

ACE – RIGHTS OF DISABLED/HANDICAPPED PERSONS

It is the policy of the Amherst School District that no otherwise qualified person shall solely by reason of his/her handicap/disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity sponsored by this District.

As used in this policy and any implementing regulations, “handicapped/disabled person” means a person who has, or had, is regarded or was regarded as having a physical or mental impairment that substantially limits one or more of a person’s major life activities. This term includes all students identified as educationally disabled under IDEA.

Notice of the District’s policy on non-discriminating in employment and education practices shall be stated in the local School Board policy manual, posted throughout the District, and published in any district statement regarding the availability of employment positions or educational services.

EMPLOYMENT

No employee or candidate for employment shall be discriminated against in recruitment, employment, promotion, training, or transfer solely because of his/her disabling condition.

No candidate for employment shall be required to answer a question regarding a disabling condition that is not directly related to the essential function of the position for which she/he has applied. No such candidate shall be discriminated against on the basis of a disabling condition that is not directly related to the essential function of the position for which she/he has applied. The District may make pre-employment inquiries into a candidates ability to perform job-related functions.

Reasonable modifications in scheduling and the allocation of duties, not directly affecting the instructional program, shall be made to accommodate employment conditions to the needs of disabled persons.

FACILITIES AND PROGRAMS

The educational program of the District shall be equally accessible to all students at each grade level. Barrier-free access to school facilities shall be provided to the extent that no disabled person is denied an opportunity to participate in a District program available to non-disabled persons.

A free appropriate public education shall be provided for each child determined to be in need of services. Such services or programs shall be provided in the least restrictive environment and in barrier-free facilities comparable to those provided for non-disabled students. To the maximum extent appropriate to the student's disability, a disabled student shall be placed in an educational setting with non-disabled or less severely disabled students.

No otherwise qualified student with disabilities will be denied participation in co-curricular, intramural, or scholastic activities or any of the services offered or recognitions rendered regularly to the students of this District.

The due process rights of disabled students and their parents will be safeguarded.

STUDENT PROCEDURAL SAFEGUARDS

The Director of Special Services is designated as Section 504 Coordinator. A complaint regarding a violation of law and this policy shall be subject to the District's adopted grievance procedure (Policy KED) that provides for the prompt and equitable resolution of disputes.

For actions concerning the identification, evaluation, and placement of a disabled student, the School District will provide the parents or guardian with:

1. notice of all such actions;
2. notice of parental rights;
3. the opportunity to examine relevant records;
4. an impartial hearing with the opportunity for parental participation and representation by counsel; and
5. a review procedure.

Upon request, the local Section 504 Coordinator will provide a copy of the District's grievance procedures.

A complaint regarding the identification, evaluation, or placement of a Section 504 qualified disabled student shall be governed by the grievance procedure established by the Board (Policy KED).

EMPLOYMENT PROCEDUREAL SAFEGUARDS

The Director of Special Services is designated as Section 504 Compliance Officer. A complaint regarding a violation of law and this policy in an employment decision shall be subject to a grievance procedure that provides for the prompt and equitable resolution of disputes.

The grievance procedure shall follow these steps:

1. The grievant will file a written complaint, stating the specific facts of his/her grievance and the alleged discriminatory act, with the Section 504 Compliance Officer.
2. The Compliance Officer shall make all reasonable efforts to resolve the matter informally at the administrative level most immediate to the complaint.
3. In the event the complaint cannot be resolved informally, the Compliance Officer will convene an informal hearing, no later than ten (10) working days after the complaint is filed, at which both the grievant and the administrator responsible for the disputed action may present testimony and documents relevant to the complaint. Witnesses may be called and cross-examined. Detailed minutes of the hearing will be made and kept; a copy of the minutes will be made available to each. Within ten (10) working days of the hearing, the compliance Officer will provide a written copy of his/her determination to both parties.
4. The grievant may appeal the determination of the Compliance Officer to the School Board within ten (10) working days of the receipt of the Compliance Officer's determination. The appeal shall be in writing and copies of the original complaint, the minutes of the hearing, and a written determination of the Compliance Officer shall be attached. The School Board may, in its discretion, convene a hearing at which the parties may present additional testimony and argument.
5. Within ten (10) working days of filing the appeal, the Board shall provide both parties with a written decision.

Employees of this District may file a complaint without reprisal by the Board or any of its employees or agents. The grievant shall be notified of his/her rights to appeal at each step of this process.

A complaint regarding the identification, evaluation, classification or educational program of a Section 504 qualified disabled student shall be governed by the grievance procedure established by the Board (Policy KED)

Legal Reference

34 C.F.R., Sections 104.7 , 104.8 , 104.22 (4) (f), and 104.36 of the Section 504 Regulations.

ADOPTED: May 8, 2008