

## What is 504?

No qualified individual with disabilities in the U.S. shall solely by reason of his or her disability be excluded from the participation in, denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

### **The SECTION 504 GUARANTEE**

F.A.P.E. (Free Appropriate Public Education)

Equal Access and Opportunity

Afford same educational benefits as non-disabled students

Does not ensure academic success or remediation

## How do I determine if a student has a disability/handicapping condition?

Impairment (research/scientific based) (necessary but not sufficient alone for eligibility under 504); OCR allows for alternative assessment methods in lieu of medical diagnosis for the purpose of determining whether the child has an impairment such as ADHD. If determined that a medical diagnosis is necessary, the district must ensure that the child receives the diagnosis at no cost to the parents.

The qualified individual must have a mental or physical impairment that substantially limits one or more major life activities.

The qualified individual must not be discriminated against based on having a history or record of a disability.

The qualified individual must not be discriminated against based on being regarded as having a disability.

## What is Jeff Davis' policy statement for 504 and Louisiana Dyslexia law?

It is the policy of the Jefferson Davis Parish School Board to provide a free appropriate public education to all students with disabilities within its jurisdiction, regardless of the type of disability or its severity.

Students who are disabled consistent with the definitions set forth in Section 504 of the Rehabilitation Act of 1973 will be identified, evaluated, and provided with appropriate instruction and educational services. Persons who are thought to be disabled shall have the following rights in accordance with Section 504.

1. Right to file a grievance with the district concerning allegations of violations of Section 504 regulations.
2. Right to an evaluation drawing upon different sources.
3. Right to be informed of any actions pertaining to eligibility and any proposed service plans.
4. Right to review any personal information in an understandable mode.
5. Right to periodic evaluations.
6. Right to evaluation prior to any significant change in services.
7. Right to contest the district's proposed actions through an impartial hearing.
8. Right to be represented by counsel in the impartial hearing.
9. Right to appeal the decision from any hearing.

The Section 504 Coordinator for this district is Jeremy Fuselier. This person may be contacted at (337) 824-3522.

## [How does someone file a grievance to the ADA or for 504?](#)

# **JEFFERSON DAVIS PARISH**

## **ADA GRIEVANCE PROCEDURE**

The Jefferson Davis Parish School Board has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act. Title II states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination" in programs or activities sponsored by public entity.

All complaints should be addressed to: Jeremy Fuselier, Special Education Director/504 Coordinator, Jefferson Davis Parish School Board, 203 Plaquemine, Jennings, LA 70546, phone (337) 824-3522, who has been designated to coordinate ADA compliance efforts.

1. A complaint should be filed in writing or verbally, contain name and address of the person filing it, and briefly describe the alleged violation of the regulations.
2. A complaint should be filed within ten (10) days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination, which occurred before this grievance procedure was in place, will be considered on a case-by-case basis.)
3. An investigation, as may be appropriate, shall follow a filing of complaint. The investigation shall be conducted by central office staff. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to complaint.
4. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the central office staff and a copy forwarded to the complainant no later than fifteen (15) days after its filing.
5. The ADA Coordinator shall maintain the files and records of the Jefferson Davis Parish School Board relating to the complaints filed.

## **JEFFERSON DAVIS PARISH**

### **SECTION 504 GRIEVANCE PROCEDURE**

The Jefferson Davis Parish School Board has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by The Office of Civil Rights (OCR) regulations implementing Section 504 of the Rehabilitation Act of 1973, as amended

(29 U.S.C. 794). Section 504 states, in part, that “no otherwise qualified individual with a disability shall, solely by reason of his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance...”

Complaints shall be addressed to: Jeremy Fuselier Special Education Director/504 Coordinator, Jefferson Davis Parish School Board, 203 E. Plaquemine Street, Jennings, LA 70546, (337) 824-3522, who has been designated to coordinate Section 504 compliance efforts.

1. A complaint shall be filed in writing; it must contain the name, address and telephone number of the person filing it as well as that person’s relationship with the School Board (i.e. employee, parent, student, etc.), and briefly describe the alleged violation of the regulations. If the person filing is different from the complainant, the name of the individual who is the subject of the alleged number, and the identification of the school the individual is associated with shall be part of the descriptive narrative.

2. A complaint must be filed within thirty (30) calendar days after the complainant, or the individual formally filing said complaint, becomes aware of the alleged violation, otherwise the complainant waives his/her right of action. The only exception would be if mitigating circumstances exist such as, lack of knowledge, fraud, or duress, in which case an equitable amount of time shall be allowed on a case-by-case basis.
3. An investigation, as may be appropriate, will follow a filing of complaint. The investigation will be conducted by the 504 coordinator. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit written evidence relevant to a complaint. All written evidence, whenever received, shall be stamped as of the date received and shall be made available to all parties to the complaint. Under the Office of Civil Rights, regulations, Jefferson Davis Parish School Board need not process complaints from applicants for employment or from applicants for admission to post-secondary educational institutions.
4. A written determination as to the validity of the complaint and a description of the resolution, if any, will be issued by the 504 coordinator and a copy forwarded to the complainant no later than fifteen (15) working days after its filing.
5. The Section 504 Coordinator will maintain the files and records of the Jefferson Davis Parish School Board relating to the complaints filed.
6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration shall be made within fifteen (15) working days to the assistant superintendent.
7. The person handling the appeal shall render a written decision within fifteen (15) working days of the receipt of the complete file. The Standard of Review for the appeal shall be that of arbitrary and capricious, that is, the review officer shall not take new evidence, but shall judge the initial hearing officer's decision only as to whether or not he/she had a valid objective reason for his/her decision which was fairly arrived at considering all equal protection ramifications.
8. The right of a person to a prompt and equitable resolution of the complaint filed here under will not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the responsible federal department or agency. Using this grievance procedure is not a prerequisite to the pursuit of other remedies.
9. These rules will be constructed to protect the substantive rights of interested persons, meet appropriate due process standards, and assure that the Jefferson Davis Parish School Board complies with Section 504 and its regulations.

### **EQUAL OPPORTUNITY STATEMENT**

The Jefferson Davis Parish School Board adheres to the equal opportunity provisions of Federal civil rights laws and regulations that are applicable to the Board. Therefore, no one will be discriminated against on the basis of race, color, national origin (Title VI of the Civil Rights Act of 1964); sex (Title IX of the Educational Amendments of 1972); or handicapping condition (Section 504 of the Rehabilitation Act of 1973) in the pursuit of educational goals and objectives

and in the administration of personnel policies and procedures. Anyone with questions regarding this policy may contact the parish Assistant Superintendent at (337) 824-1834.