

NOTICE OF NONDISCRIMINATION AND OBLIGATIONS UNDER SECTION 504 and TITLE II of the ADA

The Bluffton Exempted Village School District does not discriminate on the basis of disability in its programs and activities. The following person has been designated to handle inquiries regarding the non-discrimination policies:

Katrina Meyer, Section 504 Coordinator
102 South Jackson Street, Bluffton, Ohio 45817
(419) 358-5901

Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act both offer protections from discrimination to persons with disabilities. The District looks to the law or regulation that offers greater or more specific detail of protections when determining its responsibilities in meeting the needs of students with disabilities.

Child Find and Evaluations

Annually the District will undertake to identify and locate every qualified person with a disability residing in the District who is not receiving a public education, and notify the person and their parents or guardians of the District's duties and responsibilities under Section 504. The District has an obligation to evaluate students who, because of a disability, need or are believed to need special education or related services. Referrals may be made by anyone (e.g., parents, teachers, or other knowledgeable professionals).

Eligibility Determinations

A student is disabled within the meaning of Section 504 if he or she has a physical or mental impairment that substantially limits one or more major life activities. The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures. Parents will be afforded the opportunity to meaningfully participate and provide input in the evaluation process. Eligibility is determined by a group of people knowledgeable about the student, the evaluation data, and the placement options available within the District.

Placement and a Free Appropriate Public Education

If a student is identified as disabled pursuant to Section 504, and the student's team determines the student requires special education and/or related services in order to receive FAPE and to access the District's programs and activities on an equal basis to students without disabilities, the team will develop and complete the Section 504 Plan. The District further will provide a free appropriate public education, including the provision of regular or special education and related aides and services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of non-disabled students are met. This includes providing academic and non-academic services to students with disabilities in the same setting as their non-disabled peers to the maximum extent appropriate.

Re-evaluations

Re-evaluations are not required at specific intervals; however, assessments will be updated so that eligibility and educational planning is based on information that accurately defines the student's

disability and reflects the student's current strengths and needs. At least every three (3) years appropriate school staff should determine whether updated evaluations are needed. A re-evaluation will be completed prior to a significant change in placement. Consistent with initial evaluations, parents will be afforded the opportunity to meaningfully participate and provide input in the re-evaluation process.

Procedural Safeguards, Grievance Procedures and Communication

Parents will be given a copy of the Notice of Section 504/ADA Procedural Information Rights for all determinations regarding identification, evaluation or placement of their child. The parents may challenge the actions of the team regarding identification, evaluation or placement of their child by filing a request for an impartial due process hearing. Alternatively, the parents may file an internal complaint or grievance. A parent does not need to first exhaust the internal complaint process in order to file a request for a due process hearing. The parents may also file a complaint with the Office for Civil Rights. Parents or staff members who have questions or concerns regarding Section 504 are encouraged to contact Katrina Meyer, Special Education Officer for more information.

Communication

Under Title II, the District has an obligation to ensure that communications with persons with disabilities are as effective as communications with others. This includes furnishing appropriate auxiliary aids and services where necessary to afford qualified individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, a District service, program or activity.

For more information on Section 504 or ADA, see references below:

Board Policy

Nondiscrimination on the Basis of Disability	ACB
Programs for Students with Disabilities	IGBA
Programs for Students with Disabilities	IGBA-R

NONDISCRIMINATION ON THE BASIS OF DISABILITY

The Board maintains that discrimination against a qualified person with a disability solely on the basis of disability is unfair. To the extent possible, a qualified person with a disability should be in the mainstream of life in a school community. In addition, the District is the recipient of federal funds and therefore must be in compliance with all laws and regulations, which deal with disabled individuals.

Accordingly, employees of the District comply with the law and Board policy to ensure nondiscrimination on the basis of disability. The following are expected.

1. No one discriminates against qualified persons with a disability in any aspect of school employment solely on the basis of disability.
2. Facilities, programs and activities are made available to qualified persons with a disability.
3. Free appropriate public education at elementary and secondary levels, including nonacademic and extracurricular services and activities, are provided to qualified persons with a disability.
4. No one excludes any qualified person with a disability, solely on the basis of disability, from participation in any preschool, day care, adult or career-technical education programs.
5. Each qualified person with a disability is provided with the same health, welfare and other social services that are provided to others.

[Adoption date: March 18, 1991]

[Re-adoption date: July 19, 1999]

[Re-adoption date: March 16, 2009]

LEGAL REFS.: Individuals with Disabilities Education Act; 20 USC 1400 et seq.
Rehabilitation Act of 1973; 29 USC 794
Americans with Disabilities Act Amendments Act of 2008;
42 USC 12112 et seq.
ORC Chapter 3323
Chapter 4112

CROSS REFS.: AC, Nondiscrimination
ACA, Nondiscrimination on the Basis of Sex
AE, School District Goals and Objectives
GBA, Equal Opportunity Employment
IGBA, Programs for Students with Disabilities
IGDJ, Interscholastic Athletics
JB, Equal Educational Opportunities
JFC, Student Conduct (Zero Tolerance)
JFCF, Hazing and Bullying
Staff Handbooks
Student Handbooks

PROGRAMS FOR STUDENTS WITH DISABILITIES

All students with disabilities living within the District are identified, evaluated and placed in appropriate educational programs. Additionally, all parentally placed private school children with disabilities who reside in a state other than Ohio and attend a private school within the District are located, identified and evaluated. Due process requirements, procedural safeguards and confidential treatment of information are adhered to as required by State and Federal law.

