

## **112.1**

### **NONDISCRIMINATION ON THE BASIS OF DISABILITY**

Federal and State Law prohibits discrimination against individuals with disabilities, including students and staff members, by school districts receiving federal financial assistance. This includes all programs or activities of the school district receiving federal funds, regardless of whether the specific program or activity involved is a direct recipient of federal funds.

In compliance with Federal and State Law, the Appleton Area School District will:

- Prohibit discrimination against individuals with disabilities in any aspect of School District employment solely on the basis of disability.
- Make facilities, programs and activities accessible, usable and open to individuals with disabilities.
- Ensure that students with disabilities are identified, evaluated, and provided with appropriate educational service(s).
- Provide free appropriate public education at elementary and secondary levels, including nonacademic and co-curricular services and activities to students with disabilities.
- Provide each individual with a disability the same health, welfare, and other social services as are provided other persons.

**Cross References:** Programs for Students with Disabilities 342.1  
Nondiscrimination on the Basis of Disability 112.1-Rule  
Student Nondiscrimination, 411.2  
Equal Opportunity/Affirmative Action, 511

**Legal References:** Individuals with Disabilities Education Act (PL101-476)  
Rehabilitation Act of 1973 Section 504  
Americans with Disabilities Act of 1990  
Wisconsin State Statutes Chapter 115, 111.31, 111.34 and 118.195

**Adoption Date:** January 25, 1993

**Amended Date:** September 22, 2014

## **112.1-Rule**

### **NONDISCRIMINATION ON THE BASIS OF DISABILITY**

#### **Procedures**

The prohibitions on discrimination against individuals with disabilities apply to the following programs conducted by the Appleton Area School District:

##### **1. Employment**

- A. No individuals with disabilities shall, on the basis of disability, be subjected to discrimination. The Appleton Area School District shall not limit, segregate or classify any applicants for employment or any employee in any way that adversely affects their opportunities or status because of disability.
- B. The Appleton Area School District shall make reasonable accommodation for an individual with a disability unless it is clear that an accommodation would impose an undue hardship on the operation of a School District program. Undue hardship means that the accommodation would require significant difficulty or expense as determined on a case specific basis. Reasonable accommodation is any change or adjustment to a job or work environment that permits an individual with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges, or employment equal to those enjoyed by employees without disabilities. Reasonable accommodation may include:
  - Making facilities readily accessible to and usable by individuals with disabilities
  - Restructuring the job, modifying work schedules, acquiring or modifying equipment or devices, providing readers, interpreters, effective communication methods or other similar actions.
- C. The District shall not make use of any employment test or criteria that screens out individuals with disabilities unless:
  - The test or criteria is clearly and specifically job-related; and
  - Alternative tests or criteria that do not screen out individuals with disabilities are not available.
- D. While the School District may not make pre-employment inquiry as to whether an applicant has a disability or as to the nature and severity of any such disability, it may inquire into an applicant's ability to perform job-related functions.

##### **2. Facilities**

- A. No individual with a disability shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination in any School District program on the basis that School District facilities are inaccessible by individuals with a disability.

## **112.1-Rule (cont.)**

- B. As to existing facilities, the School District shall conduct its programs or activities so that, when viewed in their entirety, they are readily accessible to individuals with disabilities. As to new or altered facilities, the School District shall design and construct facilities that are readily accessible to, and usable by, individuals with disabilities. Such work shall be in conformance with applicable State and Federal Law.

### **3. Educational Services**

#### **Right to Education**

All identification and provision of educational services for students with disabilities will be in accordance with the procedures in State and Federal Law. The Appleton Area School District is responsible to provide a free appropriate public education (FAPE) within the least restrictive environment (LRE) as defined by State and Federal Law. Special education and related services are provided to all students with disabilities who have not graduated from high school from age 3 through the end of the school term in which they turn 21. The school term is the time beginning with the first day and ending with the last day that school is in operation for attendance of students in a school year.

#### **Child Identification**

The District identifies, locates, and evaluates those children, aged 3 through 21, who are in need of special education and related services, are residents of the District, and who have not graduated from high school.

