

ADMINISTRATIVE REGULATIONS

North Kingstown School Department
ADA AND SECTION 504 REFERRAL PROCESS

The following represents the North Kingstown School Department's ADA/Section 504 Referral Process:

1. The principal receives a referral from parent, student, professional, or outside agency.
2. The principal reviews the referral data and decides if it is necessary to convene an ADA/504 Committee. The committee determines which accommodations are necessary to meet the individual's needs.
3. The ADA/504 Committee, together with the principal, will determine which accommodations are necessary to meet the individual's needs.
4. The principal then implements and supervises those accommodations.
5. Should the principal or the committee determine the individual is not eligible for ADA/504 services, the principal will provide a letter to the referring person with an explanation for that decision and a copy of the Procedural Safeguards.

ADA/SECTION 504 GRIEVANCE PROCEDURE

1. A grievance shall mean a complaint by a student, an employee or the parent of a student in the elementary or secondary schools operated by the North Kingstown School Department that there has been a violation of ADA/504.
2. All grievances shall be submitted in writing and shall be signed by the complainant.
3. The complainant shall be initiated at the lowest possible level. Initial complaint shall be filed with the building principal. The principal shall communicate his/her written decision to the complainant within ten (10) school days after having received the complaint.
4. If the decision of the principal is not satisfactory, the complainant may appeal said decision within ten (10) school days to the superintendent of schools or designee. The superintendent or designee shall set a hearing within ten (10) school days from the date of receiving the appeal. The superintendent or designee shall render a decision within ten (10) school days of the hearing. Said decision shall be written.
5. In the event the decision of the superintendent or designee is not satisfactory, the complainant, within seven (7) school days, may request a hearing before the school committee. The school committee shall render a decision within 45 school days of the appeal.

GUIDELINES
OFFICE OF THE SUPERINTENDENT

COMPLIANCE WITH SECTION 504

These guidelines shall be used to ensure that the policies on non-discrimination are implemented properly and in compliance with Federal and State laws and regulations, particularly Part 104 of Section 504 of 34 C.F.R. by the North Kingstown School Department. A copy of Subparts B, C, D and Part 104 is available at the Department's 504 Coordinator's Office located at 100 Fairway Drive, North Kingstown, RI.

Notice of the Department's Policies on nondiscrimination in employment and education practices shall be posted throughout the Department and published in any Department statement regarding the availability of employment positions or special education services.

When referred to in policy and in these and other administrative guidelines, "disabled person" shall mean any person who meets the following criteria established by Federal law:

- A. has a physical or mental impairment which substantially limits one or more major life activities.
- B. has a record of such impairment; or
- C. is regarded as having such an impairment.

EMPLOYMENT

Recruiting and hiring

No candidate for employment shall be required to answer a question regarding a disabling condition and no such candidate will be discriminated against on the basis of a disability what is not directly related to the essential function of the position for which s/he has applied. However, this stipulation does not constrain the need to ensure that an applicant shall not pose a direct threat to the health or safety of the individual or others in the work place nor to determining if an applicant is currently engaged in the illegal use of drugs.

Reasonable Accommodations

It is essential that no discrimination occur in employment, promotion, assignment, or transfer because of a disability. If the person has all of the qualification required to properly fulfill the job responsibilities, then reasonable efforts must be made to modify the work environment or working conditions to accommodate a particular disability, providing such accommodation does not seriously diminish the quality of programs or services provided by the Department and providing such accommodation does not present an undue hardship to the School Department.

Each job description should be carefully analyzed to:

- A. identify any environmental factors that could create a barrier for a person with a disability.
- B. ensure that all essential physical, mental and intellectual qualifications have been defined and justified.
- C. identify what types of disabling conditions would disqualify a person from adequately fulfilling the job responsibilities.

EDUCATION

Facilities

The educational program of the Department shall be equally accessible to all students at each grade level. All programs need to be designed and scheduled so the location or nature of the facility or area will not deny a student with a disability the opportunity to participate on the same basis as a non-disabled student. This includes not only academic programs but all extracurricular programs, including athletics.

