

**A. W. BEATTIE
CAREER CENTER**

SECTION: PROGRAMS
 TITLE: NONDISCRIMINATION - QUALIFIED STUDENTS WITH DISABILITIES
 FIRST READING: August 21, 2014
 SECOND READING: September 25, 2014
 ADOPTED: September 25, 2014

<p>1. Authority Title 22 Sec., 4.4, 12.1, 12.4, 15.1 et seq. 339.21 29 U.S.C. Sec. 794 42 U.S.C. Sec. 12101 et seq. 28 CFR Part 35 34 CFR Part 104 45 CFR Part 80 App B Pol. 103</p>	<p style="text-align: center;">103.1 NONDISCRIMINATION - QUALIFIED STUDENTS WITH DISABILITIES</p> <p>The Joint Operating Committee adopts this policy to ensure that all school programs and practices are free from discrimination against qualified students with disabilities. The Joint Operating Committee recognizes its responsibility to provide academic and nonacademic services and programs equally to students with and without disabilities.</p> <p>The school shall provide to each qualified student with a disability enrolled in the school, without cost to the student or parent/guardian, a free and appropriate public education (FAPE). This includes provision of education and related aids, services, or accommodations which are needed to afford each qualified student with a disability equal opportunity to participate in and obtain the benefits from educational programs and extracurricular activities without discrimination, to the same extent as each student without a disability, consistent with federal and state laws and regulations.</p> <p>The Joint Operating Committee encourages students and parents/guardians who believe they have been subject to discrimination or harassment to promptly report such incidents to designated employees.</p> <p>The Joint Operating Committee directs that complaints of discrimination or harassment shall be investigated promptly, and corrective action be taken in response to substantiated allegations. Confidentiality of all parties shall be maintained, consistent with the school's legal and investigative obligations.</p> <p>The school shall not intimidate, threaten, coerce, discriminate or retaliate against any individual for the purpose of interfering with any right or privilege secured by this policy.</p>
--	--

<p>2. Definition</p> <p>Title 22 Sec. 15.2 45 U.S.C. Sec. 12102 20 U.S.C. Sec. 1400 et seq. 34 CFR Part 300</p> <p>Title 22 Sec. 15.1 et. seq. 339.21 34 CFR Part 104</p> <p>Title 22 Sec. 15.7</p>	<p>Qualified student with a disability - a student who has a physical or mental disability which substantially limits or prohibits participation in or access to an aspect of the school's educational programs, nonacademic services or extracurricular activities. A student with a disability who has been evaluated and identified as such may be entitled to related aids, services or accommodations contained in a Section 504 Service Agreement. If a student has been evaluated by their school district of residence and is determined to be a student with a disability in need of special education or related services under the Individuals with Disabilities Education Act (IDEA), they will be afforded related aids, services and accommodations within an Individualized Educational Program (IEP), rather than through a separate Section 504 Service Agreement.</p> <p>Section 504 Team - a group of individuals who are knowledgeable about the student, the meaning of the evaluation data and the placement options for the student. The Section 504 Team may include, as appropriate, documentation or input from classroom teachers, counselors, psychologists, school nurses, outside care providers and the student's parents/guardians. A representative from the A. W. Beattie Career Center (AWBCC) shall participate, as appropriate, as a member of its students' Section 504 Teams.</p> <p>Section 504 Service Agreement (Service Agreement or 504 Plan) - an individualized plan for a qualified student with a disability which sets forth the specific related aids, services, or accommodations needed by the student, which shall be implemented in school, in transit to and from school, and in all programs and procedures, so that the student has equal access to the benefits of the school's educational programs, nonacademic services, and extracurricular activities.</p> <p>School, as used in this policy, shall reference A. W. Beattie Career Center. School district of residence shall reference a student's home school district.</p>
<p>2. Delegation of Responsibility</p> <p>Pol. 103</p> <p>Title 22 Sec. 15.4 34 CFR Sec. 104.32 45 CFR Part 80 App B</p>	<p>In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Joint Operating Committee has designated the Executive Director as the school's Compliance Officer. The Compliance Officer shall have as a part of his or her duties the responsibility to act as the school's Section 504 Coordinator and ensure implementation of the within policy.</p> <p>The school shall publish and disseminate this policy and complaint procedure on or before the first day of each school year by posting it on the school's web site and in the student handbook. The school shall notify parents/guardians of the school's responsibilities under applicable laws/regulations, and that the school does not discriminate against qualified individuals with disabilities.</p>

