

**NONDISCRIMINATION- QUALIFIED STUDENTS WITH Disabilities
LINCOLN PARK PERFORMING ARTS CHARTER SCHOOL NONDISCRIMINATION - QUALIFIED
STUDENTS WITH Disabilities. Section 504 of the Rehabilitation Act of 1973**

Section 504 is a civil rights law that prohibits discrimination against individuals with disabilities in public and private programs and activities that receive financial assistance from the federal government. Section 504 guarantees students a free appropriate public education. Students who may not be eligible for services under the I.D.E.A. may be eligible for protection from discrimination under Section 504. Compliance oversight for Section 504 is provided by the U.S. Department of Education, Office for Civil Rights.

The Board declares it to be the policy of Lincoln Park Performing Arts Charter School, hereafter "Lincoln Park," to ensure that all school programs and practices are free from discrimination against all qualified students with disabilities. The Board recognizes its responsibility to provide academic and nonacademic services and programs equally to students with and without disabilities regardless of race, color, age, creed, religion, gender, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability. Examples of disability discrimination can include, but are not limited to, disability-based harassment; limiting or denying a qualified individual with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit or service; treating a student differently on the basis of disability; inequitable access to educational programs and facilities, denial of a free appropriate public education for any student, and failing to make modifications of policies, practices or procedures when such modification is necessary to accommodate individuals with disabilities.

Disability harassment under Section 504 is intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the school's program. Harassing conduct may take many forms, including verbal acts and name-calling, as well as nonverbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating.

Complaints of Discrimination Based Upon a Disability

Complaints of disability discrimination can be filed with the Section 504 Coordinator, at Lincoln Park Performing Arts Charter School, One Lincoln Park, Midland, PA, 15009. Telephone Number: (724) 643-9004.

Employee, Faculty and Student/Parent/Guardian Responsibilities

The Board encourages students (and their parents or guardians) who have been subject to discrimination to promptly report such incidents of discrimination, harassment or retaliation. Each employee, faculty member, administrator and student of Lincoln Park is personally responsible for ensuring that s/he does not engage in conduct that violates this policy. Each employee, faculty member, administrator and student is responsible for cooperating in any investigation of alleged harassment, discrimination or retaliation if requested to do so by the person conducting the investigation.

Reporting

This Complaint procedure is an addition to and does not prevent parents/guardians or students from using any option in the procedural safeguards system pertaining to a student's identification, evaluation, or educational placement.

Anyone who believes that his/her child, s/he, or any other member of the Lincoln Park community, to be a victim of disability discrimination, harassment or retaliation prohibited by this policy, whether by an administrator, a co-worker, faculty member, student or any other person with whom s/he, or his/her child comes in contact at Lincoln Park, in the course of any educational program or activity at Lincoln Park, should report the incident directly to the Section 504 Coordinator, Lincoln Park Performing Arts Charter School, One Lincoln Park, Midland, PA 15059. Any person who receives a complaint of disability discrimination, harassment or retaliation from an employee or student, or who otherwise knows or has reason to believe that a student has been subjected to disability discrimination, harassment or retaliation, is expected to report the incident promptly to the Section 504 Coordinator. If the Section 504 Coordinator

is the subject of a complaint, the student, parent/guardian or employee shall report the incident directly to the district's Section 504 Building Administrator herein named.

The complainant or reporting employee is encouraged to use the report form available from the Section 504 Coordinator, a copy of which is attached, but oral complaints shall be acceptable. Oral complaints shall be documented by the Section 504 Coordinator.

Investigation

The Section 504 Coordinator shall assign Lindsay Rodgers, Federal Programs Coordinator, One Lincoln Park, Midland, PA 15059, (724) 643-9004 as 504 Building Administrator and it shall be his/her duty to conduct a prompt and appropriate investigation into any allegation of disability discrimination, harassment or retaliation, so as to enable a prompt and equitable response under all circumstances and in a fair and expeditious manner. The investigation will be completed within 15 days of receipt of the complaint unless the timeframe must be extended for good cause by the Section 504 Coordinator. Both the complainant and the accused shall have the right to provide names and contact information of any witnesses they believe may have information regarding the facts involved in the grievance, and, to provide any evidence and witness testimony to the 504 Administrator which they believe may be relevant to the grievance.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials of criminal law, the Section 504 building administrator shall inform law enforcement authorities about the incident.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

Investigative Report

The Section 504 Building Administrator shall prepare a written report within fifteen (15) days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.

Upon completion of the investigation, the individual(s) who made the complaint and the individual(s) against whom the complaint was made will be advised of the results of the investigation in writing and, where a remedy is determined to be appropriate, to inform the parties of the steps that will be taken to remedy the situation.

