

Policy Code: 3420 504/ADA Policy

No child will be excluded from any educational program or be subject to discrimination because she/he is an "individual with a disability," as the term is defined in Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA). Protected individuals include any person who has a physical or mental impairment that substantially limits one or more of such person's major life activities, has a record of such impairment, or is regarded as having such impairment.

This non-discrimination policy includes, but is not limited to, benefits of and participation in system programs and activities. The system will provide aids, benefits, and school services to a person with disabilities in the most integrated school setting appropriate to his or her needs so that he or she may have an opportunity commensurate to that provided to persons without disabilities to obtain the same results, gain the same benefit, or reach the same level of achievement.

The Director of Exceptional Children is charged with the responsibility of serving as the Edenton-Chowan Schools' Section 504/ADA Coordinator and is a contact person for questions related to Section 504/ADA. A 504/ADA contact for each school has been trained to serve as a resource for parents, guardians, and staff.

Any student, or his parent or guardian, may file a grievance in accordance with the administrative regulation and procedure adopted pursuant to this policy if he/she believes his/her rights under this policy or Section 504/ADA have been violated. The Superintendent or designee shall establish procedures for implementation of this policy. These procedures shall be available through the Section 504/ADA coordinator and the Section 504/ADA contact at each school.

The superintendent is directed to develop appropriate procedures to implement this nondiscrimination policy. The superintendent or designee shall:

1. submit an assurance of nondiscrimination with each application for federal financial assistance;
2. designate a person to coordinate the system's efforts to comply with Section 504 of the Rehabilitation Act of 1973 ("Section 504") and its regulations;
3. designate a person to coordinate the system's efforts to comply with the Americans with Disabilities Act and its regulations;

4. publish the name, office address, and phone number of the compliance coordinator(s) in a manner intended to ensure that employees, applicants, students, parents, and other individuals who participate in the school system's programs are aware of the coordinator(s);
5. make complaint procedures available as provided in policy 4405/5120, Discrimination and Harassment Prohibited by Federal Law, which provides opportunities for prompt and equitable resolutions to complaints alleging actions prohibited by Section 504 or ADA or regulations for these statutes;
6. provide notice that the school system does not discriminate on the basis of disability in violation of Section 504 or the ADA, or their implementing regulations, and make such notice accessible to employees, applicants, students, and parents;
7. make reasonable accommodations for qualifying applicants or employees with disabilities; however, a reasonable accommodation does not include an accommodation that demonstrably would impose an undue hardship on the program or would fundamentally alter the nature of the service, program, or activity;
8. not inquire about any disabilities that may need accommodation until after an applicant has been made an offer and, additionally, avoid using employment tests or other selection criteria that tend to screen out persons with disabilities unless the criteria are demonstrably job-related and effective alternatives are not available;
9. provide a free appropriate public education to each qualified student with disabilities in accordance with Section 504 and its regulations; and
10. establish and implement a system of procedural safeguards with respect to the identification, evaluation, or educational placement of a student with disabilities under Section 504 which includes an opportunity for the student's parent or guardian to examine relevant records, an impartial hearing with the opportunity for participation by the parent or guardian and representation by counsel, and a review procedure.

Legal References: Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq.; Americans with Disabilities Act, 42 U.S.C. 12101 et seq., 28 C.F.R. pt. 35; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 4405/5120), Service Animals in Schools (policy 4390)

ADOPTED: August 2, 2004

AMENDED:

Edenton-Chowan Schools