

Personnel

Series 4000

Employees And Section 504 Of The Rehabilitation Act Of 1973 And
Title II Of The Americans With Disabilities Act Of 1990

Policy

Section 504 of the Rehabilitation Act of 1973 ("Section 504") prohibits discrimination against individuals with a disability in any program receiving Federal financial assistance. Similarly, Title II of the Americans with Disabilities Act of 1990 ("Title II" or "ADA") prohibits discrimination against individuals with a disability by state and local governments. To be protected under Section 504 and the ADA ("collectively, "Section 504/ADA"), an individual must (1) have a physical or mental impairment that substantially limits one or more major life activities; (2) have a record of such an impairment; or (3) be regarded as having such an impairment.

In order to fulfill its obligation under Section 504/ADA, the Region 15 Public Schools recognize a responsibility to avoid discrimination in policies and practices regarding its personnel, students, parents/guardians and members of the public who participate in school sponsored programs. In this regard, the Region 15 Public Schools prohibit discrimination against any person with a disability in any of the services, programs or activities of the school system.

Employees who are interested in requesting or discussing reasonable accommodations for a disability should contact:

Ms. Regina Lemerich Botsford
Superintendent of Schools
Pomperaug Regional School District 15
286 Whittemore Road
Middlebury, CT 06762
(203) 758-8259 extension 110
rbotsford@region15.org

Any employee other individual wishing to file a complaint regarding any form of discrimination (including harassment) on the basis of disability may obtain a copy of the Board's Section 504 grievance/complaint procedures which are outlined in the Board's Administrative Regulations. Regarding Employees and Section 504 of Rehabilitation Act of 1973 and Title II of Americans with Disabilities Act. These regulations accompany this policy (Policy #4156) and are available online at <http://www.region15.org/policies> or upon request from the main office of any district school. Any complaints of discrimination and/or harassment based on disability will be handled in accordance with these procedures. If a complaint involves allegations of discrimination or harassment based on other reasons, such complaints will be handled under other appropriate policies (e.g. Policy #4154 Sex/Discrimination/Harassment; Policy #4152 Non-discrimination Policy).

An employee or other individuals may also file a complaint with the Office for Civil Rights, U.S. Department of Education ("OCR"):

Office for Civil Rights, Boston Office
U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109-3921
(617) 289-0111

Employees may also file a complaint regarding employment discrimination on the basis of disability with the Equal Employment Opportunity Commission, Boston Area Office, John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203 (TELEPHONE NUMBER 800-669-4000).

Employees may also file a complaint with the Connecticut Commission on Human Rights and Opportunities, 450 Columbus Blvd., Hartford, CT 06103-1835 (TELEPHONE NUMBER 800-477-5737).

Anyone who has questions or concerns about this policy, or would like a copy of the Board's grievance/complaint procedures related to claims involving a disability, may also contact Jessica Sciarretto, Director of Student Services and Section 504/ADA Coordinator for the Region 15 Public Schools, P.O. Box 395, 286 Whittemore Road, Middlebury, CT, jsciarretto@region15.org, tel. (203) 758-8259 ext. 2.

Legal References:

29 U.S.C. §§ 705, 794
34 C.F.R. §Part 104
42 U.S.C. § 12101 et seq.
28 C.F.R. Part 35

Adopted:	11 September 2006
Revision Approved:	8 June 2015
Revision Approved:	12 June 2017

PERSONNEL

SERIES 4000

Administrative Regulations Regarding Employees And Section 504 Of The Rehabilitation Act Of 1973 And Title II Of The Americans With Disabilities Act Of 1990

Region 15 Board of Education Section 504/ADA Grievance/Complaint
Procedures Regarding Discrimination Against Employees

Section 504 of the Rehabilitation Act of 1973 ("Section 504") and Title II of the Americans with Disabilities Act of 1990 ("Title II" or "ADA") (collectively, "Section 504/ADA") prohibit discrimination on the basis of disability. For the purposes of Section 504/ADA, the term "disability" with respect to an individual means: (a) a physical or mental impairment that substantially limits one or more major life activities of such individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment.

The procedures below are designed to address complaints regarding discrimination and/or harassment on the basis of a disability. If a complaint involves allegations of discrimination and/or harassment based on any other reason (e.g. sex, race, etc.) such complaints will be handled under other appropriate policies (e.g. Policy #4156, Sex Discrimination/Harassment; Policy #4152, Non-Discrimination).

I. Definitions

Major life activities: include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working. A major life activity also includes the operation of a major bodily function, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive systems. The operation of a major bodily function includes the operation of an individual organ within a body system.

Mitigating Measures: include, but are not limited to, (a) medication, medical supplies, equipment, appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies; (b) use of assistive technology; (c) reasonable modifications or auxiliary aids or services; (d) learned behavioral or adaptive neurological modifications; or (e) psychotherapy, behavioral therapy, or physical therapy.

Physical or Mental Impairment: (a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems, such as: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine or (b) any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability. Physical or mental impairment includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech, and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

II. Procedures for Grievances/Complaints Alleging Discrimination on the Basis of Disability

A. Any student, parent/guardian, staff member or other employee who feels that he/she has been discriminated against on the basis of disability may submit a written complaint to the district's designated Section 504/ADA Coordinator within thirty (30) school days of the alleged occurrence. Timely reporting of complaints facilitates the prompt investigation and resolution of such complaints. If the complaint is made verbally, the individual taking the complaint will reduce it to writing. Individuals wishing to make a complaint about discrimination against a student on the basis of disability should be referred to the district's Section 504/ADA policies and regulations regarding students, Policy #5150.

