

**ADMINISTRATIVE REGULATIONS REGARDING STUDENTS  
AND SECTION 504 OF THE REHABILITATION ACT OF 1973  
AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

LEARN Board of Directors Section 504/ADA Grievance/Complaint  
Procedures Regarding Discrimination on the Basis of Disability

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.

**I. Definitions**

**Free appropriate public education (FAPE):** for purposes of Section 504, refers to the provision of regular or special education and related aids and services that are designed to meet individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met, that are provided without cost (except for fees imposed on nondisabled students/parents), and is based upon adherence to procedures that satisfy the Section 504 requirements pertaining to educational setting, evaluation and placement, and procedural safeguards.

**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 reproductive 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 aid(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:** includes but is not limited to (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, 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 (Including Harassment) on the Basis of Disability**

- A. Any eligible person, including any student, parent/guardian, staff member or other employee who feels that he/she has been discriminated against on the basis of disability by students, employees or third parties may submit a written complaint to LEARN's designated Section 504/ADA Coordinator (see Part IV for contact information) within thirty (30) school days of the alleged occurrence. Timely reporting of complaints facilitates the prompt investigation and resolution of such complaints. Complaints filed outside of this timeframe will be reviewed and investigated to the extent possible, given the passage of time and availability of documents and witnesses. If the complaint is made verbally, the individual taking the complaint will reduce it to writing.
- B. When a complaint involves discrimination that is directly related to a claim regarding the identification, evaluation or educational placement of a student with a disability, the complaint shall be forwarded to the student's local educational agency ("LEA") to be addressed through the LEA's complaint and grievance procedures.
- C. Retaliation against any individual who complains pursuant to the LEARN's policy and regulations listed herein is strictly prohibited. LEARN will not tolerate any reprisals or retaliation 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. LEARN will take necessary actions to prevent retaliation as a result of filing a complaint or the participation in an investigation of a complaint.
- D. If the Section 504/ADA Coordinator is the subject of the complaint, the complaint should be submitted directly to the Executive Director who may conduct the investigation or appoint a designee to conduct the investigation in accordance with these procedures.
- E. 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.

F. 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 the complaint;
5. A detailed statement describing the circumstances in which the alleged discrimination occurred; and
6. The remedy requested.

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.

G. Upon receipt of the complaint, the individual investigating the complaint shall:

1. Provide a copy of the written complaint to the Executive Director;
2. Meet with the complainant 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. Meet with the subject(s) of the complaint (“respondent”) within ten (10) school days of receipt of the written complaint to (to the extent permitted by state and federal confidentiality requirements) discuss the nature of the complaint, identify individuals the respondent(s) believes have relevant information, and obtain any relevant documents the respondent(s) may have;
4. Provide the complainant and respondent(s) with a copy of the applicable Board Section 504/ADA Policy and these administrative regulations;
5. 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;
6. Maintain confidentiality to the extent practicable throughout the investigative process in accordance with state and federal law;
7. Communicate the outcome of the investigation in writing to the complainant, and to any respondent(s) or individual properly identified as a party to the complaint (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 Executive Director. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant and respondent(s) 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;

8. 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 or other relevant party will receive notice and interim measures may be implemented as necessary (see sub-paragraph 7);
9. Ensure that 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.
10. In the event the investigator concludes that there is no violation of Section 504/ADA, LEARN may attempt to resolve the complainant's ongoing concerns, if possible.

- H. If the complainant or respondent are not satisfied with the findings and conclusions of the investigation, the complainant or respondent may, in writing, present the complaint and written outcome to the Executive Director for review and reconsideration within thirty (30) calendar days of receiving the findings, including the basis for the request for reconsideration. This process provides an opportunity for the complainant or respondent to bring information to the Executive Director's attention that would change the outcome of the investigation. In submitting the complaint and written outcome for review, the complainant or respondent 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.

Upon review of a written request from the complainant or respondent, the Executive Director shall review the investigative results of the investigator and determine if further action and/or investigation is warranted. If the request for reconsideration is made verbally, the Executive Director or his/her designee will reduce it to writing. Such action may include consultation with the investigator and complainant or respondent, a meeting with appropriate individuals to attempt to resolve the complaint or a decision affirming or overruling the investigator's conclusions or findings. The Executive Director shall provide written notice to the complainant and respondent of his/her decision within ten (10) school days following the receipt of the written request for review.

### **III. Grievance/Complaint Resolution Procedures for Complaints Involving a Student's Identification, Evaluation or Educational Placement**

Complaints regarding a student's identification, evaluation or educational placement shall be forwarded to the LEA responsible for the student. LEARN shall cooperate with LEA personnel in investigating and/or remediating such complaints to be addressed through the LEA's complaint and grievance procedures.

**IV. The Section 504/ADA Coordinator for LEARN is:**

Bridgette Gordon-Hickey  
Associate Executive Director of Student Support Services  
Ocean Avenue LEARNing Academy  
660 Ocean Avenue, New London, CT 06320  
**Phone: 860-400-0840, Extension 2003**

Please submit complaints under these procedures to the attention of the Director of Student Support Services at the above address or call the Department of Student Support Services with questions about filing complaints alleging discrimination on the basis of disability.

**V. 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, 8<sup>th</sup> Floor, 5 Post Office Square, Suite 900, Boston, MA 02109-0111 (TELEPHONE NUMBER (617) 289-0111); <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>.

**VI. LEARN Personnel Reporting Procedures**

Upon receipt of concerns from parents/guardians that may be allegations of discrimination on the basis of disability, LEARN personnel shall: 1) provide a copy of LEARN's Section 504 Policy and these Administrative regulations; 2) assist the parent/guardian in understanding the grievance procedures for filing a complaint alleging discrimination on the basis of disability; and 3) submit, within one day of receiving the parent/guardian concerns, a summary of the parent/guardian's concerns in writing, to the Section 504 Coordinator. Concerns which may be allegations of discrimination may include, but are not limited to, concerns that the student or parent/guardian is being treated differently on the basis of his or her disability or because of his/her association with an individual with a disability. The Section 504 Coordinator shall review the report, and offer to meet with the parent/guardian to discuss the concerns and to answer any questions about the Board's policy and grievance procedures, within five (5) school days of receipt of the personnel report. The Section 504 Coordinator shall maintain records of all such reports, as well as the steps taken to respond to the parent/guardian's concerns. In the event the parent/guardian files a grievance under these Administrative Regulations, a record of such grievance shall also be maintained.

1/30/2019