



Section 504 Grievance Procedures

Charlotte-Mecklenburg Schools has an internal resolution procedure to provide a prompt and impartial review of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) of the U.S. Department of Health and Human Services regulations implementing the Act. This is an optional resolution procedure for a complainant.

Section 504 complaints may include, but are not limited to, allegations that Charlotte-Mecklenburg Schools engaged in discrimination against Section 504 students with disabilities by affecting their rights regarding identification, evaluation, educational program or placement, and accommodation. As part of an informal approach to complaint resolutions, the District wants parents, guardians, students and other District patrons to have the opportunity to make concerns known to the District and for the District to have the opportunity to respond and resolve concerns as rapidly as practicable at the local school or program site level.

Filing a discrimination complaint is a protected activity. Discrimination against any individual because he or she reported Section 504 violations, or made a complaint, testified, assisted or participated in Section 504 investigations, proceedings or hearings is prohibited. Coercion, intimidation, threats or interference with anyone because he or she exercised Section 504 rights, or helped or encouraged someone else to do so is prohibited.

Grievances must be submitted to the Section 504 Program Specialist within ***60 days*** of the date the alleged discriminatory incident occurred.

The individual below has been designated to coordinate the efforts within Charlotte-Mecklenburg Schools to comply with Section 504:

Cynthia P. Vines Ed. S., M.Ed., NCSP
District Section 504 Program Specialist
Charlotte Mecklenburg Schools
4421 Stuart Andrew Blvd.
Charlotte, NC 28217
Courier: 835 (A)
Desk: 980-343-0589
Section 504 Help Desk: 980-343-0001
cynthiap.vines@cms.k12.nc.us
priority504@cms.k12.nc.us

These procedures are intended to protect the substantive rights of interested persons, meet appropriate due process standards, and assure District compliance with Section 504 of the Rehabilitation Act of 1973. CMS will make appropriate arrangements to ensure that disabled persons are provided other accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing taped cassettes of material for the blind, or assuring a barrier-free location for the proceedings. The Section 504 Program Specialist will be responsible for such arrangements.

Grievance Process

School Level

1. Complaints should be filed with the principal of the school which the student attends. The complaint should be filed within 60 calendar days after the parent/guardian becomes aware of the alleged violation. If complaints are initially received by the Section 504 office, the school principal will be promptly contacted so the concern can be shared and discussed.
2. After receiving the complaint, the principal will notify the District Homebound/Section 504 Program Manager. The case will then be assigned to a designated District Section 504 Facilitator. The principal will begin an investigation and schedule a conference with the parent/guardian to discuss the complaint. A conference will be held as promptly as possible to discuss a possible resolution.
3. If the parent/guardian accepts the proposed resolution, the school notifies the Section 504 office. Resolutions are implemented and the process is complete.
4. If the parent/guardian rejects the proposed resolution from school administration, they are provided with a CMS Section 504 Grievance form if one has not already been completed. Parent/guardian must submit this form within ten (10) days of receiving it.
5. As a result, the complaint is elevated to the Learning Community level.

Learning Community Level

1. Upon receipt of the written grievance, the Section 504 office will notify the principal, learning community superintendent, and CMS legal (if needed). This team will collaborate to discuss the parental complaint and establish a time to meet with the parent/guardian to discuss a possible resolution. The proposed resolution is presented to the parent/guardian at the previously scheduled meeting.
2. If the parent/guardian accepts the proposed resolution, written notification is provided to the parent/guardian by the learning community superintendent or Section 504 Program Specialist. Process is complete.
3. If the parent/guardian rejects the proposed resolution from the learning community, the complaint is elevated to the final appeal level.

Final Appeal Level

1. Consultation with the CMS legal department is required.
2. Parent/guardian is notified (in writing) within 20 school days of the final decision and offered their right to a formal hearing.
3. If the parent/guardian accepts the final decision, the process is complete.
4. If the parent/guardian rejects the final decision and requests a hearing, the formal hearing process begins.
5. After the hearing, the ruling officer renders their decision. The parent/guardian and CMS are notified of this decision. The process is complete.
6. After the hearing process is complete, it is up to the parent/guardian to file a legal complaint if they are unhappy with the hearing officer's decision.

NOTE: Parents are able to obtain legal counsel or formally contact the Office of Civil Rights (OCR) at any time during this process.

In compliance with Federal Law, Charlotte-Mecklenburg Schools administers all education programs, employment activities and admissions without discrimination against any person on the basis of gender, race, color, religion, national origin, age, or disability. Inquiries regarding compliance with Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs or activities, may be referred to the District's Title IX Coordinator at titleixcoordinator@cms.k12.nc.us or at <http://www.cms.k12.nc.us/titleix>, or to the Office for Civil Rights, United States Department of Education.

Guidelines for Section 504 Hearings

Selection of a Hearing Officer

From a list of impartial hearing officers, the District Section 504 Program Specialist and the complainant shall jointly select a hearing officer for the adjudication of the dispute. For an individual to be qualified to serve as a hearing officer they must meet the following qualifications:

- The individual may not be a current or former employee of Charlotte-Mecklenburg Schools (CMS).
- When possible, the individual should have a background in meeting the needs, or working with individuals with disabilities or civil rights issues.
- The individual may not have any prior knowledge of the particular complaint.

