



Karen B. Salmon, Ph.D.
State Superintendent of Schools

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American with Disabilities Act of 1990

COMPLAINT POLICY AND PROCEDURE

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), 28 C.F.R. §35.107(b), the Maryland State Department of Education (MSDE) does not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment

MSDE does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission (EEOC) under Title I of the ADA.

Effective Communication

MSDE will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in MSDE programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or visual impairments.

Modifications to Policies and Procedures

MSDE will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy and participate in all of its programs, services and activities. For example, service animals are welcomed in all MSDE offices throughout the State, even where pets are generally prohibited.

The ADA does not require the MSDE to take any action that would fundamentally alter the nature of its programs, services, or activities, or impose an undue financial or administrative burden for the agency.

MSDE will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aid/services or reasonable modifications of policy.

Complaint Procedure

Anyone may file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by MSDE. Complaints should be in writing and contain contact information about the complainant such as name, address, phone number. The complaint should contain the location of the alleged discrimination, the date the discrimination occurred and a description of the alleged violation. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available to persons with disabilities upon request.

The complaint should be submitted by the complainant and/or his/her designee as soon as possible, but no later than 60 calendar days after the alleged violation to:

Kim Y. Johnson, Esquire
Director
Equity Assurance and Compliance Office
Maryland State Department of
Education 200 W. Baltimore Street
Baltimore, MD 21201
kim.johnson2@maryland.gov
410-767-0426

Within 15 calendar days after receipt of the complaint, the Agency Equity Officer will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the Agency Equity Officer will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Maryland State Department of Education and offer options for substantive resolution of the complaint.

If the response by the Agency Equity Officer does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the State Superintendent of Schools or his/her designee.

Within 15 calendar days after receipt of the appeal, the State Superintendent of Schools or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the State Superintendent of Schools or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All complaints received by the Agency Equity Officer, appeals to the State Superintendent of Schools and responses from these two offices will be retained by MSDE for at least three years after which records will be destroyed.

The use of MSDE's ADA Complaint Procedure does not preclude individuals from filing a formal complaint with the following agencies:

Maryland Commission on Civil Rights
6 St. Paul Street
Baltimore, MD 21201
410-767-8600
Email: mccr@maryland.gov

U.S. Department of Education
Office for Civil Rights
400 Maryland Avenue, SW
Washington, DC 20202-1100
1-800-421-3481; Fax: 202-245-6840; TDD: 877-521-2172
Email: OCR@ed.gov

U.S. Department of Justice Civil Rights Division
950 Pennsylvania Ave., NW
Washington, DC 20530
1-877-292-3804 or 202-514-4092; Fax: 202-514-8337; TDD: 202-353-3926
Email: education@usdoj.gov