



Book	Administrative Regulations
Section	100 Programs
Title	Nondiscrimination - Qualified Students With Disabilities Grievance Process
Code	AR103.1
Status	Administrative Regulation
Last Reviewed	December 16, 2019

### **A. Policy Statement**

The school district shall provide to each qualified student with a disability enrolled in the district, without cost to the student or parent/guardian, a free and appropriate public education (FAPE). This includes provision of education and related aids, services, or accommodations which are needed to afford each qualified student with a disability equal opportunity to participate in and obtain the benefits from educational programs and extracurricular activities without discrimination, to the same extent as each student without a disability, consistent with federal and state laws and regulations.

### **B. Notice**

On or before the first day of each school year, the district shall notify students residing in the school district, parents/guardians of such students, and district employees of the complaint procedures provided hereunder. Notice may be given by posting a copy of this Administrative Regulation 103.1-AR online, publishing notices regarding the Administrative Regulation and/or School Board Policy in the school calendar/student handbooks/employee handbooks, or in another form and method reasonably expected to reach the parents/guardians of students enrolled in the school district.

### **C. Definitions**

Disability discrimination – a denial, based on disability, of education and related aids, services or accommodations which are needed to afford each qualified student with a disability equal opportunity to participate in and obtain the benefits from educational programs and extracurricular activities. Examples of the types of discrimination prohibited include denying a qualified handicapped student, solely on the basis of disability, an equal opportunity to access educational programs and facilities and the denial of a free appropriate public education for elementary and secondary students.

Disability harassment – intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the school's educational programs, nonacademic services, or extracurricular activities. Examples of the types of harassment prohibited include repeatedly belittling and criticizing a student for using accommodations in class and repeatedly taunting and belittling a student with a disability through mocking and intimidation.

### **D. Grievance Procedure**

The following steps will be used by any individual(s) wishing to lodge a complaint with the school district's Section 504 Coordinator or building administrator. (Note: This complaint procedure is in addition to and does not prevent parents/guardians from using any option in the procedural safeguards system).

#### **Step 1 – Reporting**

All complaints shall be filed within one (1) year of the occurrence of the events forming the basis of the complaint. Any individual who believes they have been subject to conduct that constitutes a violation of School Board Policy 103.1 (Nondiscrimination – Qualified Students With Disabilities), including but not limited to conduct constituting disability discrimination which is carried out by students, employees, or third parties, is encouraged to immediately report the incident to the Section 504 building administrator. The school district's Section 504 building administrators are as follows:

Nancy Bowman, Principal  
Pine-Richland High School  
700 Warrendale Road  
Gibsonia, PA 15044  
(724) 625-4444

David Kristofic, Principal  
Pine-Richland Middle School  
100 Logan Road  
Gibsonia, PA 15044  
(724) 625-3111

Steven Smith, Principal  
Eden Hall Upper Elementary  
3900 Bakerstown Road  
Gibsonia, PA 15044  
(724) 443-1451

Greta Kuzilla, Principal  
Hance Elementary  
5518 Molnar Road  
Gibsonia, PA 15044  
(724) 443-1541

Gene Nicastro, Principal  
Richland Elementary  
3811 Bakerstown Road  
Gibsonia, PA 15044  
(724) 443-1558

Kelly Gustafson, Principal  
Wexford Elementary  
250 Brown Road  
Wexford, PA 15090  
(724) 935-3733

If the Section 504 building administrator is the subject of a complaint, the student, parent/guardian or employee shall report the incident directly to the school district's Section 504 Coordinator. The school district's Section 504 Coordinator is as follows:

Dr. Maura Paczan, Lead School Psychologist  
Richland Elementary  
3811 Bakerstown Road  
Gibsonia, PA 15044  
724-443-7230 x6503

The complainant or reporting party is encouraged to use the report form available from the school district's Section 504 Coordinator and building administrators, which is also available online at [http://www.psb.org/districts\\_policies/p/480/POLPINE103\\_1ATT1.pdf](http://www.psb.org/districts_policies/p/480/POLPINE103_1ATT1.pdf). While a written report is preferable, oral complaints are acceptable and shall be documented by the Section 504 Coordinator or building administrator.

### **Step 2 – Investigation**

Upon receiving a complaint of discrimination, the Section 504 building administrator shall immediately notify the school district's Section 504 Coordinator. The Section 504 Coordinator shall authorize the Section 504 building administrator to investigate the complaint, unless the Section 504 building administrator is the subject of the complaint or is unable to conduct the investigation. If the Section 504 building administrator is the subject of the complaint or is unable to conduct the investigation, the Section 504 Coordinator shall appoint another individual, including but not limited to a different Section 504 building administrator, to investigate the complaint. The Section 504 Coordinator shall ensure that an adequate, reliable and impartial investigation is conducted on all complaints.

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 complainant or reporting party and the accused shall have the opportunity to present witnesses and other evidence during the investigatory process.

If the investigation results in a determination that the conduct being investigated may involve a violation of criminal law, the Section 504 building administrator 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.

### **Step 3 – Investigative Report**

The investigator shall prepare a written report within fifteen (15) 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, whether it is a violation of School Board Policy 103.1 (Nondiscrimination – Qualified Students With Disabilities), and a recommended disposition of the complaint.

Findings of the investigation shall be provided to the complainant, the accused, and the school district's Section 504 Coordinator.

### **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 and will not recur and to correct any discriminatory effects on the complainant and others, if applicable.

Disciplinary actions shall be consistent with the Student Discipline Code, Board policies and administrative regulations, district procedures, applicable collective bargaining agreements, and state and federal law.

#### **Step 5 – Appeal Procedure**

If the complainant is not satisfied with the finding of no violation of the policy or with the corrective action recommended in the investigative report, s/he may submit a written appeal to the school district's Section 504 Coordinator within fifteen (15) days of receiving the investigative report.

The Section 504 Coordinator shall review the investigation and the investigative report and may also conduct a reasonable investigation.

The Section 504 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 building administrator who conducted the initial investigation.