

**SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON
DISABILITY**

Pursuant to Section 504 of the Rehabilitation Act of 1973 ("Section 504"), the Americans with Disabilities Act of 1990, as amended ("ADA"), and the implementing regulations (collectively "Section 504/ADA"), 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 receiving Federal financial assistance. The Board of Education does not discriminate in admission or access to, or participation or treatment in its programs or activities. As such, the Board's policies and practices will not discriminate against students with disabilities and will make accessible to qualified individuals with disabilities its facilities, programs, and activities. No discrimination will be knowingly permitted against any individual with a disability on the sole basis of that disability in any of the programs, activities, policies, and/or practices in the District.

"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.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, assistive technology, reasonable accommodations or auxiliary aids or services, or learned behavioral or adaptive neurological modifications.

With respect to public preschool, elementary and secondary educational services, a qualified person with a disability means a disabled person:

- A. who is of an age during which nondisabled persons are provided educational services;

- B. who is of any age during which it is mandatory under Ohio law to provide educational services to disabled persons; or

- C. to whom the State is required to provide a free appropriate public education pursuant to the Individuals with Disabilities Education Improvement Act (IDEIA).

With respect to vocational education services, a qualified person with a disability means a disabled person who meets the academic and technical standards requisite to admission or participation in the vocational program or activity.

Compliance Officers

The Board designates the following individuals to serve as the District's 504 Compliance Officers/ADA Coordinators (hereinafter referred to as the "District Compliance Officers").

Jennifer Norman	Samuel Gifford
Executive Director	Executive Director
440-333-6000	440-333-6000
1101 Morewood Parkway	1101 Morewood Parkway
Rocky River, OH 44116	Rocky River, OH 44116
norman.jennifer@rrcs.org	gifford.samuel@rrcs.org

The names, titles, and contact information of this/these individuals will be published annually in the School District Annual Report to the public.

Building Principals shall serve as Building Section 504/ADA Compliance Officers ("Building Compliance Officers").

The District Compliance Officers are responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the ADA. A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the District Compliance Officer.

The District Compliance Officers will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints.

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. See below. The Board will further establish and implement a system of procedural safeguards in accordance with Section 504, including the right to an impartial due process hearing. See AG 2260.01B.

Training

The District Compliance Officers will also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative guidelines and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

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

Facilities

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.

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. This includes, but is not limited to, providing accommodations to parents with disabilities who desire access to their child's educational program or meetings pertinent thereto. Programs and activities will be designed and scheduled so that the location and nature of the facility or area will not deny a student with a disability the opportunity to participate on the same basis as students without disabilities.

Internal Complaint Procedure Regarding Facilities and Auxiliary Aids/Services

Any person who has a complaint about District facilities or the provision of auxiliary aids/services under Section 504 of the Rehabilitation Act of 1973 or Title II of the Americans with Disabilities Act may register such complaint with the Building Compliance Officer and/or District Compliance Officer. Such complaints should be filed in writing within thirty (30) calendar days of the circumstances or event giving rise to the complaint. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights.

A. The written complaint must contain the following information:

1. Name(s) of person(s) filing complaint.
2. Whether the person(s) represents an individual or group.

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3. Whether the person(s) making the complaint has discussed the problem with the Building Compliance Officer and/or the District Compliance Officer.
 4. A written summary of the complaint and a proposed solution.
- B. The Building Compliance Officer or the District Compliance Officer will conduct an impartial investigation and will respond to the complaint within ten (10) business days. This complaint procedure contemplates informal, but thorough investigation, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The Building Compliance Officer or District Compliance Officer will notify all parties in writing of his/her decision.
- C. If any party is not satisfied with the findings of the Building Compliance Officer or District Compliance Officer, within five (5) business days, the he/she may forward a copy of the complaint to the Superintendent. The Superintendent (or designee) will conduct an investigation and will respond within ten (10) business days. The Superintendent (or designee) will afford all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The Superintendent (or designee) will notify all parties in writing of his/her decision.

If it is determined that a violation of Title II or Section 504 occurred, the Building and District Compliance Officers must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

The timelines set forth above may be extended, if deemed necessary by the individual completing the investigation. If the timeline is extended, all parties shall be notified in writing of the new timeline for the completion of the investigation.

Education

The Board is committed to identifying, evaluating, and providing a free appropriate public education (FAPE) to students within its jurisdiction who have a physical or mental impairment that substantially limits one or more major life activities, regardless of the nature or severity of their disabilities. An appropriate education may include regular or special education and related aids and services to accommodate the unique needs of students with disabilities. For disabled students who are not eligible for specially designed instruction under the IDEIA, the special education and related aids and services (including accommodations/modifications/interventions) they need in order to have their needs met as adequately as the needs of nondisabled students are met, shall be delineated, along with their placement, in a Section 504 Plan (Form 2260.01A F13). Parents/guardians/custodians ("parents") are invited and encouraged to participate fully in the evaluation process and development of a Section 504 Plan.

