

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 on-line 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 Full-Time Programs & Students 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.

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.

Upon request, the local Section 504 Coordinator will provide a copy of VLACS' grievance procedures.

A complaint regarding the identification, evaluation, or placement of a Section 504 qualified disabled student shall be governed by the grievance procedure established by the Trustees of VLACS.

EMPLOYMENT PROCEDURAL SAFEGUARDS

The Chief Human Resource Officer is designated as Section 504 Compliance Officer. 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.

GRIEVANCE PROCEDURE

The Director of Full-Time Programs & Students is designated as Section 504 Coordinator. A complaint regarding a violation of law shall be subject to a grievance procedure that provides for the prompt and equitable resolution of disputes.

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 local 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 will appoint an impartial hearing officer who 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 impartial hearing officer is final pending any further legal resource as may be described in VLACS policies, state or federal statutes relating to Section 504. Further appeal may be made to the Office for Civil Rights, U.S. Department of Health & Human Services, Regional Office, JFK Building, Rm. 1875, Boston, MA 02203-2100, (617) 565-1340.

A copy of the regulations on which this notice is based, may be found on-line at www2.ed.gov and in the office of the Section 504 Coordinator.

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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