

## Complaints & Investigations

It is the right of a student, parent or stakeholder to informally or formally submit their Section 504 concern for review. The review and investigation of the submitted concern must be uniform and guided by a structured process.

### District/Charter School Section 504 Complaint Quick Resolution Practices

When Section 504 concerns are resolved quickly through an informal process it is often described as a quick resolution. To aid in quick resolution practices, the district team should support school administrator awareness of the following:

- School District/Charter School Grievance Policy and procedures concerning complaints
- District and campus level Section 504 coordinators
- How to determine if an individual is making a complaint and how to seek clarification at early stages
- How to determine if the complainant reviewed the school system's Grievance Policy
- Ways to advise their direct supervisor of the measures taken to achieve resolution and the supports needed.
- Ways to achieve resolution at the lowest level of the chain of command and how to document measures to achieve resolution – such as:

#### **LISTEN**

- Let the complainant have their say. Make it clear that you have heard the complaint using confirmatory phrases. Write down specifics of the complaint.
- Remain calm and let the complainant know you value their coming to you.
- Determine the practice or action the complainant believes is in violation of Section 504, the steps already taken to resolve the matter, and the corrective action desired by the complainant.
- Provide a time to contact the complainant with your progress towards resolving the issue.

#### **INVESTIGATE**

- Determine the immediate need of the complaint and if you need to respond straight away.
- Adhere to the school system's Section 504 complaint investigation and notification procedures.
- Determine adherence to Section 504 policies and procedures concerning the complaint.
- Speak with appropriate individuals including Building/District Section 504 Coordinator and the Section 504 Team to gain insight about their consideration of the student's educational needs for them to receive a comparable education to students without disabilities.
- Document the investigation.

## **SEEK RESOLUTION**

- Consider all possible resolutions and unintended outcomes. Seek support as needed from the District Section 504 Coordinator.
- Consider needed adjustments to the school's Section 504 practices. Acknowledge any errors made, if necessary.
- Convey to the complainant any adjustments in practices, resolution options if appropriate and the decision.
- If the complainant is unsatisfied with the outcome, make them aware of the procedures available to them as described in the School District Section 504 Grievance Policy.

### District/Charter School Section 504 Investigation Practices

Investigations are conducted when allegations arise of non-compliance with Section 504. Investigations need to be comprehensive, in-depth, fact-finding endeavors to obtain all the information involving the allegation. Facts are used to determine if the allegations are true and may involve analyzing documents and evidence and/or conducting interviews. The investigation is finalized when it is determined if or to what degree a Section 504 violation occurred. The complainant's allegations are either substantiated or unsubstantiated.

Section 504 Investigators should be impartial and have knowledge of Section 504.

### District/Charter School Section 504 Grievance Policy & Procedures

Section 504 concerns may be addressed via a formal resolution process. The school system is required to adopt a grievance procedure for students, parents or employees. Parties may submit Section 504 complaints or invoke due process hearing rights for alleged violations. A separate procedure for students and employees is not necessary. A school system may adopt a single grievance procedure to satisfy its obligation under Title IX, Section 504, ADA, and the Age Discrimination Act. One procedure can be written to cover multiple grievance discrimination and harassment policies.

An important feature of the grievance process is that it be effective within the school system's setting. There is no specific procedural format or grievance content, but to satisfy due process standards, the Office for Civil Rights (OCR) advises that a compliant grievance procedure include:

- Alternative methods of filing complaints such as verbally or in writing;
- Procedures for equitable resolution of complaints;
- Opportunities to present evidence;
- Prompt and reasonable time frames;
- Notification of findings, and
- An appeal process and identification of the person responsible for reconsidering complaints.

School systems are obligated to disseminate grievance policies and procedures. The means by and degree to which they are disseminated is at the discretion of the district/charter school. It is perceived by some that making grievance procedures widely available leads to an increase in frivolous complaints, but when combined with a well-constructed code of conduct/expectations, published grievance policies reinforce the concept of consequences attached to behaviors. Making grievance policies and procedures available on an “as requested” basis will not satisfy the requirements of civil rights laws.

### Complaints & Retaliation

Retaliation is prohibited. Districts, charter schools, and individuals are prohibited from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Section 504.

### Office for Civil Rights (OCR) Complaints

Individuals may file complaints with the Office for Civil Rights (OCR) if it is believed that there has been a violation of any provision or regulation of Section 504. Although OCR addresses Section 504 complaints separately and independently of the local hearing process, typically they may not investigate the same allegations that are pending in a hearing. OCR may be contacted to obtain a complaint form or you may file a discrimination complaint by using their on-line complaint form. You may also write an e-mail or a letter to the OCR enforcement office that serves Arkansas using the following information:

Office for Civil Rights, Kansas City Office  
U.S. Department of Education  
One Petticoat Lane  
1010 Walnut Street, Suite 320  
Kansas City, Missouri 75201-64106  
Fax: 816-268-0599  
Email: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)

### Equity Assistance Center (EAC) Section 504 Complaint Investigation Procedures

#### **Equity Assistance Center (EAC) Section 504 Role:**

A primary objective of the Equity Assistance Center (EAC) complaint process is to resolve complainant allegation(s) promptly and appropriately to achieve the vision and mission of the Arkansas Division of Elementary and Secondary Education (DESE). The EAC provides technical assistance to Arkansas public schools, districts, and charter schools in the area of Section 504 to enable them to effectively understand their responsibilities of providing equitable educational opportunities to all students, implement policies and procedures that are non-discriminatory, and document compliance.

