

Section 504/ADA Policy

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) prohibits discrimination against persons with a disability in any program receiving federal financial assistance. The Americans with Disabilities Act (“ADA”) prohibits discrimination on the basis of disability in public accommodations and employment. For the purposes of this policy, a person with a disability is defined as an otherwise qualified individual who:

1. Has a physical or mental impairment which substantially limits one or more major life activities (major life activities include functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working);
2. Has a record of such an impairment; or
3. Is regarded as having such an impairment.

In order to fulfill its obligations under Section 504 and ADA, the Board of Directors of the School recognizes its responsibility: to avoid discrimination in policies and practices regarding its personnel and students; to provide equal opportunity for employment; and to make accessible to persons with disabilities its facilities, programs and activities. No discrimination against any individual with a disability will be knowingly permitted on the basis of that disability in any of the programs, activities, policies and/or practices in the District. This nondiscrimination obligation shall apply to admission or access to, participation in, or treatment or employment in, the School’s programs and activities.

It is the intent of the Board of Directors to ensure that students within its jurisdiction who are disabled within the definition of Section 504 are identified, evaluated and provided a free appropriate public education (FAPE) regardless of the nature or severity of their disabilities. Students may be disabled and eligible for services under Section 504 and this Policy even though they do not qualify for or require services pursuant to the Individuals with Disabilities Education Act (IDEA). A student eligible for services under IDEA shall be served according to that student’s Individual Education Plan (IEP). If a student has a physical or mental impairment that substantially limits a major life activity, does not require specially designed instruction to benefit educationally, but does require reasonable but more than standard modifications of the regular classroom or curriculum in order to have the same access to an education as a student without disabilities, then s/he may, if appropriate, be deemed a person with a disability and a Section 504 Plan would be developed and implemented in compliance with the applicable law and its implementing regulations. If a student has a physical or mental impairment, but it does not significantly limit his/her learning or other major life activity or s/he does not need modifications to the regular classroom or curriculum greater than what is normally provided to all students, then s/he is not a student with a disability within the definition of Section 504. However, if deemed appropriate, s/he may still be eligible for an Intervention Assistance Team (IAT) Plan.

Under Section 504, the School has the specific responsibility to identify, evaluate, and, if the student is determined to be eligible under Section 504, to afford access to appropriate educational services. Parents/guardian/custodian (“parents”) may participate fully in the evaluation process. The School is required to provide notice to parents explaining any evaluation and placement decision and explaining the parents’ right to review relevant education records of their child. If the parents disagree with the determination made by the professional staff of the School, they have the right to file a complaint as described in the administrative guidelines developed by the School Leader or to request a due process hearing with an impartial hearing officer.

The Governing Authority directs the Superintendent to prepare Administrative Guidelines for facilitating the prompt, fair and appropriate identification, referral, evaluation and placement of students with disabilities who qualify for accommodations under Section 504.

The Superintendent will provide in-service training and consultation to staff on the education of persons with disabilities, as necessary and appropriate.

Compliance Officer

Unless designated otherwise, the governing authority designates the school leader as the Section 504 compliance officer. The compliance officer is responsible for coordinating the School’s efforts to fulfill its responsibilities under Section 504. The compliance officer will oversee the investigation of any complaints of discrimination based upon a disability which may be filed based upon the procedures listed in this policy.

The compliance officer will ensure that all staff members are trained so that all staff understand their rights and responsibilities under Section 504.

Complaint Procedures

Any parent or student who believes they were discriminated against based up their disability, may file a complaint pursuant to the following internal procedures.

Internal complaints must be in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint or request for a hearing.

1. A parent or student may initiate an investigation by filing a written complaint with the compliance officer. The complaint should fully describe the circumstances and should be filed as soon as possible but not longer than thirty (30) calendar days after disclosure of the facts giving rise to the complaint. The compliance officer shall allow the parent or student to present witnesses and other evidence in support of the complaint. The investigation shall be completed within fifteen (15) school days of the written complaint being filed. The compliance officer will provide written notice of the decision to the parent or student.

2. If the complaint is not satisfactorily resolved, the parent or student may request a due process hearing.

Following the internal complaint procedures is not required prior to filing a complaint with the Office of Civil Rights (“OCR”) as listed below.

OCR Complaint

If a parent or student believes that they have been discriminated against based upon their disability, the parent or student may file a complaint with the U.S. Department of Education Office for Civil Rights.

U.S. Department of Education
Office of Civil Rights
Cleveland Office
1350 Euclid Avenue, Suite 325
Cleveland, Ohio 44115
(216) 522-4970
<http://www.ed.gov/ocr>

Retaliation

Retaliation against any person who reports or files a complaint is prohibited.

Notice

Notice of this policy will be posted at the School.