

VIRTUAL LEARNING ACADEMY CHARTER SCHOOL POLICY

RIGHTS OF DISABLED/HANDICAPPED PERSONS

ACE

It is the policy of the Virtual Learning Academy Charter School (VLACS) that no otherwise qualified person shall, solely by reason of his/her handicap/disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity sponsored by VLACS.

As used in this policy and any implementing regulations, “handicapped/disabled person” means a person who has, or had, is regarded or was regarded as having, a physical or mental impairment that substantially limits one or more of a person's major life activities. This term includes all students identified as educationally disabled under IDEA.

Notice of the VLACS’ policy on nondiscrimination in employment and education practices shall be stated online in VLACS’ policy manual (located at www.vlacs.org) and published in any statement regarding the availability of employment positions or educational services.

EMPLOYMENT

No employee or candidate for employment shall be discriminated against in recruitment, employment, promotion, training, or transfer solely because of his/her disabling condition.

No candidate for employment shall be required to answer a question regarding a disabling condition that is not directly related to the essential function of the position for which s/he has applied. No such candidate shall be discriminated against on the basis of a disabling condition that is not directly related to the essential functions of the position for which s/he has applied. VLACS may make pre-employment inquiries into a candidate’s ability to perform job-related functions.

Reasonable modifications in scheduling and the allocation of duties, not directly affecting the instructional program, shall be made to accommodate employment conditions to the needs of disabled persons.

FACILITIES AND PROGRAMS

The educational program of VLACS shall be equally accessible to all students at each grade level. Barrier-free access to this school’s online programs and facilities shall be provided to the extent that no disabled person is denied an opportunity to participate in a VLACS program available to nondisabled persons.

A free appropriate public education shall be provided for each child determined to be in need of services. Such services or program shall be provided in the least restrictive

environment comparable to those provided for nondisabled students. To the maximum extent appropriate to the student's disability, a disabled student shall be placed in an educational setting with non-disabled or less severely disabled students.

No otherwise qualified student with disabilities will be denied participation in co-curricular or scholastic activities or any of the services offered or recognitions rendered regularly to the students of VLACS.

The due process rights of disabled students and their parents will be safeguarded.

STUDENT PROCEDURAL SAFEGUARDS

The Director of Guidance and Student Services is designated as VLACS' Section 504 Coordinator. A complaint regarding a violation of law and this policy shall be subject to VLACS' adopted Grievance Procedure set forth in this Policy that provides for the prompt and equitable resolution of disputes. A parent/guardian may also request an Impartial Hearing Process.

Upon request, the local Section 504 Coordinator will provide a copy of VLACS' Grievance Procedures and Impartial Hearing Process.

The use of one of these procedures or processes will not bar the parent/guardian from using the other procedure or process. The parent/guardian is not required to use VLACS' Grievance Procedure prior to using the Impartial Hearing Process and the Impartial Hearing Process is not an appeal of the Grievance Procedure.

For actions concerning the identification, evaluation, and placement of a disabled student, VLACS will provide the parents or guardian with:

1. notice of all such actions;
2. notice of parental rights;
3. the opportunity to examine relevant records;
4. an Impartial Hearing with the opportunity for parental participation and representation by counsel; and
5. a review procedure.

EMPLOYMENT PROCEDURAL SAFEGUARDS

A complaint regarding a violation of law and this policy in an employment decision shall be subject to a Grievance Procedure that provides for the prompt and equitable resolution of disputes.

GRIEVENCE PROCEDURE

VLACS provides a Grievance Procedure with appropriate due process rights. A complaint regarding a violation of law shall be subject to the Grievance Procedure that provides for the prompt and equitable resolution of disputes. The parent(s)/guardian(s) of the handicapped student or any handicapped person may use the Grievance Procedure.

Upon request, the local Section 504 Coordinator will provide a copy of VLACS' grievance procedures. The person who believes s/he has a valid basis for grievance shall discuss the grievance informally and on a verbal basis with the Section 504 Coordinator, who shall, in turn, investigate the complaint and respond to the complainant. If not satisfied with the response, the complainant may initiate formal procedures according to the following steps:

Step 1:

A written statement of the grievance signed (or electronically signed) by the complainant shall be submitted to the Section 504 Coordinator. Within five (5) business days of receipt of the informal complaint. The Coordinator shall further investigate the matters of grievance and reply in writing to the complainant within five (5) business days.

Step 2:

If the complainant wishes to appeal the decision of the Section 504 Coordinator, s/he may submit a signed (or electronically signed) statement of appeal to the Chief Executive Officer, within five (5) business days after receipt of the Coordinator's response. The Chief Executive Officer shall meet with all parties involved, formulate a conclusion, and respond in writing to the complainant within ten (10) business days. The parties may agree to a telephonic or online meeting, if appropriate.

Step 3:

The decision of the Chief Executive Officer is final pending any further legal resource as may be described in VLACS' policies and any state or federal statutes relating to Section 504. The availability and use of this Grievance Procedure does not prevent a

person from filing a complaint of discrimination on the basis of disability with the U. S. Department of Health and Human Services, Office for Civil Rights or from the use of VLACS' Impartial Hearing Process.

IMPARTIAL HEARING PROCESS

An Impartial Hearing Process is available to the parent(s)/guardian(s) of students with disabilities, as defined by Section 504, to resolve disputes regarding identification, evaluation, and placement under Section 504 of the Rehabilitation Act when such disputes cannot be resolved by less formal means. Students and their parents are encouraged to use VLACS' Grievance Procedure for resolution of differences whenever possible. Use of the Grievance Procedure, however, is voluntary and is not required before requesting an Impartial Hearing.

Requesting an Impartial Hearing

1. Requests for an Impartial Hearing shall be made by filing a written request to the Section 504 Coordinator. The request shall include: the name of the student, the address of the student, the name of the school the student is attending, a description of the nature of the dispute, a proposed resolution of the dispute, and any other information believed to be important to understanding the dispute. Phone and/or email contact information is also helpful.
2. The parent(s)/guardian(s) have the right to examine all relevant records.
3. The Section 504 Coordinator will arrange for an attorney or other qualified neutral party to serve as an Impartial Hearing officer. The Impartial Hearing officer may not be a VLACS employee.
4. The parent(s)/guardian(s) will be given written notice of the hearing, including time, date, and location of the hearing at least five (5) business days before the hearing.
5. Both parties have the right to be accompanied and represented by counsel at the hearing. Each party is responsible for their own attorney fees.
6. Both parties shall be afforded a full and fair opportunity to present evidence relevant to the issues raised.

7. The hearing officer will issue a decision in writing after considering the whole record. The decision will be issued within twenty (20) business days of the conclusion of the hearings. The decision is final and binding unless either party files a timely appeal in an appropriate court.
8. If the parent/guardian is not satisfied with the decision of the hearing officer, the parent/guardian can seek review in a court of competent jurisdiction.

Law Reference: 34 C.F.R., Sections 104.7, 104.8, 104.22 (4) (f), and 104.36 of the Section 504 Regulations

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