

DISABILITY DISCRIMINATION POLICY FOR STUDENTS

It is the policy of this school district to prohibit discrimination and harassment of students with disabilities as defined in Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990. This policy covers school programs, activities, and events sponsored by the school district. To that end, all officers, supervisory personnel, employees and students of the school district shall be given a copy of this policy and training regarding its terms, procedures, protections and penalties.

Definitions

Disability discrimination is defined as discrimination against a student with a disability recognized under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 whereby such student is not afforded equal educational opportunities, access to educational programs, and/or access to extra- and co-curricular activities for which the student is otherwise qualified in accordance with law.

Disability Harassment is defined as conduct that creates a hostile learning or school environment that is either pervasive and/or severe conduct in the nature of: remarks, jokes, gestures, displayed materials or printed materials about the student's disability status or disabled individuals in general. The determination of a hostile learning or school environment shall be objective, based upon the viewpoint of a reasonable person and subjectively perceived to be so by the complainant.

Procedure

Any student who believes that he or she has been subjected to disability discrimination by an officer, employee, student or business invitee is encouraged to address the matter with the District's Title II Compliance Officer* or alternate, as designated by the Board, who shall promptly conduct an intake interview and explain the following options for resolution:

1. Registering an informal complaint verbally or in writing; or
2. Registering a formal complaint verbally or in writing; or
3. Engaging in mediation to arrive at a resolution of the matter; or
4. Placing the district on notice of the objectionable conduct without seeking a resolution through the complaint process or mediation.

The District's Title II Compliance Officer or alternate shall be authorized to proceed with a matter raised under paragraph 4 as if it had been filed as an informal complaint or a formal complaint at his/her discretion.

The District's Title II Compliance Officer or alternate will also explain that the complaining student shall not be subject to retaliation or retribution by reason of making the complaint and that confidentiality shall be maintained throughout the process, except as necessary to assure fair and due process.

Informal Complaints

An informal complaint will be promptly reviewed by the District's Title II Compliance Officer or alternate, who shall issue a written report to the Superintendent of Schools, within seven (7) days. The Superintendent of Schools shall take such further action necessary to reasonably deter any further act prohibited by this policy. Such further action may include referring the matter to a Title II Investigator as if it had been filed as a formal complaint.

Formal Complaints

All formal complaints shall be received in writing or reduced to writing by the District's Title II Compliance Officer or alternate, who shall personally or by reference to a designee on the Board's approval list conduct a full and fair investigation of the complaint, make written findings of fact and, where warranted, recommend a resolution to the Superintendent of Schools. The Superintendent of Schools shall advise the complainant and the subject of the complaint of the disposition of the complaint, which may include:

1. A finding that this policy has not been violated; or
2. A finding that this policy has been violated and appropriate corrective, disciplinary and/or other action has been taken.

Officers & Investigators

The Board shall appoint more than one District Title II Compliance Officers and several designated Title II Investigators. Complainant will have a choice of which Compliance Officer or alternate to approach regarding a complaint. If the complaint is about the Superintendent of Schools, the Board shall stand in the Superintendent's place for review activities.

Roles of Officers & Investigators

The District Title II Compliance Officers oversee monitoring of School District policy in regard to Title II law developments; implementation of grievance procedures, including notification, investigation and disposition of complaints; provision of educational materials and training for the district community; conducting and/or coordinating investigations of complaints received pursuant to Title II; ensuring a fair and neutral process for all parties; and monitoring all other aspects of the District's Title II compliance.

The Title II Investigators investigate all complaints in regard to Title II violation complaints. All violation complaints will be investigated in a manner that is adequate, reliable, and impartial. The responsibility to conduct an investigation shall not be altered by the fact that another investigation of the alleged violation is being conducted, is pending or has been concluded, by another agency. A District-level investigation may be delayed or suspended at the request of law enforcement

Appeal of Formal Complaints

If a formal complaint hasn't been processed to a satisfactory disposition by the Superintendent within thirty (30) calendar days, unless extended with the written consent of the complainant, the complainant may appeal in writing to the Board to address the failure and direct an expedited investigation with report back to the Board within fifteen (15) calendar days. Regarding matters that have been timely investigated to conclusion, an appeal to the Board may be taken by the complainant or the subject of the complaint within thirty (30) calendar days of being informed of the findings upon the allegations in the complaint.

Confidentiality

The District's Title II Compliance Officer and alternates, complaint investigators, the Superintendent of Schools and the Board of Education shall, to the maximum extent possible, maintain as confidential the transactions(s) underlying the proceedings or complaint, the outcome of a mediated agreement and action taken, other than formal discipline. The subject of the proceedings or complaint, however, shall be informed of the identity of the person who commenced the proceedings or complaint in order to provide fair and due process.

Both the complainant and the subject of the complaint shall be given a copy of the findings in the matter of a formal complaint.

Millbrook Central School District

Board of Education Policy 5020.3

Proposed rev. 2018

Draft: First Review – February 20, 2018; Second Review – March 19, 2018

Approved: March 19, 2018

Consequences

Any officer, supervisor or employee who violates this policy shall be subject to corrective action up to and including termination of office or employment, with due process provided as necessary. Students who violate this policy shall be subject to disciplinary or other corrective action.

Any complaint that is determined to have been processed maliciously or in bad faith shall be deemed to be in violation of this policy and may give rise to disciplinary consequences against the complainant.

Training

The district shall provide appropriate training to students regarding awareness of and sensitivity to issues involving disability discrimination, including condemnation of such conduct, the sanctions for disability discrimination and harassment and preventive measures to help reduce incidents of disability discrimination and harassment.

Distribution of Policy

A copy of this policy and its accompanying regulations shall be distributed annually to all personnel, students and parents/guardians and posted in appropriate places within the district.

***District Title II Compliance Officers (2)**

Title: Assistant Superintendent for Business, Finance & Operations
Address: 43 Alden Place, Millbrook, NY 12545
Phone Number: (845) 677-4200 x1110

Title: Assistant Superintendent for Curriculum, Instruction & PPS
Address: 43 Alden Place, Millbrook, NY 12545
Phone Number: (845) 677-4200 x1106

***Title II Investigators (4)**

Title: High School Principal
Address: 70 Church Street, Millbrook, NY 12545
Phone Number: (845) 677-2510

Title: Middle School Principal
Address: 43 Alden Place, Millbrook, NY 12545
Phone Number: (845) 677-4210

Title: Alden Place Elementary School Principal
Address: 41 Alden Place, Millbrook, NY 12545
Phone Number: (845) 677-4220

Title: Elm Drive Elementary School Principal
Address: 12 Elm Drive, Millbrook, NY 12545
Phone Number: (845) 677-4225