

**ADMINISTRATIVE PROCEDURES: NONDISCRIMINATION – QUALIFIED
STUDENTS WITH DISABILITIES/PROTECTED HANDICAPPED STUDENTS
(Attachment for Policy No. 103.1)**

Parental Request For Assistance –

Parents/Guardians may file a written request for assistance with the Pennsylvania Department of Education (PDE) if one (1) or both of the following apply:[\[1\]](#)

1. The district is not providing the related aids, services and accommodations specified in the student's Service Agreement.
2. The district has failed to comply with the procedures and state regulations.

PDE shall investigate and respond to requests for assistance and, unless exceptional circumstances exist, shall, within sixty (60) calendar days of receipt of the request, send to the parents/guardians and district a written response to the request. The response to the parents'/guardians' request shall be in the parents'/guardians' native language or mode of communication.[\[1\]](#)

Informal Conference –

At any time, parents/guardians may file a written request with the district for an informal conference with respect to the identification or evaluation of a student, or the student's need for related aids, services or accommodations. Within ten (10) school days of receipt of the request, the district shall convene an informal conference. At the conference, every effort shall be made to reach an amicable agreement.[\[1\]](#)

Formal Due Process Hearing –

If the matters raised by the district or parents/guardians are not resolved at the informal conference, the district or parents/guardians may submit a written request for an impartial due process hearing. The hearing shall be held before an impartial hearing officer and shall be conducted in accordance with state regulations.[\[1\]](#)[\[2\]](#)

Judicial Appeals –

The decision of the impartial hearing officer may be appealed to a court of competent jurisdiction.[\[1\]](#)

Complaint/Grievance Procedure

Complaint Procedure

This complaint procedure is in addition to and does not prevent parents/guardians from using any option in the procedural safeguards system.[3]

Step 1 – Reporting

A student or his/her parent/guardian who believes s/he has been subject to conduct by any student, employee or third party that constitutes a violation of this policy is encouraged to immediately report the incident to the Section 504/Chapter 15 case manager or to any other member of the school staff, including teachers, guidance counselors, nurses, coaches and administrators.

A school employee who witnesses, suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Section 504/Chapter 15 case manager or designee.

If the Section 504/Chapter 15 case manager is the subject of a complaint, the student, parent/guardian or employee shall report the incident directly to the district's Section 504/Chapter 15 Coordinator.

The complainant or reporting employee is encouraged to use the report form available from the Section 504/Chapter 15 building administrator, but oral complaints shall be acceptable. Oral complaints shall be documented by the Section 504/Chapter 15 case manager.

Step 2 – Investigation

Upon receiving a complaint of discrimination, the Section 504/Chapter 15 administrator, case manager or designee shall investigate the complaint, unless the Section 504/Chapter 15 administrator, case manager or designee is the subject of the complaint or is unable to conduct the investigation.

The Section 504/Chapter 15 administrator, case manager or designee shall conduct an adequate, reliable and impartial investigation and shall provide the opportunity for each party to present witnesses and other evidence.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.

The investigator shall attempt to secure statements from all participants in, and witnesses to the complaint. The accused shall have the right of representation during his/her interview as required by the applicable collective bargaining agreement or practice.

If the investigation results in a determination that the conduct being investigated may involve a violation of criminal law, the building administrator or designee shall inform law enforcement authorities about the incident.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded. The investigator should coordinate with any other ongoing district or criminal investigation of the incident.

All investigations shall be completed by the assigned investigator within fourteen (14) days from the filing date of the complaint. Extenuating circumstances for not being able to comply with the deadline must be approved by the Section 504/Chapter 15 Coordinator. The extension must be a specified period of time not exceeding fourteen (14) days, and must be communicated to the complainant.

Step 3 – Investigative Report

The Section 504/Chapter 15 administrator, case manager or designee shall prepare a written report to the Section 504/Chapter 15 Coordinator within fourteen (14) days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, the basis for the determination and a recommended disposition of the complaint.

The complainant and the accused shall be provided written notice of the outcome of the investigation, including the recommended disposition. The accused shall not be notified of the individual remedies offered or provided to the complainant.[\[4\]](#)

Step 4 – District Action

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases. The district shall take steps to prevent the recurrence of prohibited conduct and to correct the discriminatory effect on the complainant and others, if appropriate. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.[\[4\]](#)

Disciplinary actions shall be consistent with the Code of Student Conduct, SRC policies and administrative procedures, applicable collective bargaining agreements, and state and federal laws, and may include educational activities and/or counseling services.

If it is concluded that a student has knowingly made a false complaint under this policy, such student shall be subject to disciplinary action.

Appeal Procedure

1. If the complainant or the accused is not satisfied with a finding of no violation of the policy or with the recommended corrective action, s/he may submit a written appeal to the Section 504/Chapter 15 Coordinator within fifteen (15) days.
2. The Section 504/Chapter 15 Coordinator shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Section 504/Chapter 15 Coordinator shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the Section 504/Chapter 15 case manager who conducted the initial investigation.

Legal References:

1. 22 PA Code 15.8
2. 22 PA Code 14.162
3. Pol. 103
4. 20 U.S.C. 1232g