

## **Students**

### **Nondiscrimination**

This school system pledges to avoid discriminatory actions and seeks to foster good human and educational relations which will help to maintain:

1. equal rights and opportunities for all students in the school community;
2. equal opportunity for all students to participate in the total school program of the schools;
3. continual study and development of curricula toward improving human relations and understanding and appreciating cultural differences;
4. training opportunities for improving staff ability and responsiveness to educational and social needs of students;
5. opportunities in educational programs which are broadly available to all students with access not solely based upon race, color, religious creed, age, marital status, national origin, sex, sexual orientation, gender identity or expression, handicap or physical disability;
6. an appropriate learning environment for all students which includes (a) adequate instructional books, supplies, materials, equipment, staffing, facilities and technology, (b) equitable allocation of resources among district schools and (c) a safe school setting.

Each student, at the time he/she becomes eligible for participation, will be advised of his/her right to equal access under Rehabilitation Act of 1973, Section 504, and the Americans with Disability Act (ADA), as amended, to participate in school programs without discrimination on account of race, color, sex, sexual orientation, gender identity or expression, religion or national origin, or physical disability.

The Superintendent shall develop regulations for hearing student grievances.

The Board will designate an individual to serve as the school system's nondiscrimination Compliance Officer and will publicize the name, office address, and business telephone number of the designee. Inquiries about the enforcement of this nondiscrimination policy can be directed to the Compliance Officer, or to the Director of the Office of Civil Rights, Washington, D.C.

## Students

### Nondiscrimination (continued)

Legal Reference: Connecticut General Statutes

Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706 (7)(b).

10-15c Discrimination in public schools prohibited.

10-18a Contents of textbooks and other general instructional materials.

10-226a Pupils of racial minorities.

10-145a(b) Certificates of qualifications for teachers; Inter-group relations programs.

10-220 Duties of boards of education, as amended by PA 97-290, An Act Enhancing Educational Choices and Opportunities.

Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq. Section 504, U.S. Rehabilitation Act, 1973, 29 U.S.C. 791

10-153 Discrimination on account of marital status 46a-60 Discriminatory employment practices prohibited Federal Law

Title VII, Civil Rights Act, 42 U.S.C. 2000e, et seq.

Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706 American Disability Act of 1989

*Chalk v. The United States District Court of Central California* Title IX of the Educational Amendments of 1972

Civil Rights Act of 1987

Amendments of Americans with Disabilities Act, Title II and Title III, Regulation to Implement ADA Amendments Act of 2008. Federal Register, Vol. 81, No. 155 (28 CFR Parts 35 & 36)

Policy adopted: August 25, 2005

Policy revised: May 25, 2017

MARLBOROUGH PUBLIC SCHOOLS

Marlborough, Connecticut

## **Students**

### **Nondiscrimination**

#### **Grievance Procedures Under Americans with Disabilities Act**

### **Employees**

“Complaint” shall mean a claim based upon an event or condition which affects the education of a qualified employee with a disability, as defined by the Americans with Disabilities Act.

The aggrieved employee shall present the complaint in writing directly to his or her supervisor within 15 school days of the employee’s knowledge of the event or condition affecting the employee. The employee should discuss the issue in an effort to resolve the problem informally within three school days from presentation of the complaint. The Principal shall present a response to the employee within 30 school days from the receipt of the complaint. Such response to the problem shall be in writing and be presented to the employee. If no response is given the employee within 30 days referred to above, or if the response is unsatisfactory to the employee, the complaint will become a grievance.

Within 5 school days from receipt of the Principal’s written response, the aggrieved employee must submit the complaint and response to the Superintendent as a formal grievant packet.

Any grievance packet forwarded to the incorrect person will be forwarded to the Superintendent by the individual receiving the packet, the Superintendent shall note the date of receipt of the grievance packet and begin investigation of the grievance and preparation of a written decision. The Superintendent may review any written materials or records and may interview any person who he/she feels may be helpful in resolving the grievance.

The Superintendent must return the grievance packet along with a written decision to the aggrieved employee within 30 working days after receipt of the grievance statement. If due to circumstances beyond the power and control of the employer, the Superintendent shall immediately notify the employee of the same and shall have an additional 30 working days to complete the written response, or notify the employee that a decision cannot be reached.

If the aggrieved employee is not satisfied with the decision of the Superintendent, the employee may appeal within 10 school days of receipt of the decision by referring the grievance packet to the Board of Education. The Board shall hear the appeal within 20 school days after receipt of the appeal. The Board shall hear the appeal within 20 school days after receipt of the appeal. The Board shall notify the aggrieved employee in writing of the Board’s decision, which shall be final.