#### **Screening**

The District provides screening opportunities to all school-age children and to those children who are below school-entry age upon request. Each year, the District publicizes special education screening programs through public announcements, notices, and paid advertisements.

For under school-age children, the District annually conducts early childhood screenings. All children ages three and four are invited to attend.

#### **Referral**

The District solicits and receives referrals of students with suspected disabilities from all persons who have reasonable cause to believe that such a need exists.

#### **Evaluation**

Whenever a student who is suspected of having a disability is referred, the District establishes an Individual Education Program (IEP) team of appropriate evaluators.

#### **Individualized Education Program (IEP)**

It is the policy of the District that each student with an eligible disability who is a resident of the District, ages 3 to 21 and who has not graduated from high school, has a written IEP prior to placement in a special education program. The director of special education/program designee has the responsibility to ensure compliance with State and Federal Law.

## **112.1-Rule (cont.)**

### **Placement**

Information from a variety of sources is gathered and reviewed whenever a placement is considered. Placement decisions are determined by the IEP team based upon the disability-related needs represented in the student's IEP. A placement offer is provided after an initial IEP is developed, following annual IEP reviews, and after any IEP revisions are made by the IEP team.

### **4. Discrimination Complaint Procedures**

Any student, parent, or employee of this District who believes he/she has been discriminated against, denied a benefit, or excluded from participation, in any District program or activity, on the basis of disability, may file a complaint in accordance with the following procedures:

- A. An aggrieved party may attempt to resolve the complaint on an informal basis, by oral discussion, with appropriate District personnel.
- B. If the complaint is not settled in Step A, the aggrieved party may file a written complaint with the building principal or immediate supervisor within ten (10) working days after the known occurrence of the act or event. The principal or immediate supervisor shall investigate the complaint and complete the investigation within ten (10) working days.
- C. At the completion of the investigation, the principal or immediate supervisor shall decide the merits of the case, determine the action to be taken, if any, and report in writing the findings and the resolution of the case to the complainant within the (10) working days.
- D. If the complainant is dissatisfied with the decision of the principal or immediate supervisor, he/she may appeal the decision by giving written notice to the Superintendent of Schools or his/her designated representative within ten (10) working days after receipt of the written decision. The Superintendent or designated representative shall cause a review of the written complaint to be conducted and a written response mailed to the complainant within ten (10) working days after receipt of the written complaint. A copy of the written complaint and the response shall be provided to each member of the School Board.
- E. If the complainant is not satisfied with such response, he or she may submit a written appeal to the School Board within ten (10) working days after receiving the written response, indicating the nature of disagreement with the response, and his/her reasons underlying such disagreement. The timeline may be extended for "good cause." Good cause for extension may be provided when individuals or information is unavailable provided that the complaint is processed in a prompt and equitable manner.

## **112.1-Rule (cont.)**

- F. The Board shall consider the appeal at its next regularly scheduled Board meeting following receipt of the response. The Board shall permit the complainant to address the Board in public or closed session, as appropriate and lawful, concerning his or her complaint and shall provide the complainant with its written decision in the matter as expeditiously as possible but not to exceed ninety days following completion of the hearing. The standard for decision and appeal is “preponderance of the evidence.”
- G. Complaints relating to the identification, evaluation, educational placement or provision of free appropriate public education of a student with an exceptional educational need shall be resolved through procedures authorized by Chapter 115, subch. V, Wisconsin State Statutes.
- H. If the complainant is still dissatisfied, further appeal may be made within thirty days to the State Superintendent of Public Instruction Students/Teachers. Also, a complaint or an appeal may be made to the Office for Civil Rights, U.S. Department of Education, Citigroup Center, 500 W. Madison Street, Suite 1475, Chicago, IL 60661-4544. Email: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov) or other appropriate agencies.

**Cross References:** Programs for Students with Disabilities 342.1  
Nondiscrimination on the Basis of Disability 112.1-Rule  
Student Nondiscrimination, 411.2  
Equal Opportunity/Affirmative Action, 511

**Legal References:** Individuals with Disabilities Education Act 20USC 1400 -1482  
Rehabilitation Act of 1973 Section 504  
Americans with Disabilities Act Amendments of 2008  
Wisconsin State Statutes Chapter 115, 111.31, 111.34 and 118.195

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