



## ***Rights of Individuals with Disabilities (Incl IDEA & Section 504)***

It is the policy of the School that no otherwise qualified person 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 sponsored by the School.

As used in this policy, "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, speaking, breathing, learning and working.

Notice of the School's policy on nondiscrimination in employment and education practices shall be given in this Policy manual, posted in the School, and published in any School statement regarding the availability of employment positions or special education services.

### Facilities

Barrier free access to School facilities or an alternative means of providing services shall be provided as required by law so that no individual with a disability is excluded from participation in a School program solely by reason of his/her disability. The School will take measures to comply with the building, program and other accessibility requirements of the Americans with Disabilities Act (ADA) and other applicable laws.

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. The School will meet its obligation through such means as redesign of equipment, reassignment of classes, assignment of aides to beneficiaries, alteration of existing 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 School will give priority to those methods that serve persons with disabilities in the most integrated setting appropriate.

### Educational Program

The Board 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 and/or IDEA, regardless of the nature or severity of their disabilities. The Board recognizes and acknowledges that students may be disabled and eligible for services under Section 504 even though they do not qualify for or require special education and/or related



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services pursuant to the IDEA. Students eligible for services under the IDEA will be served under existing special education programs.

If a student has a physical or mental impairment that significantly limits his/her learning, but does not require specially designed instruction to benefit educationally, the student will be eligible for reasonable accommodations and/or modifications of the regular classroom or curriculum in order to have the same access to an education as students without disabilities. Such accommodations and/or modifications will be provided pursuant to a Section 504 Accommodation Plan.

If a student has a physical or mental impairment, but it does not significantly limit his/her learning, the student will not be entitled to a Section 504 Accommodation Plan, but s/he may still be eligible for a "Classroom Accommodation."

Parents/guardian/custodian are invited and encouraged to participate fully in the evaluation process. If the parents disagree with the determination made by the School's professional staff, they may request a meeting with the Intervention Team.

The Board is committed to educating (or providing for the education of) each qualified person with a disability alongside persons who are not disabled to the maximum extent appropriate to the needs of the person with disabilities. Generally, the School 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 with the use of supplementary aids and services cannot be achieved satisfactorily. If the School 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 School 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. Nonacademic and extracurricular services and activities may include counseling services, physical recreational athletics, health services, recreational activities, special interests groups or clubs sponsored by the School, 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 nonacademic and extracurricular services and activities, including those listed above, the School will verify that persons with disabilities participate with persons without disabilities in such activities and services to the maximum extent appropriate to the needs of the person with a disability in question.

The Board directs the Principal to prepare administrative guidelines for facilitating the prompt, fair and appropriate identification, referral, evaluation and placement of students with disabilities who qualify for accommodations under Section 504 or IDEA. The School will provide



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outside professional development and/or in-service training and consultation to Staff Members on the education of persons with disabilities, as necessary and appropriate.

The Board will adopt a system of procedural safeguards that will provide for prompt and equitable resolution of complaints alleging any violations. Due process rights of students with disabilities and their parents will be enforced.

*29 C.F.R. Part 1630*

*34 C.F.R. Part 104*

*29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended, 42*

*U.S.C. 12101 et seq., Americans with Disabilities Act of 1990*

## ***Access to Equal Educational Opportunity***

It is the policy of the School to provide an equal opportunity for all children to achieve their maximum potential through the curriculum offered regardless of any legally protected category.

**The Board appoints the Executive Director or his/her designee to be the Compliance Officer whose responsibility it will be to ensure that Federal and State regulations are complied with and that any complaints are dealt with promptly in accordance with law. S/He shall also ensure that proper notice of nondiscrimination rights under applicable laws is provided to students, their parents, staff members, and the general public.**

Any complaints shall be addressed in accordance with the provisions of the Complaint/Grievance Procedures for Title I, Title IX, and Section 504 Rehabilitation Act of 1973.

## ***Complaint/Grievance Procedure for Title I, Title IX and Section 504***

The Board appoints the Executive Director or his/her designee to be the Compliance Officer whose responsibility it will be to ensure that Federal and State regulations are complied with and that any complaints are dealt with promptly in accordance with law.

Complaints shall be directed to the Executive Director or his/her designee.

Responsibilities of the Executive Director or his/her designee:

1. The student, parent/guardian, or employee will file a written complaint, stating the specific facts of his/her grievance, with the Compliance Officer within fifteen (15) calendar days of the conduct alleged to be discriminatory or otherwise in violation.
2. The compliance officer shall make all reasonable efforts to resolve the matter informally during a meeting held not more than fifteen (15) calendar days after the complaint is received.



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3. In the event the complaint cannot be resolved informally, the Compliance Officer will investigate the matter and will provide a written copy of his/her findings and determination to both parties within fifteen (15) calendar days of Step 2.
4. The grievant may appeal the determination of the Compliance Officer to the Board or a committee of the Board within ten (10) calendar days of the receipt of the Compliance Officer's determination. The committee shall be composed of the Executive Director, Board Chair, at least one other Board member, the school Principal, and at least one other staff member/teacher (not the student's regular homeroom teacher or teacher in question). The appeal shall be in writing and attached to copies of the original complaint and the written determination of the Compliance Officer.
5. The Board or its designated committee may, in its discretion, convene a hearing at which the parties may present testimony and argument. It shall be the responsibility of the committee to clarify the issues and attempt to resolve the problem. The committee must keep official records in all meetings and hearing proceedings. The grievant or grievant's representative will be given an opportunity to present evidence and ask questions the parties involved.
6. The Board or its designated committee shall provide both parties with a written decision within fifteen (15) calendar days of receiving the appeal.
7. Employees and parents/guardians of the School shall be informed that a complaint may be filed without fear of reprisal from the Board or any of its employees or agents. The grievant shall be notified of his/her rights of appeal at each step of the process, and accommodations to the needs of a disabled grievant shall be made throughout the process. A grievant shall be informed of his/her right to file a formal complaint with the Office of Civil Liberties.
8. If the grievant is not satisfied with the Board or Board Committee's decision, he/she may file a written complaint to the Office for Civil Rights:

Office for Civil Rights  
U.S. Department of Education  
600 Superior Avenue East, Suite 750  
Cleveland, Ohio 44114-2611

Any such written complaint must be filed within thirty (30) calendar days from the date of the Board's written decision, or ninety (90) calendar days from the date the complainant submitted his or her written complaint to the compliance officer.

A complaint regarding the identification, evaluation, classification, or educational program of an educationally disabled student shall be reviewed in accordance with the School's Special Needs policy.



In the event of a formal complaint/grievance, the Principal or his/her designee shall evaluate School programs and practices on nondiscrimination, in accordance with law, and report evaluations to the Board. The Principal or his/her designee shall submit such assurances of compliance as are required by law.

Notice of the Board's policy on nondiscrimination in employment and education practices and the identity of the School's Section 504/ADA Compliance Officer will be posted in the Main Office.

*29 C.F.R. Part 1630*

*34 C.F.R. Part 104*

*29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended, 42*

*U.S.C. 12101 et seq., Americans with Disabilities Act of 1990*



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**The Intergenerational School**  
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Cleveland, Ohio 44104  
216.721.0120 | TISonline.org

**Near West Intergenerational School**  
3805 Terrett Avenue  
Cleveland, Ohio 44113  
216.961.4308 | NearWestSchool.org

**Lakeshore Intergenerational School**  
18025 Marcella Road  
Cleveland, Ohio 44119  
216.586.3872 | LakeshoreSchool.org