



Orleans Parish School Board (OPSB) Parent/Student Rights under Section 504 and Title II of the American with Disabilities Act (ADA)

The following is a description of the rights granted by federal law to students with disabilities. The intent of the law is 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. You have the right to:

- Have your child take part in and receive benefits from public education programs without discrimination because of his/her disabling condition;
- Have the school district advise you of your rights under federal law;
- Receive notice with respect to identification, evaluation, or placement of your child;
- Provide consent prior to your child being evaluated;
- Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate to the needs of the disabled student. It also includes the right to have the school system make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities;
- Have your child educated in facilities and receive services comparable to those provided non-disabled students;
- Have your child receive specially designed education and related services if your child is found to be eligible under the Individuals with Disabilities Education Act;
- Have the interpretation evaluation data and placement decisions based upon a variety of information sources and placement decisions made by persons who know the student, the meaning of the evaluation data, and placement options;
- Have your child provided with an equal opportunity to participate in nonacademic and extracurricular activities offered by the system;
- Examine all relevant records relating to decisions regarding your child's identification, evaluation, education program, and placement;
- Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records;
- A response from the school to reasonable requests for explanations and interpretations of your child's records;
- Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading, or otherwise in violation of the privacy rights of your child. If the school system refuses this request for amendment, it shall notify you within a reasonable time and advise you of the right to a hearing;
- Request and participate in a review or an impartial hearing, with counsel if desired, related to decisions or actions regarding your child's identification, evaluation, educational program or placement;
- Request payment of reasonable attorney fees if you are successful on your claim;
- File a local grievance.

The person at the school who is responsible for Section 504/ADA compliance is the building principal. The District Section 504 Coordinator is Dr. Shayla Guidry, 3520 General deGaulle Drive, Suite 5055, New Orleans, LA 70114, (504) 304-4988.

Rev. 9/8/17

Form 2a - 504 Parent/Student Rights and Grievance Procedures



Orleans Parish School Board (OPSB) Grievance Procedures under Section 504 and Title II of the American with Disabilities Act (ADA)

Disability based harassment includes unwelcome conduct based on an individual's (e.g., student's) actual or perceived disability. Harassers can be students, school staff, or even someone visiting the school, such as a student or employee from another school. Disability harassment can take many forms, including slurs, taunts, stereotypes, or name-calling, as well as disability motivated physical threats, attacks, or other hateful conduct. Disability discrimination under Section 504 or ADA may include, for example, failing to include a child (on the basis of the child's disability) on a field trip or other extra-curricular activities or failing to provide needed accommodations for access to academics or other school activities.

Grievances may be submitted by OPSB students, parents/guardians of OPSB students, and OPSB employees who allege disability based discriminatory action by OPSB employees, OPSB students, and third parties. The following procedures apply to such grievances.

Grievances must be submitted to the appropriate "Coordinator" in writing within 180 days of the date the person filing the grievance becomes aware of the alleged discriminatory action. If the Coordinator is the subject of the grievance, then the grievance must be submitted to the Superintendent of OPSB who will appoint another administrator to conduct the investigation.

The complaint shall be signed by the grievant and include:

- (1) the grievant's name and contact information;
- (2) the facts of the incident or action complained about;
- (3) the date of the incident or action giving rise to the complaint; and
- (4) the specific relief sought.

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Coordinator for Section 504 Grievances:

Dr. Shayla Guidry Hilaire
Executive Director, Exceptional Children's Services
3520 General DeGaulle Drive
Suite 2060
New Orleans, LA 70114
(504) 304-4988

Coordinator for ADA–Title II Grievances:

Dr. Shayla Guidry Hilaire
Executive Director, Exceptional Children's Services
3520 General DeGaulle Drive
Suite 2060
New Orleans, LA 70114
(504) 304-4988

Within 10 business days following receipt of the grievance, the Coordinator (or her/his designee) shall conduct an investigation of the grievance/complaint. This investigation shall be adequate, reliable, and impartial. The investigation shall include an interview of the parties and witnesses, a review of relevant evidence, and any other steps necessary to ensure a prompt and thorough investigation. The investigation shall afford an equal opportunity to present witnesses and submit evidence relevant to the complaint.

The Coordinator (or her/his designee) will issue a written decision on the grievance no later than 20 business days after its filing. A copy of the decision shall be provided to each party.

The person filing the grievance (“complainant”) or the individual against whom the grievance has been filed may appeal the decision of the Coordinator by writing to the Superintendent within 15 days of receiving the Coordinator’s decision. The OPSB assures that the appeal shall be conducted in an impartial manner by an impartial decision-maker who is not a subject of the grievance. The impartial decision-maker shall review the record of the investigation and may take and consider additional evidence from the complainant and OPSB. The Superintendent (or designee if the Superintendent is a

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subject of the grievance) shall issue a written decision in response to the appeal no later than 20 business days after receiving the request for appeal.

If the investigation yields a determination that discrimination has occurred, the OPSB shall take affirmative steps to prevent recurrence of such discrimination and appropriately address discriminatory effects, if any, on the complainant and others. Such actions may include, for example, modification of OPSB policies and procedures, training of appropriate staff in the requirements of Section 504 and ADA, discipline of appropriate staff, and reconvening of a student's Section 504 or IEP Team to consider remedial and compensatory education and services for the student.

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 U. S. Department of Education, Office for Civil Rights (OCR).

Retaliation is prohibited against any person involved in the grievance or investigation process, including the complainant or any other participant.

The OPSB shall keep the complaint and the investigation confidential to the extent provided by applicable federal and Louisiana law.

Time Line Extensions

The Coordinator may request in writing to the complainant an extension of decision time lines if received by the complainant within 20 days of the Coordinator's receipt of the complaint. The request must include reasons for the request. The extension request may not exceed 10 days.

The complainant or individual against whom the grievance was filed may request in writing an extension of appeal time lines (to file an appeal) if received by the Coordinator/Investigator within 10 days of the complainant's receipt of the Coordinator's/Investigator's decision. The request must include reasons for the request. The Coordinator's/Investigation's decision to grant the extension and, if granted, regarding its duration is final.

Once a complaint has been received by the Coordinator/Investigator, Winter/Christmas holiday break time shall not be included in the calculation of any grievance time line.