

# **TRI-TOWNSHIP CONSOLIDATED SCHOOL CORPORATION**

## **POLICY**

### **REGARDING**

#### **RIGHTS OF INDIVIDUALS WITH DISABILITIES UNDER SECTION 504 AND THE ADA**

It is the policy of the Board of Education of Tri-Township Consolidated School Corporation that no otherwise qualified individual shall, by reason of the individual's disability, be excluded or otherwise denied opportunity for participation in, be denied the benefits of, or be subjected to discrimination under any program or activity sponsored by this Board. It is the further policy of this Board that students with disabilities who are residents of Tri-Township Consolidated School Corporation will be provided a free appropriate public education regardless of the nature or severity of the student's disability.

As used in this policy and any implementing regulations, the term "disability" means an individual who has a physical or mental impairment, that substantially limits one or more of the individual's major life activities. The term also includes individuals who have a record of such impairment or who are regarded as having such an impairment. Major life activities include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Notice of the Board's policy of nondiscrimination on the basis of disability shall be included in the Board policy manual, posted within the School corporation, and published in any School corporation statement regarding the availability of employment opportunities, educational services or School corporation-sponsored programs.

#### **Employment**

Neither the Board nor its employees or agents shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, or privileges of employment.

Applicants for employment by the Board shall not be required to undergo a physical examination prior to an offer of employment by the Board. During the application process neither the Board nor its employees or agents shall make inquiries of an applicant as to whether such person is an individual with a disability or as to the nature or severity of his/her disability, unless such inquiry is related to the applicant's ability to perform essential job-related functions.

The Board is committed to making reasonable efforts to accommodate individuals with disabilities. Such reasonable accommodations may include, but are not limited to, one or more of the following: job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or

modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

### **Program Accessibility**

The instructional program of Tri-Township Consolidated School Corporation and the activities sponsored by the Tri-Township Consolidated School Corporation in conjunction with the instructional program shall be operated in such a manner that such programs and activities when viewed in their entirety and to the maximum extent feasible, shall be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. Tri-Township Consolidated School Corporation Tri-Township Consolidated School Corporation will attempt to provide barrier-free access to school facilities with the objective that no individual with a disability is to be denied an opportunity to participate in a Tri-Township Consolidated School Corporation program that is available to non-disabled persons. In some instances, this may require the individual with a disability to travel to or attend an accessible facility other than the facility closest to the person's residence.

### **Educational Services**

In providing educational services to students with identified disabilities, Tri-Township Consolidated School Corporation will reasonably accommodate the student's individual educational needs. Such accommodation may include, but is not limited to, the provision of regular or special education and/or related aids and services. Students will be placed in the regular education environment unless it is demonstrated that the education of the student in the regular education environment with the use of supplementary aids and services cannot be achieved satisfactorily.

Tri-Township Consolidated School Corporation provides nonacademic and extracurricular services and activities that offer students with disabilities the opportunity to participate with nondisabled students in such activities to the maximum extent appropriate to the needs of the student with disabilities.

### **Enforcement**

The Superintendent is designated as Tri-Township Consolidated School Corporation Coordinator for the *Americans with Disabilities Act of 1990* ("ADA") and *Section 504 of the Rehabilitation Act of 1973* (Section 504).

The Board shall establish grievance procedures to address complaints under (1) the ADA and the employment and program accessibility provisions of the Section 504 regulations at 34 C.F.R. 104 Subparts B and C, and (2) the Section 504 provisions set forth in 34 C.F.R. §104 Subpart D with respect to identification, evaluation, and educational placement of students with disabilities. The ADA/Section 504 Coordinator shall provide the complainant with a copy of the grievance procedures which are appropriate to the nature of the complaint.

Complaints with respect to the provisions of either of these statutes or this policy shall be directed to the Coordinator for prompt investigation and equitable resolution. Any person wishing to submit complaints should submit a written statement to the ADA/Section 504 Coordinator. The written statement should set forth the specific facts and/or perceived wrongful

act (e.g., location, names, dates, times) to be investigated. If a person who is unable to write wishes to file a statement, assistance may be obtained by calling the ADA/Section 504 Coordinator at (219) 754-2709. All such written statements should be submitted within thirty (30) days after the incident or act which gives rise to the complaint.

The Coordinator shall make all reasonable efforts, including but not limited to convening a conference with the complainant to discuss the complaint and the results of the investigation, to resolve the matter informally. In the event that the matter cannot be resolved informally within ten (10) business days after receipt of the written complaint, the Coordinator will advise the complainant of his or her right to a hearing as set forth in *Section 504 of the Rehabilitation Act of 1973*.

All complaints regarding the Township Consolidated School Corporation's compliance with the *Americans with Disabilities Act of 1990* and /or *Section 504 of the Rehabilitation Act of 1973* shall be received and investigated without reprisal by the Board of Education or the Board's employees or agents.

The filing of a complaint under the procedures described above shall not limit, extend, replace or delay the right of any person to file a similar complaint or charge with any appropriate local, State, or federal agency or court.

Legal Reference:     *Americans with Disabilities Act of 1990,*  
                          42 U.S.C. §12111 et seq.

*Section 504 of the Rehabilitation Act of 1973,*  
                          29 U.S.C. §794

Reviewed and Approved: 10/17/17