

## **Parent/student rights in identification, evaluation and placement for IDEA and Section 504**

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:

1. Have your child take part in and receive benefits from public education programs without discrimination because of his/her disabling condition;
2. Have the school district advise you of your rights under federal law;
3. Receive notice with respect to identification, evaluation, or placement of your child;
4. 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. It also includes; the right to have the school district make reasonable accommodations to allow your child an equal opportunity to participate in school and school related activities;
5. Have your child educated in facilities and receive services comparable to those provided non-disabled students;
6. Have your child receive special education and related services if he/she is found to be eligible under the Individuals with Disabilities Education Act;
7. Have evaluation, educational and placement decisions made based upon a variety of information sources, and by persons who know the student, the evaluation data and placement options;
8. Have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the district;
9. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district;
10. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement.
11. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records;
12. A response from the school district reasonable requests for explanations and interpretations of your child's records;
13. Request amendments 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 district refuses this request for the amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing.

14. Request an impartial due process hearing through the district's grievance procedure related to decisions or actions regarding your child's identification, evaluation, educational program or placement. You and the student may take part in the hearing and have an attorney represent you. Hearing request must be made to the ADA/504 coordinator.

**\*The person in this district who is responsible for assuring that the district complies with Section 504 and IDEA is Amy Washington, Director of Special Services. Her telephone number is (816) 931-0177.**

### **Grievance Procedure**

In accordance with Title IX of the Educational Amendment Act of 1972, The Allen Village School prohibits sex discrimination in its educational programs as well as, extracurricular activities sponsored by the college.

An individual's sex cannot be considered as a basis for making decisions in areas include, but not limited to:

- Admission and promotion requirements
- Access to school enrollment or facilities
- Counseling and health services
- comparative athletic programs and activities
- other educational benefits/services

Note: An individual may use this grievance procedure to file a complaint alleging a violation of Title IX or any other Federal, State or Local Statute which applies to any form of discrimination.

**Step 1: Filing A Complaint** A grievance should be filed as soon as possible, but no later than 14 days after the alleged unlawful discriminatory practice. The complaint should be filed in writing by utilizing the Grievance Form. Supplemental sheets may be attached to provide additional detail regarding the alleged violation. The completed Grievance Form and any supplemental attachments should be filed with:

**Amy Washington  
Grievance Coordinator  
Allen Village School  
706 West 42<sup>nd</sup> Street  
Kansas City, Mo 64111  
816 931 0177**

If the Coordinator is the person alleged to have discriminated, the complaint may be filed with The Allen Village School's General Counsel, Doc Netterville, IV. Mr. Netterville will appoint someone, other than himself and the Grievance Coordinator, to investigate the complaint. Mr. Netterville can be reached at : Netterville & Associates, 417 E. 6<sup>th</sup> Street, Kansas City, Mo. 64146; [docnetterville2000@yahoo.com](mailto:docnetterville2000@yahoo.com); 816 472 5500.

**Step 2: Pre-Investigation Process** Within 14 days of receiving the grievance form, the Grievance Coordinator or a designated representative will meet with the

complainant. The purpose of the meeting is for the investigator to clarify details of the alleged violation, and to obtain names of witnesses and other relevant information deemed necessary to investigate and resolve the complaint. Complainants will be notified in writing of a meeting cannot occur within this timeframe.

**Step 3: Investigation Process** The Grievance Coordinator or designated representative will then interview the Individual(s) accused of discrimination, who at that time will have an opportunity to provide relevant information for the investigation and /or advise of witnesses to the violation in question. The investigation will be conducted to ensure the greatest degree of confidentiality of all parties involved. Further, all parties involved in the investigation will be advised of the expectation of confidentiality of the active investigation. It will be stressed that retaliation against the complaining party or witnesses is strictly prohibited. Proven retaliation by an employee will result in discipline, up to and including termination.

**Step 4 Completion of Investigation Report**

The Grievance Coordinator or designated representative should complete a written report within 30 days of receiving the complaint. The report will detail the facts and allegations made by the complainant, summarize the witness meetings, and make recommendations to resolve the complainant. However, due to the extensiveness or complexity of the issues of an investigation, more than 30 days may be needed to a complete and thorough and equitable investigation. In those cases, the complainant will be advised in writing that additional time is required.

The written report will be submitted to The Allen Village's General Counsel and the complainant will be advised verbally at that time that the report has been submitted. General Counsel will forward the written report with any supplemental comments or data to the Principal. The Principal may 1) choose to follow the recommendations 2) attempt to resolve the complaint through a designated representative, or 3) request that General Counsel or other school official identify and implement other acceptable solutions.

**a. Recommendation for Proven Violations**

Recommended solutions for allegations of discrimination that are proven to be valid will be based on the severity of the offense, the frequency of the offense, and the duration of the prohibited conduct or practice. Other factors may include the extent to which the misconduct or practice, however minor or severe, may isolate or intimidate the person filing the complaint. Recommendations may involve corrective action, appropriate disciplinary action and /or employment action.

**b. Recommendation for Unproven Violations**

In cases where the investigation does not provide sufficient evidence to determine that a violation has occurred, the Grievance Coordinator or designated representative will provide correspondence advising the complainant of the investigation outcome and their appeal options.

**Step 5A: Investigation Recommendations Acceptable to Complainant**

If the proposed recommendations are acceptable to the complainant and the solutions are implemented the complainant is considered resolved. The Grievance Coordinator will follow – up with the complainant to ensure that no retaliation has occurred.

**Step 5B: Appeal Process with The Allen Village School**

If the complaint is not resolved to the satisfaction of the complainant or the party alleged to have discriminated, a written request may be submitted to the General Counsel or Grievance Coordinator requesting that the investigation be re-opened. The written request should:

- a) be submitted within 14 calendar days of receipt of Allen Village’s decision
- b) include the reasons for requesting the re-opening of the investigation

**Step 5C: Appeal Process with External Agencies**

The complainant may also file a complaint of alleged discrimination with the Office of Civil Rights:

Office for Civil Rights  
U.S. Department of Education  
8930 Ward Parkway, Suite 2037  
Kansas City, MO 64114-3302  
email: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)  
816-268-0550