<p>2. Guidelines</p> <p>34 CFR Sec. 104.35</p> <p>Title 22 Sec. 15.7, 339.21</p> <p>Title 22 Sec. 15.3 34 CFR Sec. 104.34 45 CFR Part 80 App B</p> <p>Title 22 Sec. 15.3 34 CFR Sec. 104.34, 104.37 45 CFR Part 80 App B</p>	<p><u>Identification and Evaluation</u></p> <p>If the school has reason to believe that a student should be identified as a qualified student with a disability, should no longer be identified as a qualified student with a disability, or requires a change in or modification of the student's current Service Agreement or IEP, the school shall notify the school district of residence.</p> <p><u>Service Agreement or IEP</u></p> <p>If the student is determined to be a qualified student with a disability, the school shall coordinate with the student's Section 504 Team to develop, modify or terminate a written Service Agreement, as needed.</p> <p>If the student has been determined to qualify for an IEP, the school shall coordinate with the student's IEP Team to develop, modify or otherwise adjust, as needed, those services, modifications or accommodations set forth in the student's IEP.</p> <p>The school shall implement a student's Service Agreement or IEP for the delivery of all appropriate aids, services, or accommodations necessary to provide the student with FAPE.</p> <p><u>Educational Programs/Nonacademic Services/Extracurricular Activities</u></p> <p>The school shall educate a qualified student with a disability with students who are not disabled to the maximum extent appropriate to the needs of the student with a disability. A qualified student with a disability shall be removed from the regular educational environment only when the school determines that educating the student in the regular educational environment with the use of related aids, services, or accommodations cannot be achieved satisfactorily.</p> <p>The school shall not discriminate against any qualified student with a disability in its provision of nonacademic services and extracurricular activities.</p> <p><u>Discipline</u></p> <p>When necessary, the school shall discipline qualified students with disabilities in accordance with state and federal regulations and Joint Operating Committee policies.</p>
--	---

	<p><u>Parental Involvement</u></p> <p>Parents/Guardians have the right to inspect and review all relevant school records of the student, meet with the appropriate school officials to discuss any and all issues relevant to accommodations for their child and the provision of services at A. W. Beattie Career Center. Based upon a parental request to meet, A. W. Beattie Career Center may request that the student's complete 504 Team or IEP Team be convened at the school district of residence to discuss the issue.</p> <p><u>Confidentiality of Student Records</u></p> <p>Title 22 Sec. 15.9 All personally identifiable information regarding a qualified student with a disability shall be treated as confidential and disclosed only as permitted by the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, state regulations, and Joint Operating Committee policy.</p> <p><u>Procedural Safeguards</u></p> <p>Title 22 Sec. 15.8 34 CFR Sec. 104.36 The school shall coordinate with the school district of residence to implement a system of procedural safeguards that includes notice of rights to the parent/guardian of a student suspected of being a qualified student with a disability, an opportunity for the parent/guardian to review relevant records, an impartial hearing with an opportunity for participation by the student's parent/guardian, and a review procedure.</p> <p><i>Parental Request for Assistance</i></p> <p>Title 22 Sec. 15.8 Parents/Guardians may file a written request for assistance with the Pennsylvania Department of Education (PDE) if one () or both of the following apply:</p> <ol style="list-style-type: none"> 1. The school is not providing the related aids, services and accommodations specified in the student's Service Agreement or IEP. 2. The school has failed to comply with the procedures and state regulations. <p><i>Informal Conference</i></p> <p>Title 22 Sec. 15.8 At any time, parents/guardians may file a written request with the school and/or school district of residence for an informal conference with respect to the identification or evaluation of a student, or the student's need for related aids, services or accommodations. Within ten (10) school days of receipt of the request, the school and/or school district of residence shall convene an informal conference. At the conference, every effort shall be made to reach an amicable agreement.</p>
--	--

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.

If the investigation results in a determination that the conduct being investigated may involve a criminal law, the administrative designee shall inform law enforcement authorities about the incident.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

Step 3 - Investigative Report

The administrative designee shall prepare a written report to the Compliance Officer within fifteen (15) days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.

The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition.

Step 4 - Action of School

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the school shall take prompt, corrective action to ensure that such conduct ceases and will not recur. School staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.

Disciplinary actions shall be consistent with the Code of Student Conduct, Joint Committee policies and school procedures, applicable collective bargaining agreements, and state and federal laws.

Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days.
2. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the building administrator who conducted the initial investigation.

A. W. BEATTIE CAREER CENTER
REPORT FORM FOR COMPLAINTS OF DISCRIMINATION

Complainant: _____

Home Address: _____

Home Phone: _____

Building: _____

Date of Alleged Incident (s) _____

Alleged discrimination was based on: _____

Name of person you believe violated the school's (center's) nondiscrimination policy:

Describe the incident as clearly as possible, including any verbal statements (i.e. threats, derogatory remarks, demands, etc.) and any actions or activities. Attach additional pages if necessary:

When and where incident occurred: _____

List any witnesses who were present: _____

This complaint is based on my good faith that the above individual(s) has/have discriminated against me or another person. I certify that the information I have provided in the complaint is true, correct and complete to the best of my knowledge.

Complainant's Signature

Date

Received By

Date

A. W. BEATTIE CAREER CENTER

PROCEDURAL SAFEGUARDS NOTIFICATION

Dear Parent/Guardian:

As part of the protections available to you if we cannot agree as to what related aids, services, or accommodations should or should no longer be provided to your child, one or more options available through the procedural safeguard system may be used to resolve the dispute.

Parental Request For Assistance -

Parents/Guardians may file a written request for assistance with the Department of Education if you believe the school is not providing the related aids, services, and accommodations specified in the Service Agreement and/or the school has failed to comply with Chapter 15 of the State Board of Education Regulations.

The Department of Education will investigate and respond to requests for assistance and, unless exceptional circumstances exist, will, within sixty (60) calendar days of receipt of the request, send to the parents/guardians, school district of residence and school (center) a written response to the request.

Written requests should be addressed to:

Pennsylvania Department of Education
Bureau of Special Education
333 Market Street
Harrisburg, PA 15126
717-783-6913

Informal Conference -

Parents/Guardians may file a written request with the school and/or school district of residence for an informal conference with respect to the identification or evaluation of a student, or the student's need for related aids, services, or accommodations. Within ten (10) school days of receipt of the request, the school and/or school district of residence shall convene an informal conference. At the conference, every effort shall be made to reach an amicable agreement.

Formal Due Process Hearing -

Parents/Guardians may file a written request with the Pennsylvania Office for Dispute Resolution for an impartial due process hearing.

1. The hearing shall be held before an impartial hearing officer.
2. The hearing shall be held in the school district of residence at a place reasonably convenient to the parents/guardians. At the request of the parents/guardians, the hearing may be held in the evening.
3. The hearing shall be an oral, personal hearing and shall be open to the public unless the parents/guardians request a closed hearing.
4. If the hearing is open, the decision issued in the case, and only the decision, shall be available to the public.
5. If the hearing is closed, the decision shall be treated as an educational record of the student and may not be available to the public.
6. The decision of the hearing officer shall include findings of fact, discussion and conclusions of law. The decision shall be based solely upon the substantial evidence presented at the hearing. The hearing officer shall have the authority to order that additional evidence be presented.
7. A written transcript of the hearing shall, upon request, be made and provided to parents/guardians at no cost.
8. Parents/Guardians may be represented by legal counsel.
9. A parent/guardian or a parent's/guardian's representative shall be reasonable access to all educational records, including any tests or reports upon which the proposed action is based.
10. Any party may prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five (5) days before the hearing.
11. A parent/guardian or a parent's/guardian's representative has the right to compel the attendance of and question witnesses of the school entity or agency who may have evidence upon which the proposed action might be based.
12. Any party has the right to present evidence and testimony, including expert medical, psychological or educational testimony.

The following timeline applies to due process hearings:

1. A hearing shall be held within thirty (30) calendar days after a parent's/guardian's initial request for a hearing.
2. The hearing officer's decision shall be issued within forth-five (45) calendar days after the parent's/guardian's request for a hearing.

Judicial Appeals -

The decision of the impartial hearing officer may be appealed to a court of competent jurisdiction.

If within sixty (60) calendar days of the completion of the administrative due process proceedings under this chapter, an appeal or original jurisdiction action is filed in state or federal court, the administrative order shall be stayed pending completion of the judicial proceedings, unless the parents/guardians and school/school district of residence agree otherwise.

Please indicate the type of procedural safeguard you are requesting:

Informal Conference

Formal Due Process Hearing

Parent(s)/Guardian(s) Signature

Date

Compliance Officer/Section 504 Coordinator Signature

Date