The Superintendent is expected to supervise all special education programs and to assign a member of the staff to coordinate efforts. The person designated is responsible for the identification of students with disabilities, the evaluation of disabilities and evaluation procedures, the design of Individualized Education Programs (IEP), plans and placement. All procedures are in accordance with State and Federal law.

The IEP determined for each identified student is developed in accordance with the student's individual needs. The plan provides for re-evaluation of the student's needs, progress and effectiveness of the program being offered.

Although the District requires all students with disabilities to be tested, each student with a disability is considered individually relative to his/her participation in the District's educational and testing programs. Alternative assessments may be required and students must make yearly gains as defined by the adequate yearly progress indicator adopted by the State Board of Education and be at a proficient level by the year 2014.

[Adoption date: March 18, 1991]

[Re-adoption date: July 19, 1999]

[Re-adoption date: March 16, 2009]

LEGAL REFS.: The Elementary and Secondary Education Act; 20 USC 1221 et seq.
Individuals with Disabilities Education Improvement Act; 20 USC 1400 et seq.
Rehabilitation Act; 29 USC 706(8), 794, 794a
504 Regulations 34 C.F.R. Part 104
504 Regulations 34 C.F.R.300.131
Americans with Disabilities Act; 42 USC 12101 et seq.
State Department of Education, Special Education Policies and Procedures,
Free Appropriate Public Education-101
ORC 3313.50
3323.01 et seq.
3325.01 et seq.
OAC Chapter 3301-51
3301-55-01

CROSS REFS.: ACB, Nondiscrimination on the Basis of Disability
IGBJ, Title I Programs
IL, Testing Programs
JB, Equal Educational Opportunities
JGF, Discipline of Students with Disabilities
KBA, Public's Right to Know

PROGRAMS FOR STUDENTS WITH DISABILITIES

As an expression of its commitment to provide a free appropriate public education for children with disabilities in accordance with Federal and State laws, rules and regulations, the Board does hereby resolve to implement the following.

1. Child Identification

Ongoing efforts are made to identify, locate and evaluate children below 22 years of age who reside within the District and have a confirmed or suspected disability in accordance with all federal regulations and state standards. Additional efforts are made to identify, locate and evaluate all parentally-placed school children who reside outside of the state, attend a private school within the District and have a confirmed or suspected disability.

2. Procedural Safeguards

The child with a disability and his/her parent(s) are provided with safeguards, as required by law, throughout the identification, evaluation and placement process and the provision of a free appropriate public education to the child.

3. Multifactor Evaluation

The District provides a multifactor evaluation for children with disabilities by ensuring that children are assessed in their native language or other mode of communication. Tests are used for their validated purposes. Children are evaluated in all areas related to their suspected disability. Testing is conducted by a multidisciplinary team. Testing materials and procedures are not racially or culturally biased. Tests are administered by trained personnel qualified in accordance with all federal regulations and state standards and in conformance with the instructions provided by the producer. Medical evaluation, when required as part of the multifactor evaluation, is provided at no cost to the parent(s) by a licensed physician designated by the Superintendent/designee when other no-cost resources are not available.

4. Individualized Education Program

An Individualized Education Program (IEP) is developed for each child with a disability who needs special education. The IEP is designed to meet the unique educational needs of the child and developed in a planning conference. The parent(s) of the child are strongly encouraged to participate in the planning conference. The IEP is reviewed and revised as often as necessary, but at least annually.

5. Least Restrictive Environment

The education of children with disabilities occurs in the least restrictive environment. Special education programs and services are appropriate and designed to meet the unique needs of each child with a disability. To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who do not have disabilities. Special classes, separate schooling or other removal of children with disabilities from the regular educational environment occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

6. Confidentiality of Data

The confidentiality of personally identifiable data relating to children with disabilities and their parents and families is protected at collection, storage, disclosure and destruction. One official of the District is assigned the responsibility for protecting the confidentiality of personally identifiable data. The District follows all federal regulations and state standards related to the confidentiality of data.

7. Due Process

The District utilizes procedures that allow differences of opinion to be aired and resolved between parent(s) or agencies and the District. The procedures provide for utilization of case conferences, administrative reviews, impartial due process hearings, state-level appeals and appeals to the courts that involve the District's proposal or refusal to initiate or change the identification, evaluation or educational placement of the child or the provision of a Free Appropriate Public Education (FAPE) to the child. Furthermore, the rights of children with disabilities are protected when the parents cannot be identified or located, when the child is a ward of the state or when the child is without a formally declared legal representative.

8. Surrogate Parent

Whenever the parent(s) of a child with a disability are not known or cannot be located, when the child is a ward of the state or when parents have otherwise lost legal decision-making abilities, the child's rights are protected through the assignment of an individual (who is not an employee of the state education agency, local education agency or other organization involved in the education or care of the child) who serves as the child's surrogate parent.

9. Testing Programs

Students with disabilities must participate in local and statewide testing programs. Individual exemptions, accommodations and participation in an alternate assessment are determined only during an IEP conference.

(Approval date: July 19, 1999)

(Re-approval date: March 16, 2009)