

RIGHTS OF HANDICAPPED PERSONS

It is the policy of the School Committee of the Franklin Public Schools that no otherwise qualified person shall, solely by reason of his/her handicap, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity sponsored by this Committee.

As used in this policy and any implementing regulations, "handicapped person" means a person who has, or had, or 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 and includes specific learning disabilities.

Notice of the Committee policy on nondiscrimination in employment and education practices shall be given in the Committee policy manual, posted throughout the District, and published in any district statement regarding the availability of employment positions or special education services.

Employment

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

No candidate for employment shall be required to answer a question regarding a handicapping condition and no such candidate will be discriminated against on the basis of a handicapping condition and no such candidate will be discriminated against on the basis of a handicapping condition that is not directly related to the essential function of the position for which she/he has applied.

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 handicapped persons.

Facilities

The educational program of this District shall be equally accessible to all students at each grade level. Barrier-free access to school facilities shall be provided to the extent that no handicapped person is denied an opportunity to participate in a District program available to non-handicapped persons.

Program

The School Committee directs all reasonable efforts be made to identify unserved handicapped students of this District eligible for special education and/or related services in accordance with School Committee policy. A free appropriate public education shall be provided for each child determined to be in need of special education and/or related services. Such a program of special education shall be provided in the least restrictive environment and in barrier-free facilities comparable to those provided for non-handicapped students. To the maximum extent appropriate to the student's handicap, a handicapped student shall be placed in an educational setting with non-handicapped or less severely handicapped students.

No student will be denied, because of his/her handicap, participation in co-curricular, intramural, or interscholastic activities or any of the services offered or recognition rendered regularly to the students of this District.

The due process rights of handicapped students and their parents will be rigorously enforced.

Enforcement

The Director of Curriculum and Instruction is designated as compliance office. 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. The grievance procedure shall follow these steps:

- A. The grievant will file a written complaint, stating the specific facts of his/her grievance and the alleged discriminatory act, with the Section 504 compliance officer.
- B. The compliance officer shall make all reasonable efforts to resolve the matter informally at the administrative level most immediate to the complaint.
- C. In the event the complaint cannot be resolved informally, the compliance officer will convene an informal hearing, no later than ten (10) working days after the filing of the complaint, at which both the grievant and the administrator responsible for the disputed action may present testimony and documents relevant to the complaint. Witnesses may be called and cross-examined. Detailed minutes of the hearing will be made and kept; a copy of the minutes will be made available to each party. Within ten (10) working days of the hearing, the compliance officer will provide a written copy of his/her determination to both parties.
- D. The grievant may appeal the determination of the compliance office to the School Committee within ten (10) working days of the receipt of the compliance officer's determination. The appeal shall be in writing and attached to copies of the original complaint, the minutes of the hearing, and the written determination of the

compliance officer. The School Committee may, in its discretion, convene a hearing at which the parties may present additional testimony and argument.

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- E. Within ten (10) working days of the filing of appeal, the School Committee shall provide both parties with a written decision.

Employees of the Franklin Public Schools shall be informed that a complaint may be filed without reprisal by the School Committee or any of its employees or agents. The grievant shall be notified of his/her rights of appeal at each step of (this process). A grievant shall be informed of Section 504 with or without recourse to the grievance procedure established by this policy.

A complaint regarding the identification, evaluation, classification, or educational program of an educationally handicapped student shall be governed by the due process rules and by the conflict resolution process established by School Committee policy.

Evaluation and Compliance

The School Committee directs the Superintendent to evaluate District programs and practices on nondiscrimination, in accordance with law, and to report evaluations to the School Committee. The School Committee will submit such assurances of compliance as are required by law.

LEGAL REFS.: 29 U.S.C. 794, 45 C.F.R. 84, 20 U.S.C. 1401