

**Employees and Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990**

Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II or ADA) (collectively, Section 504/ADA) prohibit discrimination on the basis of disability. For the purposes of Section 504/ADA, the term “disability” with respect to an individual means:

1. a physical or mental impairment that substantially limits one or more major life activities of such individual;
2. a record of such an impairment; or
3. being regarded as having such an impairment.

**I. Definitions**

- A. **Major life activities** include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working. A major life activity also includes the operation of a major bodily function, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive systems. The operation of a major bodily function includes the operation of an individual organ within a body system.
- B. **Mitigating Measures** include, but are not limited to, a) medication, medical supplies, equipment, appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies; b) use of assistive technology; c) reasonable modifications or auxiliary aids or services; d) learned behavioral or adaptive neurological modifications; or e) psychotherapy, behavioral therapy, or physical therapy.
- C. **Physical or Mental Impairment** includes a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine or b) any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability or c) an impairment that is episodic or in remission if it would substantially limit a major life activity when active. Physical or mental impairment includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech, and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

**II. Procedures for Grievances/Complaints Alleging Discrimination on the Basis of Disability**

- A. Any eligible person, including any student, parent/guardian, staff member, or other employee who feels that he/she has been discriminated against on the basis of disability (including differential treatment, harassment, and retaliation) may submit a written complaint to the District’s designated Section 504/ADA Coordinator (see contact information below) within thirty (30) school days of the alleged occurrence.
- B. Timely reporting of complaints facilitates the prompt investigation and resolution of such complaints. If a complaint is filed relating to alleged discrimination occurring more than thirty (30) school days after the alleged occurrence, the ability of the District to investigate the allegations may be limited by the passage of time. Therefore, complaints received after thirty (30) school days of the alleged occurrence shall be investigated to the extent possible, given the passage of time and the impact on available information, witnesses, and memory. If the complaint is made verbally, the individual taking the complaint will reduce the complaint to writing. Individuals wishing to make a complaint about discrimination against students on the basis of disability should be referred to the District’s Section 504/ADA policies and administrative regulations regarding students.
- C. Retaliation against any individual who complains pursuant to the Board’s policy and administrative regulations listed herein is strictly prohibited. The District will not tolerate any retaliation that occurs as a result of the good faith reporting or complaint of disability-based discrimination or as a result of an individual’s participation or cooperating in the investigation of a complaint. The District will take necessary actions to prevent retaliation as a result of filing a complaint.
- D. If the Section 504/ADA Coordinator is the subject of the complaint, the complaint should be submitted directly to the Superintendent who may conduct the investigation or appoint a designee to conduct the investigation in accordance with these procedures. If the Superintendent is the subject of the complaint, the District shall designate an appropriate party to conduct the investigation in accordance with these procedures.
- E. Complaints will be investigated promptly within timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information, and other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible.
- F. The complaint should contain the following information:
  - 1. the name of the complainant;
  - 2. the date of the complaint;
  - 3. the date(s) of the alleged discrimination;
  - 4. the names of any witnesses or individuals relevant to the complaint;
  - 5. a detailed statement describing the circumstances in which the alleged discrimination occurred; and
  - 6. the remedy requested.

However, all complaints will be investigated to the extent possible, even if such information is not included in the complaint. In such circumstances, additional information may be requested by the investigator as part of the investigation process.

- G. Upon receipt of the complaint, the individual investigating the complaint shall:
1. Provide a copy of the written complaint to the Superintendent;
  2. Meet separately with the complainant and the respondent within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant and respondent believe have relevant information, and obtain any relevant documents the complainant may have;
  3. Provide the complainant and respondent with a copy of the applicable Board Section 504/ADA Policy and these administrative regulations;
  4. Consider whether and which interim measures might be appropriate for an alleged victim and the respondent pending the outcome of the District's investigation;
  5. Conduct an investigation of the factual basis of the complaint that is adequate, reliable, and impartial, including conducting interviews with individuals with information and review of documents relevant to the complaint;
  6. Maintain confidentiality to the extent practicable throughout the investigative process in accordance with state and federal law;
  7. Communicate the outcome of the investigation in writing to the complainant, and the respondent (to the extent permitted by state and federal confidentiality requirements), within fifteen (15) school days from the date the complaint was received by the Section 504/ADA Coordinator or Superintendent. The complainant shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify how the District will remedy any identified violations of Section 504/ADA. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant and the respondent shall be notified of such extension;
  8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint and no later than fifteen (15) school days after the start of the following school year. The complainant and the respondent will receive notice if the investigation has been impeded by the summer recess and interim measures may be implemented as necessary;
  9. Ensure that appropriate corrective action is taken whenever allegations are verified. When allegations are verified, ensure that measures to remedy the effects of the discrimination and prevent its recurrence are appropriately considered, and offered, when appropriate. Corrective action should include steps to avoid continuing discrimination;
  10. In the event the investigator concludes that there is no violation of Section 504/ADA, the District may attempt to resolve the complainant's ongoing concerns, if possible.

- H. If the complainant or respondent is not satisfied with the findings and conclusions of the investigation, the appealing party may request review and reconsideration of the conclusion of the complainant within thirty (30) days of receipt of the written outcome. In requesting review, the appealing party must submit the complaint, the written outcome of the complaint, and why he/she believes the factual information relied upon by the investigator was incomplete, the analysis of the facts was incorrect, and/or the appropriate legal standard was not applied, and how this information would change the investigator's determination in the case. Failure to provide all such information may result in the denial of the review.

Upon review of a written request from the appealing party, the Superintendent shall review the investigative results of the investigator and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator and other relevant witnesses, a meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling the investigator's conclusions or findings. The Superintendent shall provide written notice to the appealing party of his/her decision within ten (10) school days following the receipt of the written request for review. When a written request for review is received during summer recess, the Superintendent will conduct the review as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the review and no later than ten (10) school days after the start of the following school year. The Superintendent's decision shall be final.

**III. The Section 504/ADA Coordinator for this District is:**

Director of Special Services  
Bethany Public School District  
44 Peck Road  
Bethany, CT 06524  
(203) 393-3350

**IV. Complaints to Federal or State Agencies**

At any time, the complainant has the right to file a formal complaint with the:

U.S. Department of Education  
Office for Civil Rights  
Boston Office  
8th Floor  
5 Post Office Square  
Boston, MA 02109-3921  
(617) 289-0111  
OCR.Boston@ed.gov

**PERSONNEL – CERTIFIED/NON-CERTIFIED**

**Regulation 4118.14(e)  
Regulation 4218.14(e)**

Employees may also file a complaint regarding employment discrimination on the basis of disability with the:

Equal Employment Opportunity Commission  
Boston Area Office  
John F. Kennedy Federal Building  
15 New Sudbury Street  
Room 475  
Boston, MA 02203-0506  
(800) 669-4000

Employees may also file a complaint with the:

Connecticut Commission on Human Rights and Opportunities  
450 Columbus Boulevard  
Hartford, CT 06103-1835  
(800) 477-5737

Legal Reference: 29 U.S.C. §§ 705, 794  
42 U.S.C. § 12101 et seq.  
28 C.F.R. Part 35  
34 C.F.R. Part 104

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