

GRIEVANCE PROCEDURE
Section 504 of the Rehabilitation Act of 1973

Under Section 504, a person with a disability is anyone who (a) has, (b) has a record of having or (c) is regarded as having, a physical or mental impairment which substantially limits a major life activity such as learning, self-care, walking, seeing hearing, speaking, breathing, working and performing manual tasks.

A complaint alleging discrimination on the basis of disability/impairment in admission, access to services, or treatment in programs and activities shall be filed in the following manner:

I. Procedures

A. It is the express policy of the district to provide for the prompt and equitable resolution of complaints alleging any violation of Section 504. In order to facilitate the timely resolution of such complaints, any eligible person, including any student, parent/guardian, staff member or other employee who feels that discrimination has occurred on the basis of disability should contact the district's designated Section 504 Coordinator within thirty (30) calendar days of the alleged occurrence. The complainant should provide the Section 504 Coordinator the following information:

1. The name of the complainant;
2. The date of the complaint;
3. The date(s) of the alleged discrimination;
4. The names of any witness(es) or individuals relevant to the complaint; and
5. A detailed statement describing the circumstances in which the alleged discrimination occurred.

B. If the Section 504 Coordinator is the subject of the complaint, the complaint should be submitted directly to the Superintendent, who shall investigate or appoint a designee to do so.

C. Complaints will be investigated promptly and corrective action will be taken when allegations are verified. Confidentiality will be maintained by all persons involved in the investigation to the extent possible.

D. Upon receipt of the complaint, the Section 504 Coordinator (or Superintendent, as outlined above), shall:

1. Provide a copy of the written complaint to the Superintendent of Schools;
2. Meet with the complainant within 14 calendar days of receiving the complaint, to discuss the nature of the complaint;
3. Provide the complainant with a copy of the district's Section 504 Policy and applicable administrative regulations within 14 calendar days of receiving the complaint;
4. Investigate the factual basis for the complaint, including interviews with individuals with information relevant to the complaint;

5. Attempt to resolve the complainant's concerns, whenever possible;
 6. Maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law;
 7. Regularly update the complainant on the investigation;
 8. Communicate the findings of the investigation to the complainant, along with the intended remedial actions, whenever appropriate, while keeping in mind confidentiality obligations; and
 9. Ensure that appropriate remedial and/or disciplinary action is taken whenever allegations are verified.
- E. If, following the investigation by the Section 504 Coordinator, the complainant is not satisfied with the results of the investigation or the proposed resolution, the complainant may request, in writing, that the Superintendent reviews the findings of the Section 504 Coordinator. Upon receipt of a written request from the complainant, the Superintendent shall review the investigative results of the Section 504 Coordinator and determine if further action and/or investigation is warranted.

II. Complaints to the District

Title: Superintendent of Schools, Westfield Public Schools
Address: 94 North Elm Street, Suite 102, Westfield, MA 01085
Tel #: (413) 572-6403

Title: Director of Curriculum and Instruction, 504 Coordinator
Address: 94 North Elm Street, Suite 102, Westfield, MA 01085
Tel #: (413) 562-2298

III. Complaints to State and Federal Agencies

The complainant has the right to file a formal complaint with the U.S. Department of Education, Office for Civil Rights, 33 Arch Street, Suite 900, Boston, MA 02110-149 (Phone Number 617-289-0111). Any such complaints must be filed within one hundred and eighty (180) days of the date of the alleged violation of Section 504, or within sixty (60) days of the completion of the district's internal grievance procedures or including the district's impartial hearing process.

Any employee who believes that he or she has been discriminated against on the basis of disability may also file a complaint with the Massachusetts Department of Elementary and Secondary Education (Phone Number: 781-338-3000), the Massachusetts Commission Against Discrimination (Phone Number: 617-994-6000) and/or the Equal Employment Opportunity Commission (EEOC), Boston Area Office, John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02114 (Phone Number: 617-565-3200). Massachusetts law requires that a formal written complaint be filed with the EEOC within one hundred and eighty (180) days of the date when the alleged discrimination occurred. Remedies for discrimination include cease and desist orders, back pay, compensatory damages, hiring, promotion or reinstatement.

First Reading: March 16, 2009

Second Reading: March 16, 2009

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