Program

Screening/Placement

Any student whose current physical, mental or psychological condition would qualify him/her as disabled under Section 504 but not by Special Education (The Individuals with Disabilities Education Act) criteria should be referred to the local Compliance Officer and be evaluated and placed in accordance with the procedures described in Sub-part 104.35/36 of the Act. Confirmation that the proper placement process was followed should be sent to the Department Compliance Officer after each 504-disabled student has been placed.

Instruction

If the least restrictive environment placement of the student is the regular classroom, the local compliance officer (building principal) should review all of Sub-part d of Section 504 and then work with the teacher(s) involved to make sure s/he:

- A. recognizes the requirements of the law and the relationship between the evaluation of the students and his/her instruction;
- B. has made appropriate accommodation in the instructional program and/or classroom environment to make it possible for the student to accomplish the educational objectives of his/her program. Such accommodations could include but not be limited to:

1. preparation of alternate lesson plans;
 2. modification of schedules;
 3. rearrangement of the students;
 4. reorganization of the classroom;
 5. guidance of the student on appropriate behaviors;
 6. frequency and type of communication with parents;
 7. alternate methods of instruction.
- C. understands the needs of the students that need to be met through appropriate instruction.

Evaluation/Change in Placement

Each student is to be evaluated periodically in accordance with the guidelines in Section 104.35 and in the same manner as used in the initial placement. No student's placement may be changed for any reason, including disciplinary actions, without conduction of a re-evaluation using the same procedures as with the initial placement.

Discipline

The disciplinary process described in Policy should be used in all situations which a 504 student may be subject to suspension, expulsion or exclusion. Since exclusion or suspension of more than 10 consecutive or in some cases cumulative forms of suspension constitute a change in placement, the evaluation procedures in Section 104.35 must be followed. Any student currently engaged in the illegal use of drugs or the use of alcohol are not protected persons under Section 504.

Complaints

All complaints should be handled in accordance with the procedure described in Superintendent's Guidelines Policy.

GUIDELINES
OFFICE OF THE SUPERINTENDENT
TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990 (ADA)
SECTION 504 OF THE REHABILITATION ACT OF 1973
GRIEVANCE PROCEDURES

SECTION I

If any person believes that the North Kingstown School Department or any of the Department's staff has inadequately applied the principles and/or regulations of (1) Title VI of the Civil Rights Act of 1964, (2) Title IX of the Education Amendment Act of 1972, (3) Section 504 of the Rehabilitation Act of 1973, and (4) the Americans With Disabilities Act of 1990, s/he may bring forward a complaint which shall be referred to as a grievance, to the Department's ADA or Section 504 Coordinator: Mr. William Daly, 100 Fairway Drive, North Kingstown, RI 02852; or Dr. Daniel McGregor, 100 Fairway Drive, North Kingstown, RI 02852.

SECTION II

The person who believes s/he has a valid basis for grievances shall discuss the grievance informally and on a verbal basis with the local Civil Rights Coordinator (principal), who shall in turn investigate the complaint and reply with an answer to the complainant. S/He may initiate formal procedures according to the following steps:

Step 1:

A written statement of the grievance signed by the complainant shall be submitted to the local Civil Rights Coordinator (principal) within five (5) business days of receipt of answers to the informal complaint. The Coordinator shall further investigate the matters of grievance and reply in writing to the complainant within ten (10) business days. A listing of local Civil Rights Coordinators is attached as Appendix A.

Step 2:

If the complainant wishes to appeal the decision of the local Civil Rights Coordinator, s/he may submit a signed statement of appeal to the Departments ADA/Section 504 Coordinator within five (5) business days after the receipt of the local Coordinator's response. The Department ADA or Section 504 Coordinator shall meet with all parties involved, formulate a conclusion, and respond in writing to the complainant within ten (10) business days.

Step 3:

If the complainant remains unsatisfied, s/he may appeal through a signed written statement to the Superintendent and the School Committee within five (5) business days of his/her receipt of the Department Coordinator's response in Step 2. In an attempt to resolve the grievance, the Superintendent and the School Committee shall meet with the concerned parties and their representative within forty (40) days of the receipt of such an appeal. A copy of the School Committee's disposition of the appeal shall be sent to the concerned party within ten (10) business days of this meeting.

Step 4:

If at this point the grievance has not been satisfactorily settled, further appeal may be made to the Office for Civil Rights, Department of Education, Washington, DC 20201.

