

NONDISCRIMINATION ON THE BASIS OF HANDICAP

A. Limits of Required Modification

The Granby Public Schools is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or undue financial and administrative burdens. Any decision that, in compliance with its responsibility to provide effective communication for individuals with disabilities, would fundamentally alter the service, program, or activity or unduly burden the Granby Public Schools shall be made by the School Committee after considering all resources available for use in funding and operating the program, service, or activity. A written statement of the reasons for reaching that conclusion shall accompany the decision.

Director of Pupil Service
Granby Public Schools
387 East State Street
Granby, MA 01033
Phone: (413) 467-9237

B. Access to Programs and Services

The Granby Public Schools will review all procedures used to identify and evaluate a student's eligibility and access to appropriate educational services under Section 504, and will:

- Ensure that persons with impaired vision and hearing can obtain information concerning the location of services and activities, which are accessible to disabled persons.
- Provide auxiliary aids and related services and implement accommodation plans in the district. These services will be designed to meet the individual needs of disabled persons as adequately as the needs of non-disabled persons.
- Implement education and related services without cost to the disabled persons or to his/her parent or guardian except for those fees that are also imposed on non-disabled persons or on their parent or guardian.
- Ensure that no qualified disabled person is excluded from public education.
- Educate each qualified disabled person to the maximum extent commensurate with persons who are not disabled.
- Arrange for non-academic and extracurricular services so that disabled persons participate to the maximum extent appropriate with non-disabled persons, and offer the disabled person an equal opportunity to participate in these services and activities.

- Conduct evaluations of any person who, because of a disability, needs, or is believed to need special education or related services. This would be done prior to initial placement or to any substantial change in placement.
- Use tests and other evaluation material validated for the purpose for which they are used and administered by trained personnel in conformance with instructions by their producer.
- Use tests and other materials tailored to assess specific areas of educational need and not merely to provide a single general intelligence quotient.
- Ensure that students with impaired sensory, manual, or speaking skills are administered tests that accurately reflect the students' aptitudes or achievement levels.
- Make placement decisions based upon information from a variety of sources; these decisions will be made by persons knowledgeable about the disabled person.
- Establish procedures to ensure that information from all sources is carefully considered and documented, and that the student who is provided special education and related services is reevaluated at three-year intervals.
- Establish a system of procedural safeguards that include notice and opportunity for the parent or guardian to examine test results and programming and to be represented by counsel or an advocate.
- Provide disabled persons the opportunity to participate in any adult education program or activity offered by the school district.

C. Administration and Implementation

The Director of Pupil Services is directly responsible for the implementation of Section 504 within Granby Public Schools and has the complete support of the School Committee in the implementation of this program. The Director of Pupil Services will be responsible for the following functions:

- Developing policy statements, guidelines, and internal and external communications concerning the requirements of Section 504 and the district's compliance program.
- Meeting with employees to discuss any problems or concerns that may arise in accommodating individuals with disabilities, in order to ensure that the programs are being followed.
- Determining the need for remedial action and designing policies to correct deficiencies in programs.
- Serving as liaison between the Granby Public Schools and enforcement agencies, persons with disabilities, and organizations representing individuals with disabilities.
- Meeting with any person having inquiries concerning the Granby Public Schools' compliance with Section 504.

D. Dissemination Policy

Granby Public Schools will make every effort to ensure that all interested parties are informed about, and assisted in, the implementation of Section 504. The following actions will be taken to ensure proper dissemination of information:

- All employees will be notified about the program.
- Internal procedures to ensure dissemination will be developed, including training sessions and briefings on the program for all employees.
- This program, or parts of it, will be printed in the handbooks for students and parents.
- This program will be reviewed and discussed as part of employee orientation sessions and training programs.
- This program will be available for inspection by employees and applicants during regular working hours.

Grievance Procedure:

1. Definitions:

- a. A grievance shall be construed for the purpose of implementation and administration of Section 504 federal regulations to mean any claim made by a person or persons involved with the Granby Public Schools due to a denial of, or be subjected to discrimination under any education program or activity.
- b. A grievant shall be a student(s) and/or parent(s) or employee making the claim.

2. Intent:

Nothing contained within this grievance procedure shall be construed as limiting the right of an aggrieved person or persons to informally discuss a problem with the school administration or staff.

Should such an informal process fail to resolve the situation than a formal filing of a grievance may be made in accordance with the following procedure:

Step 1:

The grievant shall forward a written copy of the grievance to the administrator who has immediate jurisdiction over the school unit involved. If the grievance is general in nature it shall be addressed to the Section 504 coordinator. The recipient administrator and/or the coordinator shall hold a hearing on the grievance within a reasonable period of time. Both parties may have counsel or an advocate present.

File: ACE-R

Within a period of five (5) school days following the hearing the administrator involved shall render his/her decision in writing.

Step 2:

If the grievant is not satisfied with the disposition of the grievance at Step 1, he or she may request a formal hearing before Attorney Fred Dupere. The Attorney shall conduct the hearing and both parties may have counsel or an advocate present. The Attorney, Fred Dupere shall render his decision in writing within ten (10) days following the hearing.

PARENTS' NOTICE OF RIGHTS UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973

In addition to rights existing under other applicable laws, Section 504 of the Rehabilitation Act of 1973, provides that no individual with a disability shall, solely by reason of his or her disability, be excluded from participation in, or be denied the benefits of, or be discriminated against under any program or activity receiving federal financial assistance.

“Individuals with a disability” are defined as individuals who (1) have a physical or mental impairment which substantially limits one or more of such person’s major life activities, (2) individuals with a record of such an impairment, or (3) individuals regarded as having such an impairment. A “major life activity” includes education and learning.

Under the law, an “individual with a disability” has the following rights with respect to educational programs receiving federal assistance:

- The guarantee of a free and appropriate public education designed to meet the unique needs of the child, in a setting comparable to that provided to students who do not have a disability.
- The right to request an independent educational evaluation for the purpose of determining whether a child is an “individual with a disability” as defined by the law.
- The right to examine all relevant records with respect to the identification, education, and educational placement of the child.
- The right to have the appropriate School Committee representatives advise persons of their rights under federal and state law in a language which they readily understand, or to arrange for a translator if such is necessary to accomplish an understanding of their rights.
- The right to receive services and be educated in facilities which are comparable to those provided to students who do not have a disability.
- The right to be given an equal opportunity to participate in non-academic and extra-curricular activities offered by the school board.
- The right to file a grievance for the denial of any rights under the applicable federal laws.

- The right to have appointed a surrogate parent to be responsible for the oversight of all issues relating to the provision of a free and appropriate public education if a parent cannot be identified or found.

The purpose of the law and the rights listed above is to ensure the provision of educational benefits to children with a disability and to guarantee a free and appropriate public education designed to meet the unique needs of a child with a disability as defined by the law.

Confidentiality of all matters relating to these rights is required by law and assured by the School Committee.

The person responsible for ensuring that the Granby Public Schools comply with Section 504 of the Rehabilitation Act of 1973 is: the Director of Pupil Services. He/she may be reached at (413) 467-9237, or at the following address: Granby Public Schools, 387 East State Street, Granby, MA 01033.

Revised February 7, 2005

Adopted October 6, 2003

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