be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district.
6. Your child has a right to an evaluation prior to an initial Section 504 placement and any subsequent significant change in placement. You also have the right to request such an evaluation. Any student who needs, or is believed to need, accommodations and/or related services under Section 504 must be referred to the Section 504 Committee for evaluation.
7. You have the right to receive notice and offer consent with respect to decisions regarding formal identification, evaluation, and placement of your child.
8. Evaluation and placement decisions must be made by a group of persons (i.e., the Section 504 Committee), including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for the least restrictive environment and comparable facilities.
9. If eligible under Section 504, your child has a right to periodic formal or informal re-evaluations, occurring at a minimum every three years.
10. You have the right to notice prior to any action by the district in regard to the identification, evaluation, or placement of your child.
11. You have the right to examine relevant records and documents regarding your child.

12. You have the right to file a grievance if you believe that your child is being discriminated against on the basis of a disability. You may file a grievance with your child's principal, who will conduct an investigation and provide a written response within fifteen working days after receiving the grievance (unless additional time is necessary to conduct an impartial, thorough investigation). If you disagree with the principal's response, you may refer the grievance to the UCPS District Section 504 Administrator ten working days after receipt of the written report. The District Section 504 Administrator will issue a written decision on the grievance no later than fifteen working days after receiving the request (unless additional time is necessary to conduct an impartial, thorough investigation).
13. In the alternative, you may submit your grievance directly to the District Section 504 Administrator; after conducting an investigation, the 504 Administrator will issue a written decision on the grievance to the grievant and the school no later than fifteen working days after receiving the request (unless additional time is necessary to conduct an impartial, thorough investigation).

The Section 504 Administrator for Grievances is:

Kate Earp

Union County Public Schools

400 North Church Street Monroe, NC 28112

Phone: 704.296.6392

Kate.earp@ucps.k12.nc.us

14. If you disagree with the District Section 504 Administrator's resolution of your grievance, you have a right to file an appeal of the Section 504 Administrator's decision with the Superintendent or his or her designee. The appeal must be made in writing within 15 calendar days of receiving the District Section 504 Administrator's response and submitted to the Assistant Superintendent of Academics:

Dr. Susan Rodgers

Union County Public Schools

400 North Church Street

Monroe, NC 28112

Phone: 704-296-0832

Susan.rodgers@ucps.k12.nc.us

15. If you disagree with the response issued by the Superintendent or Superintendent's designee, you have the right to file an appeal, in accordance with the Union County Public Schools Board of Education Policy 4-07(b), to the Board of Education.

16. Section 504 of the Rehabilitation Act of 1973 provides you with the right to an impartial due process hearing to contest any action of the LEA with regard to your child's identification, evaluation, or placement. You have the right to participate personally. If you wish to challenge the LEA's action or omission with regard to the identification, evaluation, or placement of your child who has or is believed to have a disability, you shall make a written request using the form provided at this link [Due Process Form](#). You may submit your request to the Assistant Superintendent of Academics. The Superintendent's designee is:

Dr. Susan Rodgers

Union County Public Schools

400 North Church Street

Monroe, NC 28112

Phone: 704.296.0832

Susan.rodgers@ucps.k12.nc.us

17. You also have a right to file a complaint with the Office for Civil Rights, U.S. Department of Education, as further discussed below.

SECTION 504 GRIEVANCE PROCEDURES

Union County Public Schools (UCPS) acknowledges the dignity and worth of all students and employees and strives to create a safe, orderly, caring, and inviting school environment to facilitate student learning and achievement. UCPS does not tolerate any form of harassment, discrimination, and/or retaliation on the basis of disability, race, color, national origin, sex, and age in educational or employment activities. To that end, UCPS has adopted internal grievance procedures to provide for prompt and equitable resolution of complaints by students, employees, and third parties.

Specifically, UCPS does not tolerate harassment, discrimination, and/or retaliation on the basis of disability in accordance with Title II of the Americans with Disabilities Act Amendments Act (“ADAAA”) and Section 504 of the Rehabilitation Act of 1973. UCPS has adopted an internal grievance procedure to provide for prompt and equitable resolution of complaints of any action prohibited by Section 504. All grievances will be promptly, thoroughly, and impartially investigated. The Law and Regulations may be examined in the office of Kate Earp, District Administrator for Section 504 & Compliance, (704) 296-6392, who has been designated to coordinate the efforts of UCPS to comply with Section 504.