## **Students**

### **Nondiscrimination**

#### **Grievance Procedures Under Americans with Disabilities Act (continued)**

### **General Public**

“Complaint” shall mean a claim based upon an event or condition which affects the education of a qualified member of the public with a disability, as defined by the Americans with Disabilities Act.

The aggrieved employee shall present the complaint in writing directly to the Building Principal within 15 school days of the individual’s knowledge of the event or condition affecting him/her. The individual should discuss the issue in an effort to resolve the problem informally within 3 school days from presentation of the complaint. The Principal shall present a response to the individual within 30 school days from the receipt of the complaint. Such response to the problem shall be in writing and be presented to the individual. If no response is given the individual within 30 days referred to above, or if the response is unsatisfactory to the individual, the complaint will become a grievance.

Within 5 school days from receipt of the Principal’s written response, the aggrieved employee must submit the complaint and response to the Superintendent as a formal grievant packet.

Any grievance packet forwarded to the incorrect person will be forwarded to the Superintendent by the individual receiving the packet, the Superintendent shall note the date of receipt of the grievance packet and begin investigation of the grievance and preparation of a written decision. The Superintendent may review any written materials or records and may interview any person who the Superintendent feels may be helpful in resolving the grievance.

The Superintendent must return the grievance packet along with the Superintendent’s written decision to the aggrieved individual within 30 school days after receipt of the grievance statement. If due to circumstances beyond the power and control of the employer, the Superintendent shall immediately notify the employee of the same and shall have an additional 30 school days to complete the written response, or notify the individual that a decision cannot be reached.

If the aggrieved individual is not satisfied with the decision of the Superintendent, the employee may appeal the decision within 10 school days of receipt of the decision by referring the grievance packet to the Board of Education. The Board shall conduct a hearing within 20 school days after receipt of the appeal. The Board shall notify the aggrieved individual in writing of the Board’s decision, which shall be final.

## **Students**

### **Nondiscrimination**

#### **Grievance Procedures Under Americans with Disabilities Act (continued)**

### **Students**

“Complaint” shall mean a claim based upon an event or condition which affects the education of a qualified student with a disability, as defined by the Americans with Disabilities Act.

The aggrieved student shall present the complaint in writing directly to the Building Principal within 15 school days of the student/parent/guardian knowledge of the event or condition affecting him/her. The student/parent/guardian should discuss the issue in an effort to resolve the problem informally within three school days from presentation of the complaint. The principal shall present a response to the student/parent/guardian within 30 school days from the receipt of the complaint. Such response to the problem shall be in writing and be presented to the student/parent/guardian. If no response is given the individual within 30 days referred to above, or if the response is unsatisfactory to the student, the complaint will become a grievance.

Within 5 school days from receipt of the Principal’s written response, the aggrieved student/parent/guardian must submit the complaint and response to the Superintendent as a formal grievant packet.

Any grievance packet forwarded to the incorrect person will be forwarded to the Superintendent by the individual receiving the packet, the Superintendent shall note the date of receipt of the grievance packet and begin investigation of the grievance and preparation of a written decision. The Superintendent may review any written materials or records and may interview any person who the Superintendent feels may be helpful in resolving the grievance.

The Superintendent must return the grievance packet along with a written decision to the aggrieved student/parent/guardian within 30 school days after receipt of the grievance statement. If due to circumstances beyond the power and control of the employer, the Superintendent shall immediately notify the student/parent/guardian of the same and shall have an additional 30 school days to complete the written response, or notify the student/parent/guardian that a decision cannot be reached.

If the aggrieved student/parent/guardian is not satisfied with the decision of the Superintendent the student/parent/guardian may appeal the decision within 10 school days of receipt of the decision by referring the grievance packet to the Board of Education. The Board shall conduct a hearing within 20 school days after receipt of the appeal. The Board shall notify the aggrieved student/parent/guardian in writing of the Board’s decision, which shall be final.

## **Students**

### **Nondiscrimination**

#### **Grievance Procedures Under Americans with Disabilities Act (continued)**

(cf.4118.14/4218/14 – Disabilities)

Legal Reference: Connecticut General Statutes

19-581 through 585 AIDS testing and medical information.

10-209 Records not to be public.

46a-60 Discriminatory employment practices prohibited.

Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).

American Disability Act of 1989.

*Chalk v. The United States District Court of Central California.*