

## 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 Mrs. Kate Earp, District Administrator for Section 504 (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**

#### **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. 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) name the school system employee or other individual whose decision or action is at issue; (2) list the specific decision(s) at issue; (3) name any Board policy, state or federal law, state or federal regulation, or State Board of Education policy or procedure that the parent or guardian or student believes has been misapplied, misinterpreted, or violated, and (4) state the specific resolution desired. 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;

if the allegation of discrimination is founded, the written response will include the appropriate corrective and remedial action that the principal intends to take. The principal will send a copy to the District Section 504 Administrator.

- C. 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 Section 504 Administrator ten (10) working days after receipt of the written report of the Step 1 decision. The Section 504 Administrator is Mrs. 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 will 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 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 4-7B)**

- 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. 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 (see UCPS BOE Policy 4-7B). The appeal should be made in writing and submitted to the Superintendent. The Board will hold a hearing pursuant to Board Policy 3-10.

### **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 Education, Office for Civil Rights. Complaints may be mailed to 400 Maryland Ave., SW, Washington D.C. 20202-1100. Telephone: 800-421-3481; TDD: 800-877-8339 Email: [OCR@ed.gov](mailto:OCR@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 deaf, providing audio materials for the blind, or assuring a barrier-free location for the proceedings. The District Section 504 Administrator will be responsible for such arrangements.

**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 of the complaint 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 Section 504 Administrator for 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](mailto: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)

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2. What are your proposed resolutions?

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

What was the result of this contact? \_\_\_\_\_

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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: \_\_\_\_\_

Received by: \_\_\_\_\_ Date: \_\_\_\_\_