Inquiries concerning the nondiscriminatory policy may be directed to the Director, Office for Civil Rights, Department of Education, Washington, DC 20201.

The local Coordinator, on request, will provide a copy of the Department's grievance procedure and investigate all complaints in accordance with this procedure.

A copy of each of the Acts and Regulations on which this notice is based may be found in the Civil Rights Coordinator's office.

GRIEVANCE FILING FORM

Date: _____

Your Name: _____

Your school and/or position: _____

Student name if you are a parent/guardian: _____

Address: _____

Phone: _____

Nature of your grievance. (Please described the policy or action you believe may be in violation of Section 504 or other civil rights statute: please identify any person(s) you believe may be responsible.)

If others are affected by the possible violation, please give their names and/or positions:

Please describe any corrective action you wish to see taken with regard to the possible violation. You may also provide other information relevant to this grievance.

Signature of Grievant

Date

Signature of Person Receiving Grievance

Date

LOCAL CIVIL RIGHTS COORDINATORS

Mr. Gerald Foley
North Kingstown High School
150 Fairway Drive
North Kingstown, RI 02852
401-268-6230

Ms. Kathleen Mort, Ed.D.
Wickford Middle School
250 Tower Hill Road
North Kingstown, RI 02852
401-268-6472

Mr. Robert Vincze
Forest Park Elementary School
50 Woodlawn Drive
North Kingstown, RI 02852
401-541-6381

Ms. Louise Denette
Quidnessett Elementary School
166 Mark Drive
North Kingstown, RI 02852
401-541-6361

Ms. Edie Dunn
Fishing Cove School
110 Wickford Point Road
North Kingstown, RI 02852
401-268-6581

Ms. Ruthanne Logan
Davisville Middle School
200 School Street
North Kingstown, RI 02852
401-541-6302

Ms. Louise DiCarlo
Davisville Elementary School
50 East Court
North Kingstown, RI 02852
401-541-6341

Ms. Morag Cronkite
Hamilton Elementary School
25 Salisbury Avenue
North Kingstown, RI 02852
401-268-6521

Ms. Joan Crothers
Stony Lane Elementary School
825 Stony Lane
North Kingstown, RI 02852
401-268-6541

**PARENT/STUDENT RIGHTS UNDER SECTION 504
OF THE REHABILITATION ACT OF 1973**

The Rehabilitation Act of 1973, commonly referred to as Section 504 is a nondiscrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination and to assure students with disabilities have educational opportunities and benefits equal to those provided students who do not have disabilities.

An eligible student under Section 504 is a student who 1) has, 2) had a record of having or 3) is regarded as having a physical or mental impairment which substantially limits a major life activity such as learning, self-care, walking, seeing, hearing, speaking, breathing, working, and performing manual tasks.

Under Section 504, parents and/or students are provided the following rights:

- 1) You have the rights to be informed by the school district of your rights (that is the purpose of this form).
- 2) Your child has the right to an appropriate education designed to meet his/her individual educational needs as the needs of students without disabilities are met.
- 3) Your child has the right to free educational services except for those charges that students without disabilities or their parents are charged. Insurers and similar third parties may remain obligated to provide or pay for services a student may need.
- 4) Your child has the right to facilities, services and activities that are the same or similar to those provided to students without disabilities.
- 5) Your child has a right to an evaluation prior to an initial placement and any later significant change in placement.
- 6) Your child has the right to a placement in the least restrictive environment.
- 7) Testing and other evaluation procedures must be valid and administered by trained personnel, must be tailored to assess the specific areas of educational need, and are selected and given to a student with any impaired skills so they accurately reflect the student's aptitude and achievement level. Information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical conditions, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, and parent observations will be considered.
- 8) Placement decisions must be made by a group of persons, including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for the least restrictive environment and comparable (similar) facilities.

