

## **Section 504/ ADA Grievance Policy**

Persons with Disabilities may contact the District 504/ADA Coordinator Susan Kelly ([skelly@NewmanAcademy.org](mailto:skelly@NewmanAcademy.org)) to either request access to or notify the District about the inaccessibility of online information or a functionality which is currently inaccessible.

For information on how to file a formal grievance under Section 504 and Title II of the ADA, please see District's Policy as follows:

- a. The Section 504/ADA Grievance Procedure of Newman International Academy prohibits discrimination on the basis of disability for faculty, staff, students and visitors. Newman International Academy has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints by any member of the Newman International Academy community alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 of the U.S. Department of Education regulations implementing the Act, and the Americans with Disabilities Act, 1990 Title II & III.
- b. Section 504 and the ADA, Sections Title II and Title III prohibit discrimination on the basis of disability in any program or activity receiving Federal financial assistance.
  - i. The Law and Regulations may be examined in the District Office by appointment.
  - ii. Any participants, beneficiaries, applicants, or employees, including students, staff, faculty and visitors who believe they may have been subjected to discrimination on the basis of disability (or is unsatisfied with the accommodations provided) may file a grievance under this procedure.

NOTE: It is against the law for Newman International Academy to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
- c. Newman International Academy has both informal and formal mechanisms in place to resolve concerns about disability discrimination, denial of access to services, accommodations required by law, or an auxiliary aid they believe they should have received (“disability-related issues”), such as:
  - i. Disagreements regarding a requested service, accommodation, modification of a school practice or requirement, or denial of a request
  - ii. Inaccessibility of a program or activity
  - iii. Violation of privacy in the context of a disability
- d. Informal Grievance Process: Newman International Academy encourages anyone with concerns about a disability-related issue to first discuss the matter with the Campus Administrator, who will attempt to facilitate a resolution. NOTE: Individuals are not required to pursue the informal process first and may engage the formal grievance process as their first step if preferred. If the Administrator is not successful in achieving a satisfactory resolution within ten working days from the date the disability-related issue is raised, or if the complaint is against the Administrator, a formal grievance may be filed as described below.
- e. The purpose of the informal process is to make a good faith effort to resolve the issue quickly and efficiently; however, the individual may ask to implement the formal process at any time during the informal resolution process.
- f. Formal Grievance Process: A formal grievance must be filed with the District 504/ADA Coordinator within 21 working days of the date of the Informal decision, if applicable, or within 30 calendar days of the occurrence of the disability-related issue. The grievance must be in writing and must include the following:

- i. The name, address, email address and phone number of the grieved party
  - ii. A full description of the situation
  - iii. A description of the efforts which have been made to resolve the issue informally, if any
  - iv. A statement of the requested remedy, e.g. a requested accommodation.
  - v. If the grievance involves confidential medical information, the 504/ADA Coordinator will maintain the confidentiality of that information and will not release that information without the individual's permission, except as allowed by law.
  - vi. The 504/ADA Coordinator will review the grievance for timeliness and appropriateness under this grievance procedure and notify the grievant if the grievance has been accepted.
  - vii. The 504/ADA Coordinator either commences an investigation or will select a trained investigator who will promptly initiate an investigation. The investigator will be an individual who is trained on disability or civil rights issues. In undertaking the investigation, the 504/ADA Coordinator or investigator may interview, consult with and/or request a written response to the issues raised in the grievance from any individual the investigator believes to have relevant information, including but not limited to faculty, staff, students, and visitors to Newman International Academy.
    1. All parties will have an opportunity to provide the investigator with information or evidence that the party believes is relevant to his or her grievance.
    2. All parties involved will receive a fair and equitable process and be treated with care and respect.
    3. The investigator will respect the privacy of all parties.
    4. The investigation will be completed within thirty calendar days of the filing of the written complaint.
  - viii. At the request of the grievant, the 504/ADA Coordinator will determine whether the formal grievance process can and should be expedited.
- g. Findings and Notification Process:
- i. Within five working days of the completion of the investigation, the investigator will make a recommendation regarding appropriate actions to be taken. The investigator will summarize the evidence that supports the recommendation, and the grievant will be advised in writing of the outcome of the investigation.
- h. Appeal Process
- i. Within five calendar days of receiving the determination from the 504/ADA Coordinator, the grievant or the party against whom the grievance is directed, if any, may appeal the determination. To appeal, the party must file a written request for review with the Section 504/ADA Coordinator. The written request for appeal must be based at least one of these criteria:
    1. On the grounds of improper procedure, or
    2. New evidence that was unavailable at the time of the investigation. The 504/ADA Coordinator will refer this appeal to the Appeal Board if the individual appealing the decision establishes standing for the appeal consideration. The Section 504/ADA Coordinator will provide the person appealing with a copy of the appeal written decision within five calendar days of the filing of the appeal.

- ii. The appeal decision will be the final determination of Newman International Academy. The individual also may file a complaint with the U.S. Department of Education, Office for Civil Rights, at any time before, during or after the school's 504/ADA grievance process.