

## **Procedural Safeguards Regarding Section 504 Of The Rehabilitation Act Of 1973**

Dear Parents/Guardians:

Section 504 is an Act that prohibits discrimination against persons with a handicap in any program receiving federal financial assistance. The Act defines a person with a handicap as anyone who:

- Has a mental or physical impairment which substantially limits one or more major life activities (major life activities include activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working);
- Has a record of such an impairment; or
- Is regarded as having such an impairment

In order to fulfill their obligations under Section 504, the schools recognize a responsibility to avoid discrimination in policies and practices regarding their personnel and students. No discrimination against any person with a disability will knowingly be permitted in any of the programs and practices in the school system.

The Lenox Public Schools recognizes a responsibility to identify, evaluate, and if the child is determined to be eligible under Section 504, to afford access to appropriate educational services which allow the child to participate in the general education program.

If the parent or guardian disagrees with the determination made by the professional staff of the school district, he/she has the right to file an internal grievance with the Building 504 Coordinator, the principal, or the Director of Student Services who is the District 504 Coordinator. You may request the grievance procedures from the Student Services Office located at Morris School. In addition, if the parent or guardian disagrees with the identification, evaluation or placement decision, he or she may request an impartial hearing before a hearing officer at the Bureau of Special Education Appeals, whether or not the party has pursued or is pursuing an internal grievance.

Parents may examine the records relevant to the District's identification, evaluation, and placement actions. The Family Educational Rights and Privacy Act (FERPA) also specifies rights related to educational records. This act gives the parent or guardian the right to:

- Inspect and review his/her child's educational records;
- Make copies of these records;
- Receive a list of all individuals having access to those records;
- Ask for an explanation of any item in the records;
- Ask for an amendment to any report on the grounds that it is inaccurate, misleading, violates the child's rights; and
- A hearing, before the Superintendent, on the issue if the school refuses to make the amendment.

If there are any questions, please feel free to contact me at Student Services office at 413-637-5571.

Sincerely,

Cynthia Dinan  
Director of Student Services  
District 504 Coordinator

## **Parent/Guardian/Student Rights in Identification, Evaluation and Placement Section 504 of the Rehabilitation Act of 1973**

The following is a description of the rights granted by federal law to students with disabilities. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

You have the right to:

1. Have your child take part in and receive benefits from the public education programs without discrimination because of his/her disabling condition(s).
2. Have the school district advise you of your rights under federal law.
3. Receive notice with respect to identification, evaluation, or placement of your child.
4. Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have the school district make reasonable accommodations, and/or receive auxiliary aids/devices, or related services as to allow your child an equal opportunity to participate in school and school-related activities.
5. Have your child educated in facilities and receive services comparable to those provided non-disabled students.
6. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, the evaluation data, and placement options.
7. Have your child be given an equal opportunity to participate in non-academic and extracurricular activities offered by the district.
8. Examine all relevant records related to decisions regarding your child's identification, evaluation, educational program and placement.
9. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
10. Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate or misleading. If the school district refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to appeal.
11. File a local grievance and have your grievance heard at various levels of the grievance procedure.
12. Request mediation or an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational program or placement in the event that the grievance procedure had led to a decision with which you disagree. You and the student may take part in the hearing and have an attorney represent you. Hearing request must be made to Basan Nembirkow, Superintendent, Lenox Public Schools, 6 Walker Street, Lenox, MA. 01240

The person in the Lenox Public School District who is responsible for assuring that the district complies with the Section 504 is Cynthia F. Dinan, Director of Student Services. Phone number: 413-637-5571.

**All programs, activities and employment opportunities of the Lenox Public School District are offered without regard to age, race, color, sex, religion, national origin, sexual orientation and disability.**

## **LENOX PUBLIC SCHOOLS SECTION 504/ADA GRIEVANCE PROCEDURES**

The Lenox Public School District does not discriminate on the basis of disability with regard to admission, access to services, treatment, or employment in its programs or activities. Any alleged discriminatory practices within the scope of Section 504 or the Americans with Disabilities Act should be addressed through the grievance procedure which follows:

### Step 1

The person who believes he/she has a valid basis for grievance under Section 504 or the Americans with Disabilities Act shall informally discuss the complaint with the building-based 504/ADA Coordinator.

