

## **Public Schools of Brookline Section 504 Grievance Procedures**

Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. Section 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Section 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35 prohibits discrimination and/or harassment based on disability. In accordance with Section 504 and Title II, any program participant (student, staff member, etc.), who has reason to believe that they have been mistreated, denied services, or discriminated against by any student, staff member or third party in any aspect of services or employment because of a disability may file a grievance. Public Schools of Brookline has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 and Title II. A copy of the laws and regulations is available in the Public Schools of Brookline Central Office.

Debra Bromfield of the Public Schools of Brookline is responsible for Section 504 and Title II Compliance for the Public Schools of Brookline. As the District Section 504/Title II Coordinator, she will investigate all complaints of disability-based discrimination. Should you have any questions or wish to file a complaint, she can be reached at 333 Washington Street, Brookline, MA 02445 or at (617) 730-2460..

It is against the law for the Public Schools of Brookline or any staff member or student to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

The following grievance procedure provides for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 or Title II. The procedures listed below are provided as a vehicle to fairly and expeditiously resolve concerns when they arise.

1. A grievance must be in writing, contain the name and address of the person filing it, and briefly describe the action alleged to be discriminatory and the action/relief sought by the complainant. If a complainant is unable to draft the written request and/or complaint, they may have the complaint taken orally by the Section 504 Coordinator who will then reduce the complaint to writing.
2. A grievance must be filed in the office of the Section 504 Coordinator within 60 days after the person filing the grievance became aware of the action alleged to be prohibited by the regulations. This time frame may be waived by the Section 504 Coordinator if extenuating circumstances existed which justifies an extension. If the Complaint involves the 504 Coordinator or Superintendent, the grievance must be filed with the Deputy Superintendent for Student Services, Liza O'Connell. She can be reached at 333 Washington Street, Brookline, MA 02445 or at 617-730-2444.
3. The Section 504 Coordinator, or his/her designee, shall conduct an impartial investigation of a grievance as may be appropriate to determine its validity. The 504

Coordinator will provide interim measures, if appropriate, while the investigation is ongoing. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint and present witnesses relevant to the complaint. Under Section 504, the Public Schools of Brookline need not process complaints from applicants for employment.

4. To the extent possible, confidentiality will be maintained throughout the investigation of a complaint of unlawful discrimination or harassment; however, both parties will be provided with notice of the substance of the complaint and the right to present evidence and witnesses.
5. The complainant, the person(s) who is subject to the complaint, and any witnesses interviewed as a part of the investigation will be informed that it is unlawful to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
6. The Section 504 Coordinator shall issue a written decision on the grievance to both the complainant and the person(s) who is subject to the complaint no later than 30 days after its filing. The written decision will provide the complainant with the facts found, documentation reviewed, witnesses interviewed, analysis and conclusion based on the appropriate legal standards. Should the Section 504 Coordinator determine that discrimination occurred, the Section 504 Coordinator will also provide the remedies for the complainant.
7. The District will take steps to prevent any recurrence of any harassment and will work to correct any discriminatory effects on the complainant or others, if appropriate
8. If the grievance has not been resolved to the satisfaction of either party; the complainant or the person subject to the complaint may request in writing that the Superintendent review the decision of the Section 504 Coordinator. Such a request must be made within 5 days of receipt of the decision by the Section 504 Coordinator. The Superintendent will only review as a part of the appeal
  - a. whether there was a procedural irregularity affected the outcome of the matter;
  - b. whether new evidence has been discovered and was not reasonably available at the time of the determination;
  - c. or whether there was a conflict of interest affected the outcome.
9. The Superintendent shall have an additional 15 days to review the underlying evidence and decision and issue a written decision to the complainant and the person who is subject to the complaint.
10. The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the United States Department of Education's Office for Civil Rights (OCR); or the Department of Elementary and

Secondary Education's complaint resolution office or with the Bureau of Special Education Appeals (BSEA).

OCR:

U.S. Department of Education  
8th Floor  
5 Post Office Square  
Boston, MA 02109-3921  
Telephone: (617) 289-0111  
Facsimile: (617) 289-0150  
Email: OCR.Boston@ed.gov

DESE: Problem Resolution System  
75 Pleasant Street  
Malden, MA 02148  
Telephone: 781-338-3700

BSEA:

14 Summer Street,  
4th floor  
Malden, MA 02148  
Telephone: 781-397-4750  
Facsimile: 781-397-4770

The Public Schools of Brookline 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 Districtwide Section 504 Coordinator will be responsible for such arrangements.