The Board is committed to educating (or providing for the education of) each qualified person with a disability who resides within the District with persons who are not disabled to the maximum extent appropriate. Generally, the District will place a person with a disability in the regular educational environment unless it is demonstrated that the education of the person in the regular environment, even with the use of supplementary aids and services cannot be achieved satisfactorily. If the District places a person in a setting other than the regular educational environment, it shall take into account the proximity of the alternate setting to the person's home.

The Board 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. Non-academic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interests groups or clubs sponsored by the District, referrals to agencies that provide assistance to persons with disabilities, and employment of students. In providing or arranging for the provision of meals and recess periods, and non-academic and extracurricular services and activities, including those listed above, the District will verify that persons with disabilities participate with persons without disabilities in such services and activities to the maximum extent appropriate.

Notice

Notice of the Board's policy on nondiscrimination in education practices and the identity of the District's Compliance Officers will be posted throughout the District, and published in the District's recruitment statements or general information publications.

Internal Complaint Procedures (issues other than facilities or auxiliary aids/services)

If a person believes that s/he has been discriminated against on the basis of his/her disability, under Section 504 of the Rehabilitation Act of 1973 or Title II of the Americans with Disabilities Act of 1990, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

Additionally, in accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), parents and students will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Section 504. In addition, students and their parents will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights. Finally, students and parents will be advised of their right to request a due process hearing before an Impartial Hearing Officer (IHO) regarding the identification, evaluation or educational placement of persons with disabilities, and their right to examine relevant education records.

Internal complaints and requests for due process hearings must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint or the request for a hearing, and offer possible solutions to the dispute. The complaint or request for due process hearing must be filed with a District Compliance Officer within specified time limits. The District's Compliance Officer is available to assist individuals in filing a complaint or request.

Internal Complaint Procedures (issues other than facilities or auxiliary aids/services)

This complaint procedure may be followed by any individual when s/he/they believe that a violation, misapplication or misinterpretation of Section 504 and/or Title II has occurred. This includes allegations of discrimination based on the actions of district employees, other students or third parties. Additionally, the following procedure may be used for any disagreement with respect to actions regarding the identification, evaluation, or educational program or placement of students who are identified as disabled or believed to be disabled pursuant to Section 504, and are not eligible under the IDEIA, except in the case of disciplinary actions where the provisions of the Student Code of Conduct apply. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights or requesting a due process hearing.

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| Step 1 | Investigation by the Building Compliance Officer: A student, parent or other individual may initiate an investigation by filing a written internal complaint with the Building Compliance Officer. The complaint should fully describe the circumstances giving rise to the dispute and how the child is adversely affected. The complaint must 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 Building Compliance Officer shall conduct an impartial investigation of the complaint. As part of the investigation, the Building Compliance Officer shall permit the complainant and the individual alleged to have engaged in discriminatory activity 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 Building Compliance Officer will notify both parties in writing of his/her decision. |
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Step 2 Appeal to the District Compliance Officer: If the complaint is not resolved satisfactorily at Step 1, the student, parent or other individual may appeal the Building Compliance Officer's decision in writing to the District Compliance Officer. The appeal must be made within five (5) school days following receipt of the Building Compliance Officer's decision. The District Compliance Officer will review the case, may conduct an informal hearing, and will notify all parties in writing of his/her decision within ten (10) school days of receiving the appeal.

Step 3 If the complaint is not resolved satisfactorily at Step 2, the student, parent or other individual may appeal the decision in Step 2 above by submitting a signed, written appeal to the Superintendent within 10 school days after the receipt of the written disposition at Step 2. The Superintendent (or designee) shall respond to the complaint, in writing, within 10 school days of the date of the appeal. Copies of the response shall be provided to both the complainant and the person who is the subject of the complaint. Additionally, a student/parent may request a due process hearing provided the complaint involves an issue related to the identification, evaluation, or placement of the student under Section 504.

If it is determined that the Complainant was subjected to unlawful discrimination, the Building and District Compliance Officers must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

The timelines set forth above may be extended, if deemed necessary by the individual completing the investigation. If the timeline is extended, all parties shall be notified in writing of the new timeline for the completion of the investigation.

OCR Complaint

At any time, if a student or parent believes that s/he has been subjected to discrimination based upon his/her disability in violation of Section 504 or the ADA, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"). The OCR can be reached at:

U.S. Department of Education
Office for Civil Rights
Cleveland Office
1350 Euclid Avenue, Suite 325
Cleveland, Ohio 44115
(216) 522-4970
FAX: (216) 522-2573
TDD: (216) 522-4944
E-mail: OCR.Cleveland@ed.gov
Web: <http://www.ed.gov/ocr>

Except in extraordinary circumstances, the OCR does not review the result of individual placement and other educational decisions, so long as the District complies with the "process" requirements of Subpart D of Section 504.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination, or participates as a witness in an investigation, is prohibited. Specifically, the Board will not retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by Section 504 or the ADA, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended 34 C.F.R. Part 104
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

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