

SAN DIEGO UNIFIED SCHOOL DISTRICT

Date: June 25, 2008

To: Principals, Division and Department Heads

Subject: SECTION 504 OF THE REHABILITATION ACT OF 1973
COMPLAINT PROCEDURES

**Department and/or
Persons Concerned:** Principals, Site Administrators, Site 504 Coordinators,
Student Study Team Members

Reference: Administrative Procedures:
0108: *Nondiscrimination on the Basis of Disability*
1700: *Uniform Complaint Procedure*
6025: *Students Eligible for Services under Section 504*

Action Requested: Please share information with appropriate staff.

Brief Explanation: **Clarification of procedures for Section 504 complaints of discrimination based on disability.**

Section 504 of the Rehabilitation Act of 1973 prohibits the District from discriminating against individuals on the basis of disability. Title II of the Americans with the Disabilities has similar requirements. The purpose of this information circular is to clarify the procedures that principals and Section 504 site coordinators should follow after receipt of an oral or written complaint concerning disability-based discrimination.

1. Complaints of Discriminatory Treatment

Complaints of discriminatory treatment include the following: **harassment** of a disabled student by others; **denial of the opportunity to participate** in a program or activity based on disability; **other forms of different treatment** based on disability; **inaccessibility** of District programs or activities.

In the event that a student, parent or guardian expresses concerns about discriminatory treatment based on disability, the site should first attempt to resolve the complaint informally. If the complaint cannot be resolved informally, the parent/guardian should be notified that he/she has a right to file a complaint under the District's *Uniform Complaint Procedure (Administrative Procedure 1700)*. The parent should be informed that he/she may obtain a copy of the *Uniform Complaint Form* from the district web site under "legal forms" or directly from the Office of the General Counsel located at the Eugene Brucker Education Center, Room 2148, telephone (619) 725-5630.

2. Complaints about the Section 504 identification, evaluation and placement process

If a parent or guardian raises a concern about the identification, evaluation or placement of a student with a disability or suspected disability under Section 504, the site should first attempt to resolve the matter through the site's Section 504/SST process as outlined in Administrative Procedure 6025: *Students Eligible for Services under Section 504 of the Rehabilitation Act of 1973*.

If a parent/guardian wishes to pursue a formal complaint, disputes regarding identification, evaluation or placement should be resolved through the procedural safeguards process set forth in Administrative Procedure 6025, section C.8.

3. OCR Complaints

Parents may also file complaints directly with the U.S. Department of Education – Office for Civil Rights, or with the California State Department of Education.

Note: A complainant is not required to participate in an informal process in order to file a formal complaint for either # 1 or # 2 above.

Information about these processes are available by contacting Sally Tucker, District Section 504 Coordinator, at (858) 627-7583, or the General Counsel's Office at (619) 725-5630.

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APPROVED:



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Parent, Community and Student Engagement

SC:ldr

Distribution: Lists A, D, E and F