

## **PROCEDURAL SAFEGUARDS: NONDISCRIMINATION ON THE BASIS OF HANDICAP/DISABILITY**

*Category: Priority/Required By Law*

The Mascoma Valley Regional School District will ensure that all students with a handicap or disability are provided all necessary procedural safeguards as are required by law. Such procedural safeguards are found in pertinent federal and state laws and regulations. In addition, all staff, students, parents and other interested persons are directed to the New Hampshire Department of Education Procedural Safeguards Handbook.

The District does not discriminate on the basis of disability in admission or access to, or treatment of or employment in, its programs and activities.

The District provides a grievance procedure with appropriate due process rights. The Special Education Director is the designated employee charged with coordinating efforts to comply with Section 504. The parent(s) or legal guardian(s), the student with disabilities, or any person with a disability may use the grievance procedure established by the School Board.

### **Grievance Procedure**

Parents and legal guardians of a student with a disability have the right to notify the above-designated employee with their complaint. Additionally, any disabled individual also has the right to notify the above-designated employee with their complaint.

The designated employee will provide an initial response within ten (10) days of receipt of the complaint. The parties will attempt to work out their differences informally in a prompt and equitable manner. A written record of the resolution of the complaint should be made within ten (10) working days of completion. Both parties will receive a copy of the written record. Additionally, the Superintendent will keep a copy on file.

If that effort fails, the complainant may notify the Superintendent of the complaint and work toward a satisfactory solution. If a resolution cannot be reached to the complainant's satisfaction, the complainant may request that the Board place this matter on the agenda. This request may be made through the Superintendent.

The Board may choose to schedule the matter for a hearing. The complainant may be represented by any person the complainant chooses, including legal counsel. The complainant may present information through documents and other evidence and witnesses, and may examine witnesses presented by the School District.

Within ten (10) working days of either of the above options, a written record shall be made of the decision. Both parties will receive a copy of the written record. Additionally, the Superintendent will keep a copy on file.

### **Procedural Safeguards**

As required by 34 C.F.R. Section 104.36, parent(s) or legal guardian(s) of a student who needs or is believed to need special instruction and related services have the right, with respect to any action regarding identification, evaluation, and placement to:

1. Notice of referral, identification, evaluation, and placement process, with the appropriate consent form.
2. Examine all relevant records.
3. An impartial hearing, at any time, with respect to any actions regarding identification, evaluation, or placement of persons who need or are believed to need special education and related services; an opportunity for participation by the parent(s) or legal guardian(s) and representation of counsel as provided under the Individuals with Disabilities Education Improvement Act.
4. A process for reviewing complaints raised under these Procedural Safeguards. Such review process need not be formal.

### **Legal References:**

*NH Department of Education Administrative Rules, Ed 1120, Procedural Safeguards  
34 C.F.R. Part 104, Nondiscrimination on the Basis of Handicap  
Section 504 of The Rehabilitation Act of 1973*

*\*\*Note: RSA's are subject to change. See the NH Government website for the most current RSA information.*

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