The building-based 504/ADA Coordinator will investigate and document the complaint (including dates of meetings, disposition and dates of disposition), and give a written reply to the complainant within ten (10) school days of meeting with the complainant. In the event that the complaint addresses a district-wide issue, then the first step would be handled by the District 504/ADA Coordinator.

### Step 2

If the complaint is not satisfactorily resolved through Step 1, the alleged grievance may be filed in writing by the complainant. To be considered, the written complaint must fully set out the circumstances giving rise to the alleged grievance and must be filed with the District 504/ADA Coordinator within ten (10) school days of disposition at Step 1.

The District 504/ADA Coordinator will conduct an informal hearing within ten (10) school days of receipt of the written complaint.

The parent, student, or employee will have the opportunity to present evidence relevant to the issues raised under the grievance. The parent, student, or employee may, at their own expense, be assisted or represented by individuals of their choice, including legal counsel. The District 504/ADA Coordinator will present his/her written decision to the Superintendent and complainant within ten (10) school days of the conclusion of the hearing.

### Step 3

If the complaint is not satisfactorily resolved through step 2, the complainant may file a written appeal to the Superintendent. To be considered, the written complaint must fully set out the circumstances giving rise to the alleged grievance and must be filed with the Superintendent's Office within ten (10) school days of disposition at Step 2. The Superintendent will schedule a meeting to hear the appeal within ten (10) school days after receipt of the grievance. Within ten (10) school days of that meeting, the Superintendent will issue a written disposition of the alleged grievance.

### Step 4

In the event that the complaint is not resolved through Step 3, the parent, student or employee may file a request for a due process hearing before an impartial hearing officer. Such a request must be filed no later than ten (10) school days after the date of the Superintendent's decision at Step 3. The impartial hearing officer shall not be an employee of the District and will be an attorney or educator knowledgeable about Section 504 and the ADA. The hearing officer will provide the complainant and the District with the opportunity to present oral and/or written information on the grievance. The complainant and the District may be represented by counsel of their choosing and at their own expense. The hearing officer will render a decision no later than thirty (30) days after the conclusion of the hearing.

**LENOX PUBLIC SCHOOLS  
SECTION 504/ADA GRIEVANCE FILING FORM**

Date: \_\_\_\_\_

Your Name: \_\_\_\_\_

Your school and/or position: \_\_\_\_\_

Place where you may be reached: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

**Nature of your grievance.** (Please describe the policy or action you believe may be in violation of Section 504 and/or the ADA. Please identify any person(s) you believe may be responsible.)

\_\_\_\_\_  
\_\_\_\_\_

If others are affected by the possible violation, please give their names and/or positions:

\_\_\_\_\_  
\_\_\_\_\_

Please describe any corrective action you wish to see taken with regard to the possible violation. You may also provide other information relevant to this grievance.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Grievant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Person Receiving Grievance

\_\_\_\_\_  
Date

\_\_\_\_\_  
Location

## SECTION 504 CONTACT INFORMATION

### Building Level 504 Contacts:

#### Morris School

Timothy Lee, Principal

[tlee@lenoxps.org](mailto:tlee@lenoxps.org)

Telephone: (413) 637-5522

#### Lenox Memorial High School

Susan Strong, Principal

[sstrong@lenoxps.org](mailto:sstrong@lenoxps.org)

Telephone: (413) 637-5560

Nanette Spoehr, Guidance Department Chairperson

[nspoehr@lenoxps.org](mailto:nspoehr@lenoxps.org)

Telephone: (413) 637-5560

Peter Andersen, Guidance

[panderson@lenoxps.org](mailto:panderson@lenoxps.org)

Telephone: (413) 637-5560

### District Level 504 Contact:

Cynthia Dinan

[cdinan@lenoxps.org](mailto:cdinan@lenoxps.org)

Director of Student Services

504 Coordinator/Title II Coordinator

Morris School

129 West Street

Lenox, MA 01240

(413) 637-5571