

## **2421 Procedural Safeguards: Non-Discrimination On The Basis Of Handicap Or Disability 2421**

The District shall provide the Notice of Procedural Safeguards to parent/guardians and handicapped persons, as required by 34 C.F.R. Sections 104.7, 104.8, 104.22(4)(1), and 104.36 of the Regulations Implementing Section 504 of The Rehabilitation Act of 1973.

The District does not discriminate on the basis of disability in admission or access to, or treatment of, or employment in, its programs and activities.

The District provides a grievance procedure with appropriate due process rights for any claim that there has been a violation, misinterpretation, or misapplication of the terms of Sec. 504 by employees, other students and third parties participating in school activities or acting on behalf of the school district. The Director of Special Services, SAU #40, 100 West Street, Milford NH 03055-4871, is the designated employee charged with coordinating efforts to comply with Section 504.

The grievance process is voluntary and may be ended at any point.

The District also provides a Section 504 impartial hearing process for parents/guardians to appeal District actions regarding the identification evaluation, and placement of students with disabilities who need or are believed to need special education or related services under Section 504.

### **Grievance Procedure**

Parents/guardians of a student with a disability or anyone who feels disability discrimination may have occurred have the right to file a complaint with the Director of Special Services, SAU #40, 100 West Street, Milford, NH 03055-4871, 603-673-6709.

The Director of Special Services shall conduct an investigation to include review of records, witness interviews and consideration of any other evidence the complainant provides.

The Director of Special Services shall issue a decision to the parties within ten (10) days of receipt of the complaint, including a determination of whether or not there was discrimination and, if there was discrimination, the steps to be taken to prevent recurrence of the discrimination, and to remedy the effects.

There shall be no retaliatory action taken toward parents or guardians of students who file a grievance relative to the filing, findings or remedy under this policy.

Milford School District  
Section 504 Impartial Hearing Process

**Purpose**

An impartial hearing process is available to the parent(s)/guardian(s) of students with disabilities, as defined by Section 504, to resolve disputes regarding identification, evaluation, and placement under Section 504 of the Rehabilitation Act when there is a disagreement with a team decision.

**Requesting an Impartial Hearing**

1. Requests for an impartial hearing shall be made by filing a written request to the district Director of Special Education. Assistance will be provided for those not able to file a written request. The request shall include: the name of the student, the address of the student, the name of the school the student is attending, a description of the nature of the dispute, a proposed resolution of the dispute, and any other information believed to be important to understanding the dispute. Phone and/or email contact information is also helpful.
2. The parent/guardian has the right to examine all relevant records.
3. The Director of Special Education and the Superintendent arranges for an attorney to serve as an impartial hearing officer who is not a Milford School District employee.
4. The parent(s)/guardian(s) will be given written notice of the hearing, including time, date, and location of the hearing at least five (5) business days before the hearing.
5. Both parties have the right to be accompanied and represented by counsel with each party being responsible for his/her own attorney fees.
6. Both parties shall be afforded a full and fair opportunity to present evidence relevant to the issues raised.
7. The hearing officer will issue a decision in writing after considering the whole record. The decision will be issued within twenty (20) business days of the conclusion of the hearings. The decision is final and binding unless either party files a timely appeal in an appropriate court.
8. If the parent is not satisfied with the decision of the hearing officer, the parent can seek review in a court of competent jurisdiction.

**Legal References**

34 C.F.R. Part 104, Nondiscrimination on the Basis of Handicap Section 504 of The  
Rehabilitation Act of 1973  
NH Department of Education Administrative Rules, Ed 1120, Procedural Safeguards

Adopted: 10/2012

Revised: 10/2014, 12/2016, 1/2018