

Personnel**Wallingford Board of Education Section 504/ADA Grievance/Complaint Procedures
Regarding Discrimination Against Employees**

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) and Title II of the Americans with Disabilities Act of 1990 (“Title II” or “ADA”) (“collectively, “Section 504/ADA”) prohibit discrimination on the basis of disability. For the purposes of Section 504/ADA, the term “disability” with respect to an individual means: (a) a physical or mental impairment that substantially limits one or more major life activities of such individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment.

The procedures below are designed to address complaints regarding discrimination and/or harassment on the basis of disability. If a complaint involves allegations of discrimination or harassment based on any other reason (e.g., sex, race, etc.), such complaints will be handled under our appropriate policies (e.g. Policy #4118.112 - Sexual Harassment and Policy #4118.11 – Americans with Disabilities Act/Section 504).

I. Definitions

Major life activities: include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working. A major life activity also includes the operation of a major bodily function, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproduction systems. The operation of a major bodily function includes the operation of an individual organ within a body system.

Mitigating Measures: include, but are not limited to, (a) medication, medical supplies, equipment, appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies; (b) use of assistive technology; (c) reasonable modifications or auxiliary aids or services; (d) learned behavioral or adaptive neurological modifications; or (e) psychotherapy, behavioral therapy, or physical therapy.

Physical or Mental Impairment: (a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems, such as: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic lymphatic, skin, and endocrine or (b) any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability. Physical or mental impairment includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech, and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness,

AMERICANS WITH DISABILITIES ACT / SECTION 504

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Definitions - Physical or Mental Impairment (continued)

dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic, tuberculosis, drug addiction, and alcoholism.

II. Procedures for Grievances/Complaints Alleging Discrimination on the Basis of Disability

- A. Any student, parent/guardian, staff member or other employee who feels that he/she has been discriminated against on the basis of disability may submit a written complaint to the district's designated Section 504/ADA Coordinator within thirty (30) school days of the alleged occurrence. If the complaint is made verbally, the individual taking the complaint will reduce it to writing. Individuals wishing to make a complaint about discrimination against students on the basis of disability should be referred to the district's Section 504/ADA policies and regulations regarding students.
- B. Retaliation against any individual who complains pursuant to the Board's policy and regulations listed herein is strictly prohibited. The district will not tolerate any retaliation or reprisals that occur as a result of the good faith reporting or complaint of disability-based discrimination or as a result of an individual's participation or cooperating in the investigation of a complaint. The district will take necessary actions to prevent the retaliation as a result of filing a complaint or the participation in an investigation of a complaint.
- C. If the Section 504/ADA Coordinator is the subject of the complaint, the complaint should be submitted directly to the Superintendent who may conduct the investigation or appoint a designee to conduct the investigation in accordance with these procedures.
- D. Complaints will be investigated promptly within timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible.
- E. The complaint should contain the following information:
 - 1. The name of the complainant;
 - 2. The date of the complaint;
 - 3. The date(s) of the alleged discrimination;
 - 4. The names of any witnesses or individuals relevant to the complaint;
 - 5. A detailed statement describing the circumstances in which the alleged discrimination occurred; and
 - 6. The remedy requested.

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Procedures for Grievances/Complaints Alleging Discrimination on the Basis of Disability (continued)

However, all complaints will be investigated to the extent possible, even if such information is not included in the complaint. In such circumstances, additional information may be requested by the investigator as part of the investigation process.

- F. Upon receipt of the complaint, the individual investigating the complaint shall:
1. Provide a copy of the written complaint to the Superintendent of Schools;
 2. Meet with the complainant and respondent (if applicable) within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant believes have relevant information, and obtain any relevant documents the complainant may have;
 3. Provide the complainant and respondent (if applicable) with a copy of the applicable Board Section 504/ADA Policy and these administrative regulations;
 4. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis for the complaint, including conducting interviews with individuals with information and review of documents relevant to the complaint;
 5. Maintain confidentiality to the extent practicable throughout the investigative process in accordance with state and federal law;
 6. Communicate the outcome of the investigation in writing to the complainant, and to any individual properly identified as a party to the complaint, including a respondent, (to the extent permitted by state and federal confidentiality requirements), within fifteen (15) school days from the date the complaint was received by the Section 504/ADA Coordinator or Superintendent. The investigator may extend this deadline for no more that fifteen (15) additional school days if needed to complete the investigation. The complainant and respondent (if applicable) shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify how the district will remedy any identified violations of Section 504/ADA;
 7. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, complainant and respondent (if applicable) will receive notice and interim measures may be implemented as necessary (see sub-paragraph 6);
 8. Ensure the appropriate corrective action is taken whenever allegations are verified. When allegations are verified, ensure that measures to remedy the effects of the discrimination are appropriately considered, and offered, when appropriate. Corrective action should include steps to avoid continuing discrimination.
 9. In the event the investigator concludes that there is no violation of Section 504/ADA, the district may attempt to resolve the complainant's ongoing concerns, if possible.

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- G. If the complainant or respondent (if applicable) are not satisfied with the findings and conclusions of the investigation, either party may present the complaint and written outcome to the Superintendent for review and reconsideration within thirty (30) calendar days of receiving the findings. This process provides an opportunity for either party to bring information to the Superintendent's attention that would change the outcome of the investigation. In submitting the complaint and written outcome for review, the individual requesting the appeal must explain why he/she believes the factual information was incomplete, the analysis of the facts was incorrect, and/or the appropriate legal standard was not applied, *and* how this information would change the investigator's determination in the case. Failure to provide all such information may result in the denial of the review.
- H. Upon review of a written request for appeal, the superintendent shall review the investigative results of the investigator and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator, complainant and/or respondent (if applicable), a meeting with appropriate individuals to attempt to resolve the complaint or a decision affirming or overruling the investigator's conclusions or findings. The Superintendent shall provide written notice to the complainant and the respondent (if applicable) of his/her decision within ten (10) school days following the receipt of the written request for review.

III. The Section 504/ADA Coordinator for this District is:

Director of Pupil Personnel Services
100 South Turnpike Road
Wallingford, CT 06492
Contact information is also listed on the Wallingford Public Schools website.
<http://www.wallingford.k12.ct.us>
203-294-5948

IV. Complaints to Federal Agencies

At any time, the complainant has the right to file a formal complaint with the U.S. Department of Education, Office for Civil rights:

Office for Civil Rights, Boston Office
U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109-3921
(617) 289-0111
<http://www2.ed.gov/about/offices/list/ocr/docs/owto.html>

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