B. Retaliation against any individual who complains pursuant to the Board's policy and regulations listed herein is strictly prohibited. The district will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting or complaint of disability-based discrimination or as a result of an individual's participation or cooperating in the investigation of a complaint. The district will take necessary actions to prevent retaliation as a result of filing a complaint or the participation in an investigation of a complaint.

C. If the Section 504/ADA Coordinator is the subject of the complaint, the complaint should be submitted directly to the Superintendent who may conduct the investigation or appoint a designee to conduct the investigation in accordance with these procedures.

D. Complaints will be investigated promptly within timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible.

E. The complaint should contain the following information:

1. The name of the complainant;

2. The date of the complaint;
3. The date(s) of the alleged discrimination;
4. The names of any witnesses or individuals relevant the complaint;
5. A detailed statement describing the circumstances in which the alleged discrimination occurred; and
6. The remedy requested.

However, all complaints will be investigated to the extent possible, even if such information is not included in the complaint. In such circumstances, additional information may be requested by the investigator as part of the investigation process.

F. Upon receipt of the complaint, the individual investigating the complaint shall:

1. Provide a copy of the written complaint to the Superintendent of Schools;
2. Meet with the complainant¹ and respondent (if applicable) within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant believes have relevant information, and obtain any relevant documents the complainant may have;
3. Provide the complainant and respondent (if applicable) with a copy of the applicable Board's Section 504/ADA Policy and these administrative regulations;
4. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis for the complaint, including conducting interviews with individuals with information and review of documents relevant to the complaint;
5. Maintain confidentiality to the extent practicable throughout the investigative process in accordance with state and federal law;

Communicate the outcome of the investigation in writing to the complainant, and to any individual properly identified as a party to the complaint, including a respondent, (to the extent permitted by state and federal confidentiality requirements), within fifteen (15) school days from the date the complaint was received by the Section 504/ADA Coordinator or Superintendent. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant and respondent (if applicable) shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify how the district will remedy any identified violations of Section 504/ADA;

¹ For purposes of these procedures, a complainant is considered to be the individual who allegedly experienced the discrimination and/or harassment.

6. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, complainant and respondent (if applicable) will receive notice and interim measures may be implemented as necessary (see sub-paragraph 6);
 7. Ensure that appropriate corrective action is taken whenever allegations are verified. When allegations are verified, ensure that measures to remedy the effects of the discrimination are appropriately considered, and offered, when appropriate. Corrective action should include steps to avoid continuing discrimination.
 8. In the event the investigator concludes that there is no violation of Section 504/ADA, the district may attempt to resolve the complainant's ongoing concerns, if possible.
- G. If the complainant or respondent (if applicable) is not satisfied with the findings and conclusions of the investigation, either party may present the complaint and written outcome to the Superintendent for review and reconsideration within thirty (30) calendar days of receiving the findings. This process provides an opportunity for either party to bring information to the Superintendent's attention that would change the outcome of the investigation. In submitting the complaint and written outcome for review, the individual requesting the appeal must explain why he/she believes the factual information was incomplete, the analysis of the facts was incorrect, and/or the appropriate legal standard was not applied, *and* how this information would change the investigator's determination in the case. Failure to provide all such information may result in the denial of the review.

Upon review of a written request for appeal, the Superintendent or designee shall review the investigative results of the investigator and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator, complainant, and/or respondent (if applicable), a meeting with appropriate individuals to attempt to resolve the complaint or a decision affirming or overruling the investigator's conclusions or findings. The Superintendent or designee shall provide written notice to the complainant and the respondent (if applicable) of his/her decision within ten (10) school days following the receipt of the written request for review.

III. The Section 504/ADA Coordinator for this district is:

Jessica Sciarretto,
Director of Student Services
Region 15 Public Schools
P. O. Box 395
286 Whittemore Road
Middlebury, CT 06762-0395
jscarretto@region15.org
Tel. (203-) 758-8259 ext. 2.

IV. Complaints to Federal or State Agencies

At any time, the complainant has the right to file a formal complaint with the U.S. Department of Education, Office for Civil Rights, 8th Floor, 5 Post Office Square, Suite 900, Boston, MA 02109- 0111 (TELEPHONE NUMBER (617) 289-0111); <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>. Employees may also file a complaint regarding employment discrimination on the basis of disability with the Equal Employment Opportunity Commission, Boston Area Office, John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203 (TELEPHONE NUMBER 800-669-4000) or the Connecticut Commission on Human Rights and Opportunities, 450 Columbus Blvd., Hartford, CT 06103-1835 (TELEPHONE NUMBER 800-477-5737).

Adopted: 11 September 2006
Updated: 8 June 2015
Updated: 12 June 2017

Region 15
Section 504/ADA Discrimination
Grievance/Complaint Form For Non-Students

(This form is intended to be used if an individual has grievance/complaint under Section 504/ADA alleging discrimination on the basis of a disability).

1. Name of Complainant: _____

Date: _____

2. Contact Information for Complainant:

(Address)

(Home Tel. #)

(Cell # or Work #)

3. Name of Covered Individual:

4. Address of Covered Individual (if different from above):

5. Relationship to School (e.g., position, visitor, parent) (if applicable):

6. Please describe the nature of your complaint:

7. Proposed resolution or corrective action you wish to see taken with regard to the stated issues:

Updated: 12 June 2017