

**MANCHESTER CITY SCHOOLS**  
**Policy Manual**

**Descriptor Code:** 1.802 Section 504 and ADA Grievance Procedures  
**Issued Date:** 10/04/10  
**Rescinds:** 1802 Grievances and the Americans with Disability Act  
**Rescind Date:** 10/16/06  
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The Board is committed to maintaining equitable employment/educational practices, services, programs and activities that are accessible and usable by qualified individuals with disabilities.

**DEFINITION**

*Section 504 of the Rehabilitation Act of 1973* provides that: No otherwise qualified individual with handicaps in the United States...solely by reason of his/her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. <sup>1</sup>

*Title II of the Americans with Disabilities Act, 1990* provides that: No otherwise qualified individual with a disability shall be discriminated against in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training and other terms, conditions and privileges of employment. <sup>2</sup>

**COORDINATOR<sup>3</sup>**

The director of schools shall designate an employee(s) to be responsible for coordinating the system's efforts to comply with the Americans with Disabilities Act (ADA) and Section 504, including any investigation of any complaint alleging non-compliance with the Acts or alleging any actions that would be prohibited by the Acts.

**NOTICE<sup>4</sup>**

The Board shall make available the name(s), office address and telephone number of the ADA/Section 504 Coordinator.

Methods of initial and continuing notification may include the posting of notices, publication in newspapers and student and employee handbooks and distribution of memoranda or other written communications.

**COMPLAINT PROCEDURES<sup>5</sup>**

The coordinator(s) will hear ADA/Section 504 complaints. Complaints shall be submitted in writing to the coordinator who will endeavor to accomplish prompt and equitable resolution of complaints alleging any action that would be prohibited by the ADA/Section 504. The coordinator will respond to all complaints within twenty (20) calendar days with a written response as well as information on further grievance procedures that may be followed if the complaining party is not satisfied with the coordinator's proposed resolution.

There will be no retaliation against any person who files a complaint pursuant to this policy. Failure to abide by this policy will result in disciplinary action.

**Section 504 Due Process Hearing Request**

At any time a complaining party may request a hearing before an impartial hearing officer designated by the LEA. The request for a hearing must be in writing and signed by the requesting party and sent to the ADA/504 Coordinator. The LEA shall ensure that not later than forty-five (45) days after the receipt of a request for a hearing –

- a final decision is reached in the hearing; and
- a copy of the decision is mailed to each of the parties

The hearing officer may grant specific extensions of the forty-five (45) day timeline at the request of either party.

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**Legal References:**

1. [34 CFR § 104.4\(a\)](#)
2. [42 USCA § 12112](#)
3. [28 CFR § 35.107](#)
4. [28 CFR § 35.106](#)  
[34 CFR § 104.8](#)
5. [28 CFR § 35.170](#)  
[28 CFR § 35.172](#)

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**Cross References**