Failure to Request a Hearing

A request for a hearing under this procedure must be made within thirty (30) days of the final decision made at the Learning Community Level. However, complaints filed under terms of the Rehabilitation Act of 1973 and its amendments or the Americans with Disabilities Act and its Amendments of 2008 (ADAAA), are not waived and the individual may pursue a resolution through that process.

Procedures Governing the Grievance Hearing

- All grievance hearing procedures will be held before the hearing officer.
- The parent/guardian (or his/her representative) shall have the opportunity to examine, before the start of the proceedings, all relevant materials.
- The parent/guardian shall have the right to secure aid, at their expense; including, but not be limited to, attorneys, health professionals, or any other person beneficial to the presentation of the case.
- The grievance hearing shall be held in private. A public grievance hearing will be given consideration if requested by the parent/guardian.
- The parent/guardian has the right to present all pertinent evidence and cross-examine all witnesses.
- The decision of all grievance hearings shall only be based on facts presented at the time of the grievance hearing.

Failure to Appear for the Hearing

In the event that the Charlotte-Mecklenburg Schools (CMS) representative or the parent/guardian (or his/her representative) fails to show, the hearing officer may postpone the hearing for up to five (5) days or find against the party who failed to show. This determination does not affect the parent/guardian's or the District's rights to pursue any other legal process available.

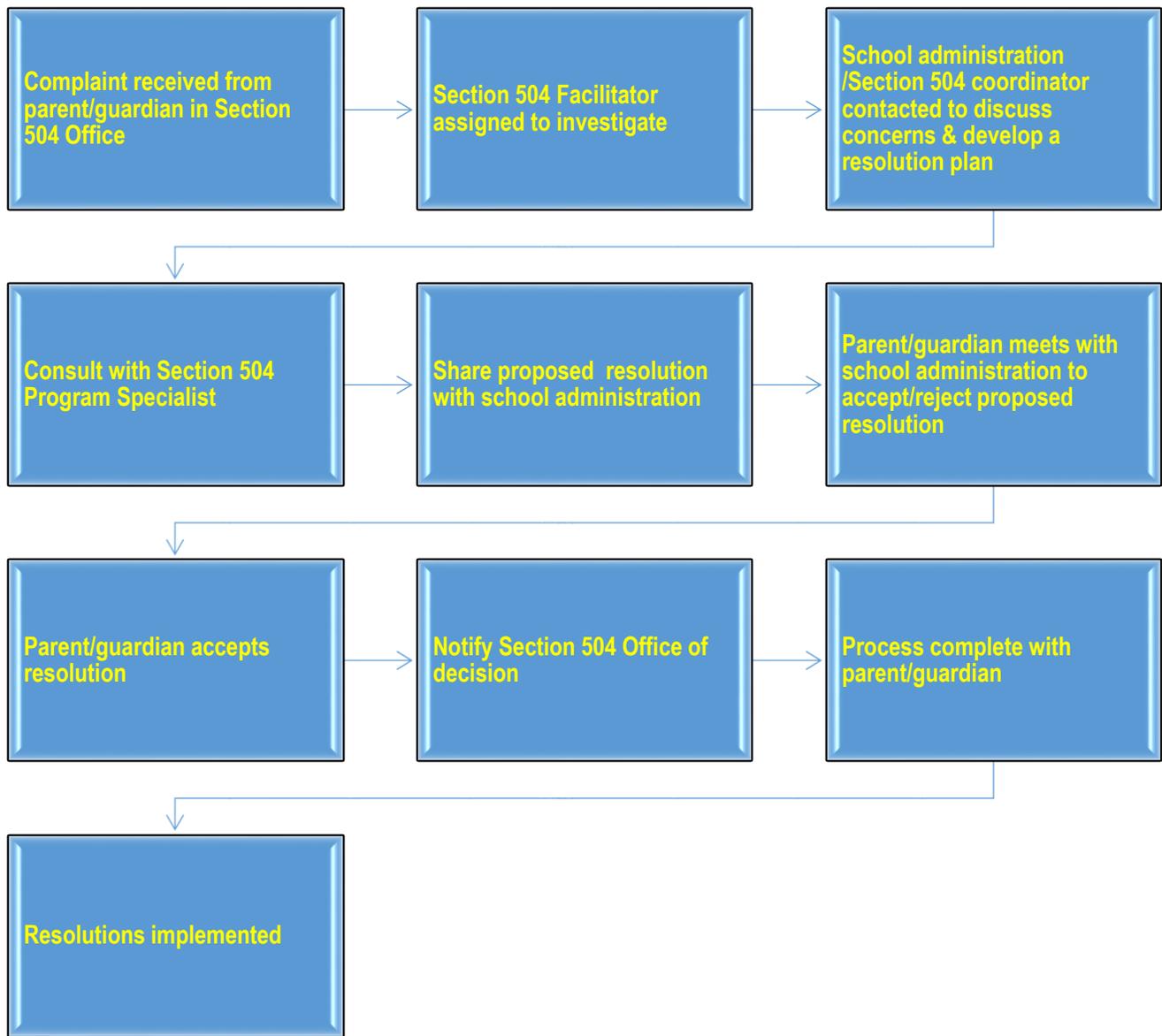
Procedures for Obtaining a Transcript of the Hearing

A transcript of the grievance hearing may be arranged prior to the grievance hearing date at the request of either party. The party requesting the transcript is responsible for the expense of this procedure.

