

**DESERT VIEW SCHOOLS
SECTION 504/AMERICANS WITH DISABILITIES ACT
GRIEVANCE PROCEDURE**

1. Policy Statement.

Desert View Schools recognizes its obligation to:

- a. identify, investigate and document incidents and alleged incidents of possible disability harassment, including information that comes to the attention of the School or School staff without a formal complaint;
- b. provide for the adequate, reliable, and impartial investigation of all complaints within a reasonably prompt timeframe, including the opportunity for parties to present witnesses and other evidence;
- c. address potential ongoing harassment and avoid retaliation against the reporting student;
- d. determine the remedial action necessary to address and resolve an incident, including, as appropriate, provision of resources, including counseling, to the harasser as a means to prevent recurrence of future harassment, discipline, strategies to protect the individual subject to the harassment and witnesses from retaliation, counseling for the individual harassed, and any other necessary steps reasonably calculated to prevent future occurrences of harassment;
- e. provide written notice to the complaining party of the outcome of the investigation and the corrective action taken;
- f. contact the individual harassed within a reasonable period of time following conclusion of the investigation to assess whether there has been ongoing disability harassment or retaliation, and to determine whether additional supportive measures are needed;
- g. maintain on-going contact with the victim throughout the investigation; and refer the matter to law enforcement, when appropriate.

2. Grievance Procedure.

Persons who believe that the School has discriminated against them because of their disability and thus violated Section 504 of the Rehabilitation Act or Title II of the Americans with Disabilities Act can file a written grievance (complaint) with the School's Section 504 Coordinator. Once a written grievance is received, the School will investigate the allegations contained in the written grievance in an effort to reach a prompt and equitable resolution.

A grievance may be filed by a student, the student's parent or parents, or a School employee. A grievance must meet the following requirements:

The grievance must be in writing. At a minimum, it must contain (1) the nature of the grievance; (2) the facts upon which the grievance is based, including a list of all witnesses; (3) the remedy requested; and (4) the complainant's signature and the date the grievance is filed.

The written grievance must be filed with the School's Section 504 Coordinator ("coordinator") at the following address:

Desert View Schools
Section 504 Coordinator
Phone: 928.817.8060
P.O. Box 6502
Yuma, AZ 85366

The grievance should be reported as soon as possible and within thirty (30) school days of the occurrence. This time frame may be lengthened for extraordinary circumstances.

The complainant must have the opportunity to present verbal and written evidence to the coordinator or the coordinator's designee.

The coordinator or designee will independently investigate the allegations to determine whether the School is in compliance with Section 504 and the ADA. The coordinator or designee will provide a written report of the investigation within forty five (45) school days of receipt of the complaint. The report should include the following information:

- A statement of the complainant's allegations and the remedy sought;
- A statement of facts as contended by each party;
- A narrative describing attempts to resolve the grievance;
- A list of the witnesses interviewed and the documents reviewed during the investigation;
- A statement of facts as determined by the coordinator or designee with reference to the evidence to support each fact;
- The coordinator or designee's conclusion as to whether the allegations are valid; and
- If the coordinator or designee does determine that the allegations are valid, the report should include any corrective action determined by the coordinator or designee.

An extension of the thirty (30) school day time limit may occur if necessary as determined by the coordinator or designee. The complainant will be notified in writing of the extended time limit.

3. Grievance Resolution.

The School will investigate grievances brought pursuant to this procedure as indicated herein, to determine the remedial action, if any, necessary to address and resolve the reported incident,

including, as appropriate in cases of alleged harassment, provisions of resources, including counseling to the harasser as a means to prevent recurrence of future harassment, discipline, strategies to protect the individual subject to harassment and witnesses from retaliation, counseling for the individual harassed, and any other reasonable and necessary steps reasonably calculated to prevent future occurrences of harassment.

In cases of alleged harassment, the School will contact the individual harassed within a reasonable period of time following conclusion of its investigation to assess whether there has been ongoing disability harassment or retaliation, and to determine whether additional supportive measures are needed.

4. Appeal Procedure.

The complainant shall have an opportunity to make a written appeal to the superintendent or his designee within ten (10) school days of receiving the coordinator's report. The written appeal shall state specifically why the complainant disagrees with the coordinator's report and shall refer to evidence that the complainant believes refutes the coordinator's findings or conclusions. The superintendent or the superintendent's designee will review the complainant's appeal along with the coordinator's report and then respond in writing within thirty (30) school days of receiving the appeal. The superintendent or the superintendent's designee shall either confirm or overturn the coordinator's decision. If the superintendent overturns the coordinator's decision, the superintendent shall state the reasons for overturning the coordinator's decision.

An extension of the thirty (30) school day time limit may occur if necessary as determined by the superintendent or the superintendent's designee. The complainant will be notified in writing of the extended time limit.

5. On-going Contact with Victim.

The School will maintain on-going contact with the victim throughout the investigation and refer the matter to appropriate law enforcement if appropriate.

For additional information about the grievance procedure, please contact the Section 504 Coordinator.