

**NORTH KINGSTOWN SCHOOL DEPARTMENT SECTION 504/ADA
PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY**

PURPOSE:

Pursuant to Section 504 of the Rehabilitation Act of 1973 (“Section 504”) and Title II of the Americans with Disabilities Act of 1990 (“ADA”) and their implementing regulations, no otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity in the North Kingstown School Department (“District”).

PHILOSOPHY:

The District does not discriminate in admission or access to, participation or treatment, or employment in, its programs or activities. As such, the District’s policies and practices will not discriminate against students and employees and with disabilities, will provide equal opportunity to employment, and will make accessible to qualified individuals with disabilities its facilities, programs, and activities. Disability discrimination will not be permitted in any of the programs, activities, policies, and/or practices in the District.

POLICY STATEMENT:

As used in this policy and as defined under Section 504/ADA (as the same may be amended from time to time), “an individual with a disability” means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

The Section 504 regulations also require a school district to provide a "free appropriate public education" (FAPE) to each eligible student who has a disability and is in the school district's jurisdiction. Under Section 504, FAPE consists of the provision of regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met and are based upon adherence to the applicable Section 504 and Title II regulations.

1. Free and Appropriate Public Education for Students

The District is committed to identifying, evaluating, and providing a free appropriate public education (FAPE) to students within its jurisdiction who are disabled within the definition of Section 504.

Under Section 504, the District must provide a free appropriate public education to each qualified disabled child. A free appropriate public education, under Section 504, consists of regular or special education and related aids and services that are designed to meet the individual student's needs and based on adherence to the regulatory requirements on educational setting, evaluation, placement, and procedural safeguards 34 CFR 104.33, 104.34, 104.35, and 104.36. A student may be handicapped within the meaning of Section 504, and therefore entitled to regular or special education and related aids and services under the Section 504 regulations, even though the student may not be eligible for special education and related services under IDEA. Parent(s)/guardian(s)/custodian(s)/ (“parents”) are invited and encouraged to participate fully in the evaluation process, 504 plan development, 504 meetings, etc.

The District will provide non-academic extracurricular services and activities in such a manner as is necessary to afford qualified persons with disabilities an equal opportunity for participation in such services and activities. The District will verify that persons with disabilities participate with persons without disabilities in such activities and services to the maximum extent appropriate.

Any parent who disagrees with a decision made by the District or the disagrees with the student’s 504 team may follow the “Grievance Procedure for Addressing Discrimination” set forth below **OR** may request a hearing before an impartial hearing officer at the Rhode Island Department of Education (RIDE) **OR** may file a complaint with the United States Department of Education, Office of Civil Rights (OCR). Contact information for RIDE and OCR can be found at the end of this policy.

2. Employment Practices

Discrimination Prohibited

In accordance with Section 504/ADA, no qualified individual with a disability shall, on the basis of disability, be subjected to discrimination in employment under any of the District’s programs or activities. Further, the District will take positive steps to employ and advance in employment qualified individuals with disabilities. The District will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the District will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

Reasonable Accommodation

The District will make reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless the accommodation would impose an undue hardship on the operation of the District’s program and/or activities.

3. Facilities and Programs

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies. This includes, but is not limited to, providing accommodations to parents with disabilities necessary for them to participate as other parents are allowed to participate in their child's educational programs or meetings pertinent thereto.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities. Programs and activities will be designed and scheduled so that the location and nature of the facility or area of the program will not deny a student with a disability the opportunity to participate on the same basis as a student without disabilities. The District will meet its obligation through such means as redesign of equipment, reassignment of classes or other services to accessible buildings, assignment of aides to beneficiaries, alteration of existing facilities and/or construction of new facilities, or any other method that results in making its programs and activities accessible to persons with disabilities. In choosing among available methods for meeting its obligations, the district will give priority to those methods that serve persons with disabilities in the most integrated setting appropriate.

