

PROCEDURE TITLE: Complaint Procedures for Violations of the Americans With Disabilities Act; Section 504 of the Rehabilitation Act of 1973 and Their Implementing Regulations		
ADOPTION/EFFECTIVE DATE:	MOST RECENTLY AMENDED::	MOST RECENTLY REAFFIRMED:
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY:		

I. Purpose and Scope

The purpose and scope of these procedures are as follows:

1. designation of persons responsible to coordinate efforts to comply with the ADA/Section 504, their respective regulations as they relate to public schools;
2. adoption of complaint procedures for the prompt and equitable resolution of complaints which allege a violation of the ADA, Section 504 or their respective regulations.

II. Definitions

1. ADA/Section 504 means the Americans With Disabilities Act codified at 20 United States Code (U.S.C.) Section 12101, *et seq.*; Section 504 of the Rehabilitation Act of 1973 codified at 29 U.S.C. Section 794; 28 Code of Federal Regulations (CFR) Section 35.107 and 34 CFR Section 104.7.
2. Complainant means any person who files a complaint under these procedures.
3. Designated Person means the person holding the job position responsible for the coordination of these procedures either in whole or in part.
4. Complaint means a written statement which sets forth the nature and basis of an allegation that HCPS has violated the ADA/Section 504 and includes a denial of a request for accommodation as described herein.
5. Days means calendar days.
6. HCPS means Harford County Public Schools.

7. Member of the School Community means any employee of HCPS; Board of Education member; agent; volunteer or any other person who participates in activities of HCPS and is under the authority or control of HCPS.

III. ADA/Section 504 Protections

1. *Employment Discrimination* – Any person who believes a member of the school community has discriminated against him/her in violation of the ADA/Section 504 with respect to matters relating to employment may file a complaint with the Designated Person for ADA/Section 504 employment discrimination identified herein.
2. *Programs; activities; services accessibility discrimination*
 - A. Any person who believes a member of the school community has discriminated against him/her on the basis of disability in violation of the ADA/Section 504 with respect to general access to HCPS programs, activities or services may file a complaint with the Designated Person for general access to services, programs and activities identified herein.
 - B. Any person who believes a member of the school community has discriminated against him/her on the basis of disability in violation of the ADA/Section 504 with respect to physical accessibility to HCPS programs, activities or services may file a complaint with the Designated Person for physical accessibility to programs, activities or services identified herein.
3. *Student Instruction/Services*

Any complaints regarding the identification, evaluation or educational placement of a student under Section 504 are addressed under separate procedures issued by the Office of Student Services and should be submitted to the Director of Student Services.

4. *Request for Accommodations in Employment*

Any person who wishes to make a request for an ADA/Section 504 accommodation relating to his/her employment or prospective employment with HCPS shall contact the Designated Person for ADA/Section 504 accommodations identified herein. The Designated Person shall investigate the request and decide if the request should be

granted pursuant to applicable law and regulation. The Designated Person shall, as appropriate, consult with the requestor's supervisor as part of the investigation and decision making process. Such a request shall not be considered a complaint but shall be addressed in accordance with applicable law and regulation. If a person is dissatisfied with the response to his/her request for accommodation, he/she may file a complaint under these procedures.

IV. Complaint Procedure

1. A Complainant shall file a complaint within ninety (90) days of the date the alleged act of disability discrimination occurred.
2. The Designated Person shall attempt to informally resolve a complaint within thirty (30) days of the receipt of same.
3. If an informal resolution cannot be reached, the Designated Person shall issue a written decision setting forth in concise fashion his/her decision regarding the complaint and the reasons for the decision. Such written decision shall be issued within sixty (60) days of receipt of the complaint.
4. All decisions of the Designated Person may be appealed to the Superintendent pursuant to Section 4-205 of the Education Article of the Maryland Annotated Code.
5. The complaint procedure described herein is in addition to any other administrative or judicial action the Complainant may pursue.

V. Designated Persons

1. *Employment Discrimination* – Assistant Superintendent for Human Resources, 102 S. Hickory Avenue, Bel Air, MD 21014 at 410-588-5226.
2. *Requests for Employment Accommodation* – Risk Management Supervisor, 102 S. Hickory Avenue, Bel Air, Maryland 21014 at 410-588-5286.
3. *Service, Program or Activity Discrimination (including physical accessibility and architectural barriers)* – Director of Student Services, 102 S. Hickory Avenue, Bel Air, Maryland 21014 at 410-588-5334.
4. *Identification, Evaluation of or Educational Placement of Students Under Section 504* – Director of Student Services, 102 S. Hickory Avenue, Bel Air, Maryland 21014 at 410-588-5334.

Approved By:

Dr. Jacqueline C. Haas
Superintendent of Schools

Date: _____

PROCEDURE

Procedure Action Dates		
ACTION DATE	ACTION DATE	ACTION DATE

Responsibility for Procedure Maintenance & References		
LAST EDITOR/DRAFTER NAME:		JOB POSITION OF LAST EDITOR/DRAFTER:
PERSON RESPONSIBLE:		JOB POSITION OF PERSON RESPONSIBLE:
DESIGNEE NAME:		DESIGNEE POSITION:
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REFERENCE 2 TYPE:	REFERENCE 2 NO.	REFERENCE 2 DESCRIPTION:
REFERENCE 3 TYPE:	REFERENCE 3 NO.	REFERENCE 3 DESCRIPTION:
REFERENCE 4 TYPE:	REFERENCE 4 NO.	REFERENCE 4 DESCRIPTION:
REFERENCE 5 TYPE:	REFERENCE 5 NO.	REFERENCE 5 DESCRIPTION:
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