

ROBERT ANDRZEJEWSKI, Ed.D.
Interim Superintendent

DEIRDRA JOYNER, Ed.D.
Deputy Superintendent

SECTION 504 PARENT AND STUDENT RIGHTS (PROCEDURAL SAFEGUARDS)

Section 504 of the Rehabilitation Act of 1973 is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal funds from the US Department of Education. It applies to ensure that eligible students are provided with educational benefits and opportunities equal to those provided to non-disabled students. The purpose of this notice is to inform parents and students of the rights granted them under the law and 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.

Under Section 504 you have the right to:

1. Have your child reasonably take part in and receive benefits from public education programs without discrimination because of their disability;
2. Have the school district advise you of your rights under federal law upon request;
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 other students without disabilities to the maximum extent appropriate;
5. Have your child educated in facilities and receive services comparable to those provided to students with disabilities whenever reasonable;
6. Have your child be given a reasonable equal opportunity to participate in non-academic and extracurricular activities offered by the school district;
7. Have evaluation, educational and placement decisions made based upon a variety of information sources, by a group of persons who know your child, the evaluation data and placement options;
8. Have your child receive reasonable accommodations and related services if they are needed in order for the child to receive a free appropriate public education;
9. Examine all relevant Education Records relating to decisions regarding your child's identification, evaluation, educational program and placement; and
10. Receive a response from the school district to reasonable requests or explanations and interpretations of your child's record.

Disabled parents/guardians will be afforded reasonable accommodation if required to allow participation in their child's education.

The Section 504 Coordinator in the Christina School District responsible for assuring that the District complies with Section 504 is the Director of Student Services:

Gina Moody, Director of Student Services
Gabrielle Koury, Manager of Student Services, Section 504 Coordinator
Christina School District
1899 S. College Avenue
Newark, DE 19702
302-552-2600

Grievance Policy to Address Disability-Based Discrimination

The Christina School District strives to provide an environment free from discrimination. The district encourages students, parents and staff to identify barriers to a discrimination-free and appropriate learning environment in all schools. Any employee, parent/guardian of a disabled student enrolled in the Christina School District, or student eighteen years of age or older may file a grievance if they believe they or their child has been denied a reasonable accommodation or subjected to discrimination on the basis of disability by students, employees or third parties. All grievances will be received and investigated in a fair and expeditious manner.

Steps to Resolution

STEP 1: The best solutions to parent/guardian concerns often occur at the school level. Therefore, the District encourages parents/guardians to attempt to resolve concerns by working with the building principal or other appropriate building staff to reach a joint resolution of the issue. Prior to the submission of a written grievance to a hearing officer, the Grievant(s) may request pre-grievance contact with the respondent alleged to be directly responsible for the violation, and/or with the persons having immediate supervisory authority related to the grievance. These persons may make reasonable efforts to meet with the Section 504 Coordinator to discuss the grievance that the student(s) or employee(s) wishes to bring to their attention. Such a pre-grievance contact, however, shall be at the option of the Grievant(s); it shall not be a precondition for the submission of a written grievance to a hearing officer.

STEP 2: If the issue is not resolved at the school level, a formal written grievance form shall be submitted to the District Section 504 Coordinator, within 30 calendar days of the alleged 504 violation to request a hearing. The written grievance shall provide the following information: name and address of Grievant(s); nature of alleged violation; name of persons responsible for the alleged violation (where known); requested relief or corrective action (specification of desired relief shall be at the option of the Grievant), and any background information the Grievant believes to be relevant (e.g., names or groups of other persons affected by the violation, etc.). The Coordinator will be independent and impartial. If they have prior knowledge of the situation, an independent and impartial designee shall be appointed. They will thoroughly and diligently investigate the circumstances of the concern, obtain information as to relevant witnesses and evidence, obtain all relevant evidence, hear equally from the Grievant's witnesses, accused(s)'s witnesses and other witnesses, equally review all evidence from the Grievant and accused and interview and obtain statements from all relevant witnesses, and then present a report of their findings of fact and conclusions within ten school business days after the investigation is completed. The investigation will be adequate and reliable.

The report of their findings shall be sent to the parties upon completion. The complaint should be sent to:

Christina School District
Attention: Section 504 Coordinator
1899 S. College Avenue
Newark, DE 19702
302-552-2600

CSD Section 504 Grievance Form:

- Section 504 Grievance Form- Student Services, August 2024, English, Fillable PDF.pdf
- Section 504 Grievance Form- Student Services, August 2024, Spanish, Fillable PDF.pdf
- Section 504 Grievance Form-Student Services August 2024 ARABIC.pdf

STEP 3: The person filing the grievance may appeal the decision of the District Section 504 Coordinator to the Superintendent (or designee) within 10 days of receiving the Section 504 Coordinator's decision. The Superintendent (or designee) will meet with all parties involved, formulate a conclusion and respond in writing to the Grievant within ten (10) school business days. If the Grievant remains dissatisfied with the decision rendered by the Superintendent (or designee), the Grievant may give written notice to the Superintendent (or designee) requesting an impartial due process hearing (Step 4). The notice is to be given within ten (10) days of the receipt of the decision.

STEP 4: The due process hearing shall be held not later than thirty (30) days from the date upon which the request was received. The Grievant shall be notified in writing of the time and place of the hearing at least five (5) days prior to the hearing. An impartial hearing officer chosen by the District shall preside at the hearing and provide all parties with an opportunity to be represented by counsel (at their expense), to offer documentary evidence and/or testimony under oath. A court reporter shall take testimony, or the hearing shall be orally recorded. Within ten (10) school days after the conclusion of the hearing, the hearing officer will render a written decision which shall include applicable findings of fact and conclusions of law. The hearing officer shall submit the written decision to the Complainant and the Board of Education. At its next regularly scheduled meeting, the Board of Education shall adopt, reject or modify the hearing officer's report and recommendation after reviewing the report, evidence and testimony. If the Grievant is not satisfied with the disposition of the grievance, the Grievant may file a complaint with the appropriate state or federal agency(ies).

In the event there is a finding of discrimination, the District shall take remedial efforts and efforts to prevent recurrence and shall make all reasonable efforts to correct the discriminatory effects of a prohibited action. Any party aggrieved shall have the right to file a formal complaint after the Superintendent's (or designee) decision with the U.S. Department of Education, Office of Civil Rights:

Office for Civil Rights (OCR), Philadelphia
U.S. Department of Education The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107
Tel: (215) 656-8541
Fax: (215) 656-8605
E-mail: ocr@ed.gov
OCR Electronic Complaint Form:
<http://www.ed.gov/about/offices/list/ocr/complaintintro.html>