



**Smyrna School District**  
**82 Monrovia Avenue**  
**Smyrna, DE 19977**

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## **SECTION 504 COMPLIANCE PLAN**

Section 504 is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal funds from the US Department of Education. To qualify for section 504, a student must be determined to have a physical or mental impairment that substantially limits one or more major life activities. Each school in the Smyrna School District has a 504 Building Compliance Officer who will work with the school team to address 504 referrals and accommodations.

The Compliance Plan serves students, parents, employees, applicants for employment, and programs within the School District.

1. The Smyrna School District assures students, parents, applicants for employment, and employees that it will not discriminate against any individual with disabilities.
2. The following individuals are designated as the District Section 504 Coordinators:

Students:

Dr. Marcia Mayhew  
Supervisor of Special Programs  
80 Monrovia Avenue  
Smyrna, DE 19977  
302-653-3135

Employees/Visitors

Mrs. Deborah Judy  
Assistant Superintendent  
82 Monrovia Avenue  
Smyrna, DE 19977  
302-653-8585

3. Parents/guardians are provided a copy of parent/student rights.
4. The appeal/grievance process is available and provided in the parent/student rights and upon request.
5. Notice to students, parents, employees and the general public of nondiscrimination assurances and parent/student rights and identification, evaluation and placement will be disseminated in the following manner:
  - District newsletters
  - Individual school handbooks
  - District and school letterhead
  - District website
  - Job applications

6. Smyrna School District has established the following local grievance procedure to resolve complaints of discrimination on the basis of disability:

**Grievance Procedure:**

The Smyrna School District has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) of the U.S. Department of Health and Human Services regulations implementing the Act. Section 504 prohibits discrimination based on disability in any program or activity receiving Federal financial assistance.

When a parents/guardians believe their child has been subjected to discrimination based on disability or denied a reasonable accommodation, they should discuss their concerns with the Section 504 Building Compliance Officer and/or Principal. If the parents/guardians are not satisfied with the response, they may file a written grievance under this procedure.

Grievances must be submitted to the Section 504 District Coordinator within 15 business days of the date they received a response to their informal complaint at the building level.

Kelly Holt, Director of Teaching and Learning  
Dr. Marcia Mayhew, Supervisor of Special Programs  
Smyrna School District  
82 Monrovia Avenue  
Smyrna, DE 19977

The grievance must be in writing and shall provide the following information: name and address of grievant(s); nature of alleged violation; name of persons responsible for the alleged violation (where known); requested relief or corrective action (specification of desired relief shall be at the option of the grievant), and any background information the grievant believes to be relevant (e.g., names or groups of other persons affected by the violation, etc.)

The Section 504 District Coordinator shall investigate the complaint, affording all interested persons an opportunity to submit evidence relevant to the complaint. The Section 504 District Coordinator will respond in writing within 15 business days.

The person filing the grievance may appeal the decision of the Section 504 District Coordinator in writing to the District Superintendent within 10 business days of receiving the Section 504 District Coordinator's decision. The District Superintendent shall affirm, reverse, or modify the decision in response to the appeal no later than 30 days after its filing.

If the grievant remains dissatisfied with the decision rendered by the Superintendent (or designee), the grievant may give written notice to the Superintendent (or designee) requesting an impartial due process hearing. The notice is to be given within ten (10) days of the receipt of the decision.

The due process hearing shall be held not later than thirty (30) days from the date upon which the request was received. The Grievant shall be notified in writing of the time and place of the hearing at least five (5) days prior to the hearing. An impartial hearing officer chosen by the District shall preside at the hearing and provide all parties with an opportunity to be represented by counsel (at their expense), to offer documentary evidence and/or testimony under oath. A court reporter shall take testimony, or the hearing shall be orally recorded. Within ten (10) school days after the conclusion of the hearing, the hearing officer will render a written decision which shall include applicable findings of fact and conclusions of law. The hearing officer shall submit the written decision to the grievant and the Board of Education. At its next regularly scheduled meeting, the Board of Education shall adopt, reject or modify the hearing officer's report and recommendation after reviewing the report, evidence and testimony. If the grievant is not satisfied with the disposition of the grievance, the Grievant may file a complaint with the appropriate state or federal agency(ies).

The District prohibits retaliation against any individual who files a complaint of disability discrimination or participates in a complaint investigation and will investigate any complaints of retaliation under these procedures. Further, where the District determines that discrimination has occurred, the District will take all necessary steps to prevent the recurrence of the discrimination or harassment, including any appropriate disciplinary action, and to remedy and correct any discriminatory effects, where appropriate.

In the event there is a finding of discrimination, the District shall take remedial efforts and efforts to prevent recurrence and shall make all reasonable efforts to correct the discriminatory effects of a prohibited action.

The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination based on disability with the Office for Civil Rights – Philadelphia, U.S. Department of Education, 100 Penn Square East, Suite 515, Philadelphia, PA 19107.