Any person who believes that she or he has been subjected to harassment, discrimination, and/or retaliation on the basis of disability may file a grievance under this procedure. It is against the law and thereby prohibited for any UCPS employee to retaliate against anyone who files a grievance or who cooperates in the investigation of a grievance.

Grievance Steps

Informal Resolution

Many complaints may be addressed informally without a full investigation and/or hearing through such methods as conferences or mediation. The use of informal procedures is encouraged when all parties voluntarily agree after receiving full disclosure of the allegations and the option for formal resolution; however, informal procedures will not be used to resolve complaints deemed inappropriate by the investigator. Informal procedures may be used only if the parties involved voluntarily agree.

If an informal process is used, the principal or other designated personnel must (1) notify the grievant that s/he has the option to end the informal process and begin formal procedures at any time and (2) make a copy of these safeguards available to the grievant. Any informal process should be completed within a reasonable period of time, not to exceed 30 school days unless special circumstances necessitate more time. If informal procedures fail to resolve the matter in a reasonable period of time or are inappropriate, or if the grievant requests formal procedures, the grievances will be investigated promptly, impartially, and thoroughly according to the procedures outlined in these safeguards.

Resolution Step 1

- A. Grievances should be lodged with the school principal first. The grievance should include a written explanation of the concern and should be filed within thirty (30) days after disclosure of the facts giving rise to the grievance (see UCPS Board Policy 4-07(b) for definition of “days”). For a grievance submitted after 30 days that claims discrimination, retaliation, or harassment of a student based on disability, the District Section 504 Administrator shall determine whether the grievance will be investigated after considering factors such as the reason for the delay; the extent of the delay; the effect of the delay on the ability of the school system to investigate and respond to the complaint; and whether the investigation of the complaint is necessary to meet any legal obligations. However, parents/students should recognize that delays in filing a grievance may significantly impair the ability of the school system to investigate and respond effectively to such complaints. The grievant’s confidentiality shall be maintained other than as

necessary to conduct the investigation into the allegations of harassment, discrimination, and/or retaliation.

- B. The written grievance shall (1) explain the specific decision(s) or action(s) at issue, including the name of the school system employee or other individual whose decision or action is at issue; (2) provide the specific resolution desired; and (3) describe the outcome of any attempts to resolve the issue. After receiving the grievance, the principal will notify the District Section 504 Administrator that a grievance has been filed. The grievance investigation will include an interview with the grievant, a separate interview with the individuals identified in the grievance, and an interview with any other persons the investigator has reason to believe may have relevant knowledge concerning the grievance. The principal shall provide the grievant with a written response within fifteen (15) working days after receiving the grievance unless additional time is necessary to conduct an impartial, thorough investigation, which will include if the allegation of discrimination is founded, the appropriate corrective and remedial action that the principal intends to take. The principal will send a copy to the District Section 504 Administrator.
- In the event the principal or grievant determines at the outset that a Step 1 review is inappropriate, the grievance procedure may originate at Step 2.

Resolution Step 2

- A. If the grievance is not resolved at Step 1, then the grievant may refer the grievance to the UCPS District Section 504 Administrator ten (10) working days after receipt of the written report of the Step 1 decision. The District Section 504 Administrator is Ms. Kate Earp, District Administrator for Section 504 & Compliance, Union County Public Schools, 400 North Church Street, Monroe, NC 28112. In the alternative, the grievance may be referred to the UCPS District Section 504 Administrator first.
- B. The District Section 504 Administrator will review the Step 1 resolution findings—if applicable—and may promptly, thoroughly, and impartially conduct any additional investigation of the grievance as needed to address the alleged concerns. This investigation may be informal, but it must afford all interested persons an opportunity to submit evidence relevant to the grievance. The District Section 504 Administrator will issue a written decision on the grievance to the grievant and the school no later than fifteen (15) working days after receiving the request. The report will state relevant findings of fact, conclusions, and the reasons supporting them. If the investigation revealed discriminatory conduct, the written response will address the appropriate corrective and remedial action to address the discrimination.

Resolution Step 3—Appeal (see UCPS BOE Policy 4-07(b))

- A. If the grievance is not resolved at Step 2, the grievant may submit an appeal of the decision to the Superintendent or his/her designee. The appeal must be made in writing within five (5) calendar days of receiving the District Section 504 Administrator's response. The Superintendent or his/her designee will conduct any investigation of the facts necessary and respond to the appeal in writing within ten (10) calendar days of receiving the appeal unless further investigation is needed. If the investigation revealed discriminatory conduct, the written response will address the appropriate corrective and remedial action to address the discrimination. In responding, the Superintendent or his/her designee will not disclose information about other students or employees that is considered confidential by law. The

Superintendent's designee is: Dr. Susan Rodgers, Assistant Superintendent of Academics, Union County Public Schools, 400 North Church Street, Monroe, NC 28112.