- 9) If eligible under Section 504, your child has the right to periodic reevaluations, generally every three years.
- 10) You have the right to notice prior to any action by the school district in regard to the identification, evaluation and placement of your child.
- 11) You have the right to examine relevant records concerning your child.
- 12) You have the right to an impartial hearing with respect to the district's actions regarding your child's identification, evaluation or educational placement, with the opportunity for parental participation in the hearing and representation by an attorney.
- 13) If you wish to challenge the action of the district's 504 team in regard to the identification, evaluation or educational placement, you should file a written Notice of Appeal with the District's 504 Coordinator: Dr. Daniel McGregor, 100 Fairway Drive, North Kingstown, RI 02852 within 5 calendar days from the time you received written notice of the 504 team's action. A hearing will be scheduled before an impartial hearing officer and you will be notified in writing of the date, time and place of the hearing.
- 14) If you disagree with the decision of the impartial hearing officer, you have a right to a review of that decision by a court of competent jurisdiction.
- 15) On Section 504 matters other than your child's identification, evaluation and placement, you have a right to file a complaint with the district's 504 Coordinator (or designee), who will investigate the allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and fair solution.
- 16) The school district has a process of mediation which can be used voluntarily by the parents/student and school district which will attempt to resolve matters affecting the identification, evaluation and educational placement of your child. This is a voluntary process which you may elect to participate in. The school district's 504 Coordinator will inform you of this process.
- 17) You also have the right to file a complaint with the Office of Civil Rights. The address of the Regional Office which covers Rhode Island is:

Office of Civil Rights, Region I
U.S. Department of Education
J.W. McCormack Post Office Building
Room 222, 01-0061
Boston, MA 02109-4556
617-223-9662; TDD 617-223-9695

PARENT/STUDENT RIGHTS IN IDENTIFICATION, EVALUATION AND PLACEMENT

The following is a description of the rights guaranteed by federal law to students with disabilities under Section 504 of the Rehabilitation Act of 1973. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

You have the right to:

- 1) Have your child take part in, and receive benefits from public education programs without discrimination because of his/her disabling condition.
- 2) Have the school district advise you of your rights under federal law.
- 3) Receive notice with respect to identification, evaluation or placement of your child.
- 4) Have your child receive a free, appropriate public education. This includes the right to be educated with students without disabilities to the maximum extent appropriate. It also includes the right to have the school district make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
- 5) Have your child educated in facilities and receive services comparable to those provided to students who do not have disabilities.
- 6) Have your child receive special education and related services if he/she is found to be eligible under the Section 504 of the Rehabilitation Act.
- 7) Have evaluation, educational and placement decisions made based upon a variety of information sources, and by persons who know the student, the evaluation data and placement options.
- 8) Have transportation provided to and from an alternative placement setting at no greater cost to you than it would cost if the student were placed in a program operated by the district.
- 9) Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district.
- 10) Examine all relevant records relating to decisions regarding your child's identification, evaluation, education programs and placement.
- 11) Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.

- 12) A response from the school district to reasonable requests for explanations and interpretations of your child's records.
- 13) Request amendment of your child's educational there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the school district refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing.
- 14) Request mediation or an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational program or placement. You and the student may take part in the hearing and have an attorney represent you. Hearing requests must be made to:
Superintendent of Schools, North Kingstown School Department, 100 Fairway Drive, North Kingstown, RI 02852.
- 15) Ask for payment of reasonable attorney fees if you are successful on your claim.
- 16) File a local grievance.
- 17) File a complaint with the Office of Civil Rights for the region covering Rhode Island.

The person in the district who is responsible for assuring that the district complies with Section 504 is: **Dr. Daniel McGregor, North Kingstown School Department, 100 Fairway Drive, North Kingstown, RI 02852, Telephone Number: 401-268-6451, TDD 401-268-6457.**

SAMPLE NOTICE

The North Kingstown School System does not discriminate on the basis of disability in admission to its programs, services, or activities, in access to them, in treatment of individuals with disabilities, or in any aspect of their operations. The North Kingstown School Department does not discriminate on the basis of disability in its hiring or employment procedures.

This notice is provided as required by Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. Questions, complaints or requests for additional information regarding the ADA and Section 504 may be forwarded to the designated ADA and Section 504 Compliance Coordinators:

Coordinator:	ADA	504
Name:	William Daly	Dr. Daniel McGregor
Title:	Director of Human Resources	Director of Pupil Services
Office Address:	100 Fairway Dr., N. Kingstown	100 Fairway Dr., N. Kingstown
Phone Number:	268-6440/TDD 268-6457	268-6450/TDD 268-6457
Days/Hours Available:	M-F, 8 a.m. – 4 p.m.	M-F, 8 a.m. – 4 p.m.