Designated Officials for Addressing Discrimination Complaints

In each school building, the Principal is responsible for receiving and investigating reports and complaints of violations of this Policy at the school level. Individuals may file a report or complaint of discrimination with the Principal. In the event that the Complaint alleges violations against the Principal, the Complaint shall be delivered to the Superintendent, who shall appoint an individual to conduct the investigation.

Grievance Procedure for addressing Discrimination

The following complaint procedure has been established to ensure prompt and effective investigation into allegations of disability discrimination. If the complaint pertains to allegations of disability-based harassment, refer to the District's Anti-Discrimination/Anti-Harassment Policy and Grievance Procedure.

A person who believes that he or she had been discriminated against is encouraged to report the situation to the Principal immediately. Reports/complaints are to be filed within ninety (90) days after the conduct complained of occurred or the time the individual reasonably becomes aware of the conduct. (Note: this filing period may be extended for good cause.) The report can be written or oral and should consist of the following:

1. the specific action objected to, including but not limited to a team decision, action, or refusal to take an action requested by the parent or alleged denial of FAPE
2. the date(s) and time(s) such action or refusal to take an action or alleged denial of FAPE took place,

3. the name(s) of the District staff or other persons believed to be discriminating against them,
4. the name(s) of any witness(es),
5. action sought to remedy the situation, and
6. any other details or information requested by the investigating official.

In addition, the person should provide the Principal with any documentation (emails, notes, pictures, etc.) or other information in support of the allegation of discrimination.

Investigation of Complaints

Upon receipt of a report or complaint, the Principal shall facilitate a prompt investigation. The investigation must allow for the complainant, the subject of the complaint, and the individual alleged to have discriminated to provide information, including the names of witnesses or other evidence, relevant to the investigation of the complaint. The Principal will also endeavor to promptly interview and obtain detailed written statements from the complainant, the subject of the complaint, the individual alleged to have discriminated, as well as any potential witnesses. The Principal will also review any other documents or information that he or she believes is relevant to the investigation.

A written determination regarding the complaint and any resolution will be provided by the Principal to the complainant and the accused within thirty (30) school/working days of the complaint.

Appeal Process

The complainant may request reconsideration of the determination and/or resolution of a complaint by notifying the Superintendent in writing or verbally within seven (7) school/working days of receipt of the written determination of the Principal. The Superintendent or his/her designee will respond to such request within thirty (30) school/working days of receipt of the request for reconsideration; his/her decision is final.

If a violation is found to have occurred, the District will take steps to prevent reoccurrence of the violation and correct its discriminatory effect on the person(s) affected.

If the violation involves the denial of a free and appropriate public education to a student or students, such steps may include re-convening of the 504 team, revision of a 504 plan, compensatory services, development of a safety plan and other remedies, as appropriate.

If the violation involves an employment issue, such steps may include appropriate discipline up to and including possible termination of any employee violating this policy and/or such other remedies as are appropriate.

Confidentiality

Investigations of discrimination complaints shall be conducted in such a manner as to disclose information only to those who need to know or those who may have information pertinent to the investigation. Please note, some level of disclosure may be necessary in the course of conducting interviews in connection with investigation of any complaint under this policy. The North Kingstown Public Schools shall endeavor to keep such information as confidential as it can without compromising the thoroughness of the investigation.

State and Federal Authorities

In addition to the process described above, the complainant may, at any time, file a complaint with to the Office for Civil Rights, Rhode Island Department of Elementary and Secondary Education, or other appropriate federal or state agency charged with enforcement of state and federal laws prohibiting discrimination.

U. S. Department of Education, Office for Civil Rights
John W. McCormack Building
5 Post Office Square, Suite 900
Boston, MA 02109
Telephone: (617) 289-0111
<http://www.ed.gov>

Rhode Island Department of Education
255 Westminster Street
Providence, RI 02903
Telephone: (401) 222-4600
<http://www.ride.ri.com>

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