Decision of the Hearing Officer

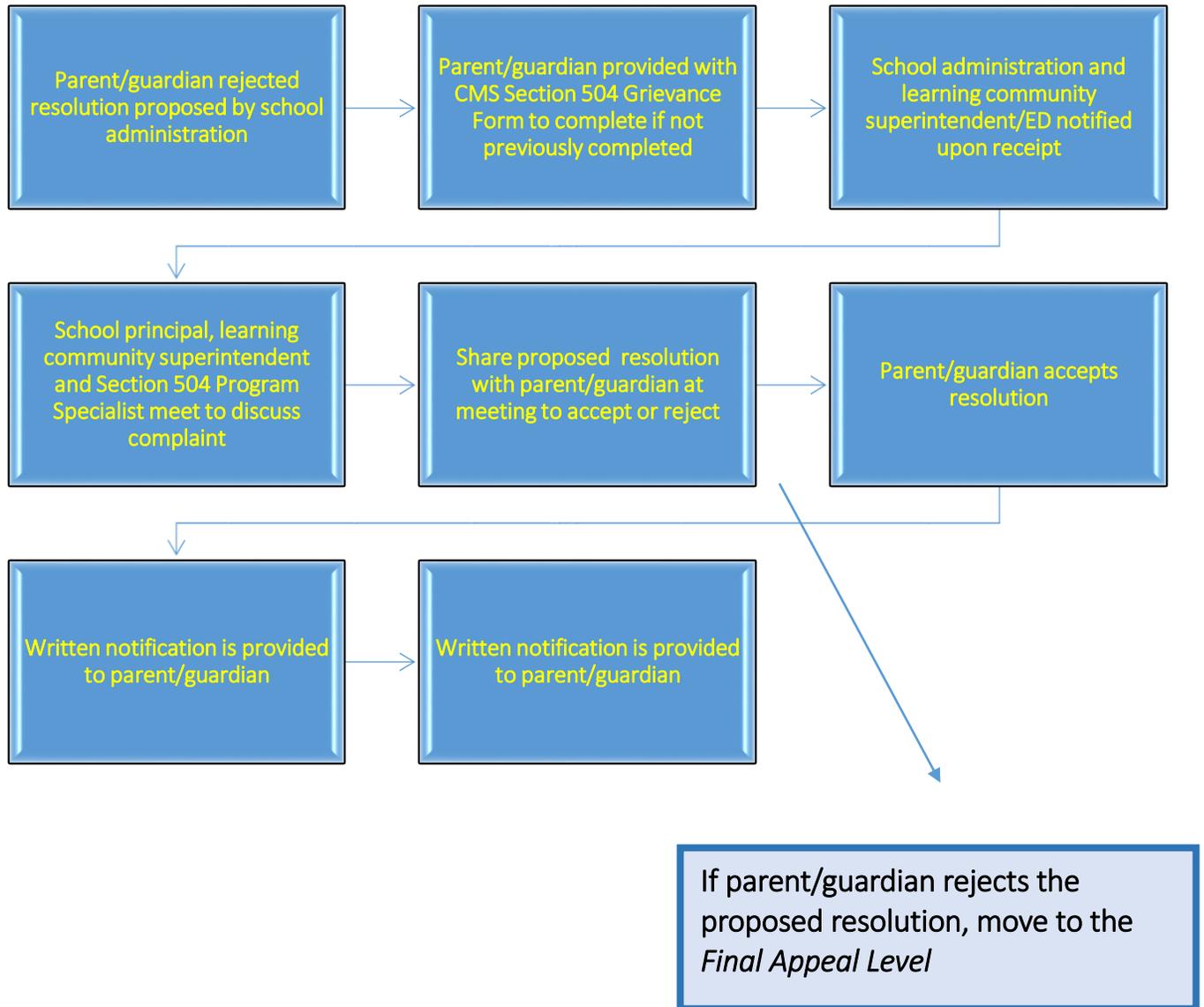
The hearing officer must issue a written decision of the grievance hearing within ten (10) working days and furnish a copy to all parties. A copy must be kept on file with the Section 504 office. An additional copy of the decision with all names deleted shall be kept on file for future reference. If the parent/guardian disagrees with the hearing officer's decision, it is their right to pursue legal counsel or file a complaint with the Office for Civil Rights (OCR).

Grievance Process Overview: School Level



If parent/guardian rejects the proposed resolution, move to the *Learning Community Level*

Grievance Process Overview: Learning Community Level



Grievance Process Overview: Final Appeal Level

