

ACE - NONDISCRIMINATION ON THE BASIS OF DISABILITY

Poudre School District is committed to the policy of nondiscrimination on the basis of disability under all applicable laws, including but not limited to Section 504 of the

Disabilities Act, 42 U.S.C. § 12101 et seq.

that no qualified individual with a disability shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any District program or activity. The District does not unlawfully discriminate on the basis of disability in access or admission to, or treatment or employment in, its programs or activities. The prohibition against discrimination includes a prohibition against harassment.

NONDISCRIMINATION WITH RESPECT TO STUDENTS

The District shall provide a free, appropriate public education to each of its students as provided by law. The District shall not discriminate against any student on the basis of disability, including but not limited to exclusion from curricular or extracurricular programs, services or activities.

NONDISCRIMINATION IN EMPLOYMENT

The District shall not discriminate against any qualified individual on the basis of disability in regard to job recruitment, application procedures or hiring; advancement in or termination of employment; job training, compensation or benefits; or other terms, conditions or privileges of employment. The District shall make reasonable accommodations to the known physical or mental limitations of any otherwise qualified individual with a disability who is a job applicant or employee, unless the District can demonstrate that the accommodation would impose an undue hardship on District operations or would require modification of the essential functions of the job at issue.

NONDISCRIMINATION WITH RESPECT TO PARENTS, GUARDIANS AND MEMBERS OF THE PUBLIC

The District shall make reasonable accommodations as required by law for members of the public who seek to participate in or enjoy the benefits of District programs, services or activities. The District shall also make reasonable accommodations as required by

The complainant and the District each have the right to be represented by legal counsel at the impartial due process hearing and in connection with any prehearing matters. If the complainant will be represented by legal counsel at the hearing, he or she must notify the District of that fact at the time the hearing is requested. If the District will be represented by legal counsel at the hearing, it must notify the complainant of that fact within three (3) business days of receiving the hearing request. Parties who choose to be represented by legal counsel shall be responsible for the payment of all costs and legal fees charged by their counsel.

Upon the director of s receipt of an appropriate request for impartial due process hearing, the District shall retain an independent hearing officer who is knowledgeable about Section 504 and the ADA. The hearing officer shall coordinate with the parties to set a date, time and place for the hearing within thirty (30) calendar days of the initial request or as soon thereafter as reasonably practicable; shall advise the parties in advance regarding applicable hearing procedures and rules of evidence; and shall issue any prehearing orders deemed necessary or advisable.

The impartial due process hearing shall be recorded. Each party shall have the right to present witnesses, documents and other relevant evidence in support of their case. The independent hearing officer shall issue a written decision within ten (10) business days after the conclusion of the hearing that addresses each of the issues properly : (a) be confined to matters concerning on 504 identification, evaluation or educational placement; (b) be based solely on relevant evidence introduced at the hearing; (c) include a summary of the relevant evidence presented and the reasons for the decision rendered; and (d) be provided to all parties to the hearing, including the parents/guardian of each student. The hearing officer may not assess or award attorney fees related to the hearing.

After the independent hearing officer has issued his/her decision, the recording of the impartial due process hearing, all physical and documentary evidence and all other items comprising the record of the hearing shall be returned to the District.

Within thirty (30) calendar days of receipt of the independent decision, either party may seek review of the decision in a court of competent jurisdiction, as authorized by law.

Current practice codified 1994
Adopted by Board: May 22, 1995
Revised by Board: October 9, 1995
Revised by Board: May 13, 1996
Revised by Board: February 24, 1997
Revised by Board: January 26, 1998
Revised by Board: November 25, 2002

Revised by Superintendent: June 15, 2016, effective July 1, 2016

LEGAL REFS:

29 U.S.C. 701, et seq. (Section 504)

42 U.S.C. 1201, et seq. (Americans with Disabilities Act)

34 C.F.R. 104, et seq.

CROSS REFS:

AC, Nondiscrimination / Equal Opportunity

AC-R, Reporting Discrimination / District Response to Discrimination Complaints

GBAA, Harassment of Employees

JBB, Harassment of Students