#### **Equity Assistance Center (EAC) Section 504 Complaint Process:**

An EAC Section 504 complaint is a written statement alleging that Section 504 of the Rehabilitation Act of 1973 has been misinterpreted or violated and requesting the EAC

investigate and provide technical assistance. Complainants must provide their contact information. Complaints may be filed by email, postal mail, fax, or in person using the following information:

Equity Assistance Center  
Arkansas Division of Elementary and Secondary Education  
Four Capitol Mall, Box 25  
Little Rock, AR 72201  
Fax: 501-682-7288  
Email: [ADE.equityassistance@arkansas.gov](mailto:ADE.equityassistance@arkansas.gov)

Upon receipt, the EAC determines whether the submitted correspondence meets the requirements of a formal complaint. When a complaint is received alleging that a public school, district, or charter school is in violation of Section 504, the procedures below apply:

1. Determine if the complaint is sufficient.
2. Assign a case number and establish a file.
3. Acknowledge complaint by sending a written letter and requesting parent permission to release student information.
4. Provide a courtesy call to superintendent relaying the submission of a complaint.
5. Assign EAC staff to the complaint.
6. Perform investigation of complaint allegation(s).
7. Determine whether evidence was found to support a conclusion of noncompliance.
8. Provide written notification to complainant and school district/charter school regarding results at the conclusion of the investigation.
9. Written notification is carbon-copied/forwarded to necessary Arkansas Department of Education parties or the Office for Civil Rights (OCR).
10. Records retention of a written complaint, complaint file log, correspondence letters and attachments, and all evidence used in the investigation are maintained in DESE electronic server for five years from date of written decision.

A complaint may be resolved at any time before the conclusion of the investigation, by the complainant withdrawing the allegation(s) in writing.

If the complainant elects to file the same complaint with any other entity while the EAC is investigating, the EAC will cease to investigate the complaint. In addition, the EAC will not investigate complaints that the Office for Civil Rights (OCR) has previously resolved.

## Equity Assistance Center (EAC) Complaint Form

The complaint form developed by the Equity Assistance Center (EAC) (below) is available in English, Spanish, and Vietnamese.

### About the Complainant

Your Name: \_\_\_\_\_ Date: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Your Position:  Student  Parent  School Employee  Advocate  Other (specify): \_\_\_\_\_

Student Name: \_\_\_\_\_ Age: \_\_\_\_\_ Grade: \_\_\_\_\_

LEA/District & School: \_\_\_\_\_

### Complaint

Specific policy/law violated (if known):

Age Discrimination Act of 1975

Anti-Bullying

Arkansas Public School Choice Act of 1989 (Garland County)

Constitutionally Protected Prayer in Public Elementary and Secondary Schools

Public School Choice Act of 2015

Retaliation

Section 504 of the Rehabilitation Act of 1973

Student Discipline and Handbook Policies

Title IX of the Education Amendments of 1972 (Discrimination on basis of sex, sexual harassment, and inappropriate sexual behavior)

Title VI of the Civil Rights Act of 1964 (Discrimination on basis of color, religion, national origin & gender)

Other policies/laws (specify): \_\_\_\_\_

Describe facts of alleged act--including dates. Must allege a violation that occurred within the past 120 days.

Have you attempted to resolve the above-mentioned allegations with the school system through an internal grievance procedure, appeal, or due process hearing?

YES  NO  If yes, describe actions you have taken to seek resolution.

Have the allegation(s) been filed with any other federal, state, or civil rights office, or any federal or state court?

YES  NO  If yes, describe below.

Describe the resolution you are seeking?

Verify that the information you provided is accurate and sign.

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Signature

Date

This form is optional. A complaint may be submitted using plain paper, stationery, etc. Attach additional pages or evidence if necessary.

Submit the complaint or request EAC complaint investigation procedures via any of the following ways:

**Mailing & Street Address**

Equity Assistance Center  
Arkansas Division of Elementary and Secondary Education  
Four Capitol Mall, Box 25  
Little Rock, AR 72201

**Fax Number**

501-682-7288

**Email Address**

[ADE.equityassistance@arkansas.gov](mailto:ADE.equityassistance@arkansas.gov)

**Webpage**

<http://www.arkansased.gov/divisions/legal/equity-assistance>