District Action

Upon completion of the investigation, if the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, Lincoln Park shall take prompt, corrective action to ensure that such conduct ceases and will not recur, and where appropriate, the school will also impose disciplinary action. The school will take steps to prevent the recurrence of any disability discrimination, harassment and/or retaliation by taking the appropriate action and the disciplinary actions shall be consistent with the Student Code of Conduct, Board policies and administrative regulations, district procedures, applicable agreements, and state and federal laws.

Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, s/he may submit a written appeal to the school's Section 504 Coordinator with fifteen (15) calendar days of the receipt of the notice of resolution of the matter.
2. The Section 504 Coordinator shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Section 504 Coordinator shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the Section 504 building administrator who conducted the initial investigation.

4. The written appeal must state, in detail, the reason(s) for the appeal and shall address one or more of the following:
 - If the appeal alleges that the findings of the investigator included relevant factual errors or omitted relevant facts, the appeal shall specify each factual error and/or details of each relevant fact that was omitted from the investigation.
 - If the appeal alleges substantive procedural errors, the person appealing shall identify each instance of said substantive procedural error.
 - If the appeal alleges relevant or substantive issues or questions concerning interpretation of Lincoln Park policy, the person appealing shall state, in detail, the issues or questions supporting this allegation.
 - If the appeal alleges that new information or evidence exists, the appeal shall specify the reason why this information was not available or not provided to the Investigator during the course of the investigation, including the reason why the information could not have been provided on a timely basis.
 - If the appeal alleges either that action or inaction of the supervisor in response to the finding of the investigation will not prevent future violations of this policy, the person appealing will specify, in detail, the reason(s) and bases for this allegation.

No disciplinary or other action based upon the original complaint findings shall be taken against the alleged offender during the appeals process, although temporary, interim measures may remain in place. The appeal process will be conducted in an impartial manner by an impartial decision-maker.

No Retaliation for Filing a Complaint of Harassment or Unlawful Discrimination

No reprisals nor retaliation shall occur as a result of good faith charges of discrimination. Retaliation against any individual for making a complaint of disability discrimination or harassment, or for assisting in the investigation of such a complaint is a violation of this policy and will not be tolerated. Any acts of retaliation will be subject to appropriate disciplinary action, such as but not limited to reprimand, change in work assignment, loss of privileges, mandatory training or suspension and/or immediate termination.

Other Investigators of Complaints of Discrimination Based on Disabilities

In addition to the Section 504 Building Administrator, the following investigators are designated as those persons who may be charged with coordinating the School's implementation of this policy, and investigating complaints of disability discrimination, harassment, or retaliation for the School. They may be contacted to initiate an investigation under the policy or to answer questions regarding this policy. The School also reserves the right to retain an outside investigator(s) to investigate complaints regarding violations of this policy.

Holly Castelli

One Lincoln Park Midland, PA 15059

(724) 643-9004

The Complainant or the Respondent might allege that the investigator has a substantial conflict of interest that might impair his/her ability to conduct a fair and impartial investigation of the allegations. In that event, details supporting the alleged conflict of interest must be submitted, in writing, to the 504 Coordinator within 5 days of receiving notice of the identity of the investigator. A determination will be made about the existence of a conflict of interest and, if such a conflict is found to exist, an alternative investigator will be appointed as expeditiously as possible. In the event that a request is made and an alternate investigator must be appointed, any specific time line provided for in the complaint procedure shall be suspended pending the determination and/or appointment.

Publication of Policy

Lincoln Park shall publish and disseminate this policy and complaint procedure on or before the first day of each school year by posting it on the school's web site, if available, and in the student handbook. The school shall notify parents/guardians of students of the school's responsibilities under applicable laws and regulations, and that the school does not discriminate against qualified individuals with disabilities.

ADDENDUM TO NONDISCRIMINATION - QUALIFIED STUDENTS WITH DISABILITY POLICY

Complaint: _____

Home Address: _____

Home Phone: _____

School Building: _____

Date of Alleged Incident(s) _____

Alleged discrimination was based on: _____

Name of person you believe violated the school's nondiscrimination policy:

If the alleged discrimination was directed against another person, identify the other person:

Describe the incident as clearly as possible, including any verbal statements (i.e. threats, derogatory remarks, demands, etc.) and any actions or activities. Attach additional pages if necessary:

When and where incident occurred: _____

List any witness who were present: _____

This complaint is based on my honest belief that _____ has discriminated against me or another person. I certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge.

Complainant's Signature

Date

Received By

Date