

Dell Rapids School District #49-3

Policies and Regulations Code: A – Foundations & Basic Commitments



AC-R AMERICANS WITH DISABILITIES ACT and SECTION 504 of the REHABILITATION ACT of 1973

Access to Accommodations

Community members, students and employees with disabilities may contact the building principal or site administrator to obtain reasonable accommodations needed to participate in District programs or activities. Accommodations may include alternatives to visual, aural and oral communication, or the delivery of programs or services in accessible locations.

Persons needing individual accommodations are requested to notify the building principal or site administrator at least 72 hours before the event. If the building principal or site administrator is unable to address the request, concerns should be referred to the designated ADA or 504 contact at 1216 N. Garfield Ave., Dell Rapids, SD 57022.

The District will initiate an annual notice of intent to offer accommodations to parents and employees. All long-range facility plans will assess accessibility and usability for individuals with disabilities.

Definitions:

Otherwise qualified individual with a disability: This term means a person who would qualify for a particular benefit or program in all respects except for the fact that he or she is “disabled” under Section 504/ADA, which means a person who:

1. has a physical or mental impairment that substantially limits one or more major life activities,
2. has a record of having an impairment that substantially limits one or more major life activities, or
3. is regarded as having an impairment that substantially limits one or more major life activities.

Section 504/ADA excludes some physical and/or mental impairments from qualifying a person as disabled. Some examples include some personality disorders and conditions caused by current use of illegal drugs.

Major life activities: This term means life functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Record of impairment: This term means having a history of, or being classified as, having a mental or physical impairment that substantially limits one or more major life activities.

Regarding as having an impairment: This term refers to persons who do not have any substantial limitations on any major life activities but are nevertheless perceived or treated as if they had such limitations.

Substantial Limits: Unable to perform a major life activity that the average person in the general population can perform or significantly restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner or duration under which the average person in the general population can perform that same major life activity.

Reasonable Accommodation: Educationally and fiscally appropriate modifications or adjustments to ensure participation by qualified individuals with a disability receive the same benefits and opportunities as non-disabled individuals that will not fundamentally alter the nature of the service, program or activity or result in undue financial or administrative burden for the District.

Informal Hearing: An opportunity for the grievant to meet with the School Board in executive session with or without outside representation to present his/her case.

Procedural Safeguards: Students

Qualified students who, because of a disability, need or are believed to need reasonable accommodations and/or services as addressed under policy, may be referred to a building Student Assistance Team (SAT) by a teacher, other certified school employee, parent/guardian or other concerned adult for evaluation to determine eligibility under Section 504/ADA. The procedures outlined in the Dell Rapids Section 504 Handbook will be used by the Student Assistance Team to determine eligibility.

The parents or guardians of each qualified student with a disability shall be notified in writing by the building principal concerning District decisions on the identification, evaluation, or educational placement of the student made under this policy and procedure.

Grievance Procedure

Parents and guardians shall have the right to file a grievance without fear of reprisal if they believe there has been a violation of Section 504/ADA. Any such grievance must be filed in writing within thirty (30) working days after the alleged violation occurred. The grievant must fully state the facts of the alleged violation and the remedy that is being sought.

STEP ONE: The grievance should be submitted to the building principal who will investigate the circumstances of the alleged violation. The superintendent will provide a written report of his/her findings of facts and conclusions within ten (10) working days to the grievant. The building principal will also keep a copy of the report and grievance.

STEP TWO: If the grievance has not been resolved in STEP ONE to the satisfaction of the grievant, he/she may appeal to the Superintendent within five (5) working days of receipt of the building principal's response. The Superintendent will conduct an informal hearing to review the alleged violation. The Superintendent will affirm, reverse, or modify the report issued by the building principal within fifteen (15) working days of receipt of the appeal.

STEP THREE: If the grievance has not been resolved in STEP TWO to the satisfaction of the grievant, he/she may appeal to the School Board within five (5) working days of receipt of the Superintendent's response. The School Board will schedule an informal hearing within thirty (30) working days to review the alleged violation. The involved parties will be notified in writing of the date and time of the scheduled hearing. The School Board will affirm, reverse, or modify the response of the Superintendent to the building principal's report within fifteen (15) working days of the informal hearing.

Procedural Safeguards: Others

Grievance Procedure

Qualified individuals with a disability shall have the right to file a grievance without fear of reprisal if they believe here has been a violation of the Americans with Disabilities Act. Any such grievance must be filed in writing thirty (30) working days after the alleged violation occurred. The grievant must fully state the facts of the alleged violation and the remedy that is being sought.

STEP ONE: The grievance should be submitted to the building principal, who will investigate the circumstances of the alleged violation. The building principal will provide a written report of his/her findings of fact and conclusions within ten (10) working days to the grievant and to the Superintendent.

STEP TWO: If the grievance has not been resolved to the satisfaction of the grievant, he/she may appeal to the Superintendent within five (5) working days of receipt of the building principal's report. The appeal process may or may not include a conference with the parties involved. The Superintendent will review the report of findings of the building principal and affirm, reverse, or modify the report of the building principal, within fifteen (15) work days.

STEP THREE: If the grievance has not been resolved in STEP TWO to the satisfaction of the grievant, he/she may appeal to the School Board within five (5) working days of receipt of the Superintendent's response. The School Board will schedule an informal hearing within thirty (30) working days to review the alleged violation. The involved parties will be notified in writing of the date and time of the scheduled informal hearing. The School Board will affirm, reverse, or modify the response of the Superintendent. The School Board will respond in writing to the grievant within fifteen (15) working day of the informal hearing.

Nothing in this grievance procedure forecloses qualified individuals with a disability from seeking redress for their concerns through other legal avenues, such as the Office of Civil Rights, the Equal Employment Opportunity Commission or the South Dakota Division of Human Rights.

LEGAL REFS.: Section 504 of the Rehabilitation Act of 1973 with amendments
 Americans with Disabilities Act of 2008 with amendments

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