- B. If the matter is not resolved at the Superintendent's level, an appeal of the decision may be made to the Board of Education within five (5) calendar days of receiving the Superintendent's decision. The appeal should be made in writing and submitted to the Superintendent. The Board will hold a hearing to decide on the appeal pursuant to Board Policy 1-18.

Office for Civil Rights

The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U. S. Department of Health and Human Services, Office for Civil Rights. Complaints may be mailed to:

U.S. Department of Education
Office for Civil Rights, Lyndon Baines Johnson Department of Education Bldg.
400 Maryland Avenue, SW
Washington, DC 20202-1100
Telephone: 202-453-6012; 800-421-3481
TDD: 800-877-8339
Email: OCR@ed.gov

If you have difficulty understanding English, you may request language assistance services for this Department information by calling 1-800-USA-LEARN (1-800-872-5327) (TTY: 1-800-877-8339), or email OCR at: Ed.Language.Assistance@ed.gov.

UCPS will make appropriate arrangements to ensure that persons with disabilities are provided other accommodations, if needed, to participate in this grievance process. Such arrangements may include but are not limited to, providing interpreters for the hearing impaired, providing audio recordings for the visually impaired, or assuring a barrier-free location for the proceedings. The District Section 504 Administrator will be responsible for such arrangements.



Growing Possibilities...

SECTION 504 GRIEVANCE FORM

You have the right to file a grievance if you believe that your child is being harassed, discriminated against, and/or retaliated against on the basis of a disability. You may file a grievance first with your school principal. If the grievance is not resolved at that time, or if filing a grievance with the school principal involves a conflict of interest, then you may file a grievance with the District Section 504 Administrator. The District Section 504 Administrator will then investigate the allegations to the extent warranted by the nature of the grievance in an effort to reach a prompt and equitable resolution.

The District Section 504 Administrator for the Union County Public Schools is:

Mrs. Kate Earp
400 North Church Street
Monroe, NC 28112
Phone: 704-296-6392 Fax: 704-282-2073
kate.earp@ucps.k12.nc.us

Student Name: _____ School: _____

Parent/Guardian Name(s) _____

Address: _____

Phone Number(s) _____

1. Summary of Grievance – What is the problem? What are the facts? (additional paper may be used)

2. What are your proposed resolutions?

3. Who have you spoken to or met with at the school to address this situation? _____

What was the result of this contact? _____

Please attach any additional information or documentation you wish the district to consider. You also have the right to file a complaint with the regional office of the U. S. Department of Education’s Office for Civil Rights (OCR) without going through the District’s grievance procedures.

Signature of Parent: _____ Date: _____

DISTRICT-WIDE INFORMATION

Notice of Non-Discrimination

Union County Public Schools shall take steps to notify participants, employees, and applicants of district responsibilities under Section 504. The following notice shall appear in student/parent handbooks, teacher's handbooks, non-certified personnel handbooks, and published personnel recruiting materials: "In compliance with federal law, Union County Public School System administers all educational programs, employment activities, and admissions without discrimination because of race, religion, national or ethnic origin, color, age, military service, disability, or gender, except where exemption is appropriate and allowed by law and provides equal access to the Boy Scouts and other designated youth groups."

Child-Find Activities

Union County Public Schools (UCPS) shall endeavor to locate and identify every qualified disabled person within the district who is not receiving a public education. The Section 504 staff will collaborate with the UCPS Federal and State Compliance Department to engage in child-find activities and communication annually. Activities may include but not limited to presenting information at parent meetings at school sites and within the community, school staff meetings, posting information in the school office, and reviewing student information upon registration.

Non-Academic Services

Qualified disabled students shall be provided an equal opportunity to engage in counseling services, physical recreation, athletics, transportation, special interest clubs, etc.

For example, qualified disabled students shall:

- **not** automatically be counseled towards certain career objectives more than non-disabled students with similar abilities.
- **have** an equal opportunity to participate in physical education courses and athletics. Although qualified disabled students may participate in separate activities for the disabled, no qualified disabled student shall be denied the opportunity to try out for membership on a team or to participate in courses that are not separate or different.