

# Disability Discrimination Policy

SSEC

# CIVIL RIGHTS

Annual Civil Rights training for all staff is mandated by the Department of Elementary and Secondary Education (DESE).

All staff are required to participate.

Protects individuals and ensures that all employees know their rights and responsibilities.

Title IX Covered by Separate training

# CIVIL RIGHTS

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\*All staff are required to participate.

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- The South Shore Educational Collaborative does not discriminate against individuals on the basis of disability. This policy addresses any concerns in which a student or a staff member may have in relationship to disability discrimination and/or equal access and reasonable accommodations. This policy addresses Section 504 of the Rehabilitation Act and Title II of the Civil Rights Act. SSEC has established this policy as a way to provide prompt and impartial review of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 and/or Title II of the Civil Rights Act. This policy provides an optional resolution procedure for a complainant. This procedure is not a prerequisite before a complainant may directly pursue any other remedy available under state or federal law.

# Title VI of the Civil Rights Act

\*Protects against discrimination based on race, age, color, sex, gender identity, religion, disability, homelessness and national origin.

\*Applies to students, parents, and employees.

\*Prohibits discrimination in student class assignments or ability tracking and protects English Language Learners.

# SSEC: Non Discrimination Statement

The South Shore Educational Collaborative conducts its programs and operations in conformity with Title VI, Title IX, Chapter 622, Section 504 of the Rehabilitation Act of 1973, G.L. c.151C and the Americans with Disabilities Act and M.G.L. Chapter 76, Section 5. It is the policy of the Collaborative not to discriminate, and not to allow discrimination on the basis of sex, race, color, religion, national origin, sexual orientation, gender identity, homelessness and handicap/disability in any of the activities. This policy also ensures that students should be free from retaliatory and/or harassment based upon any of the foregoing attributes. Anyone having a complaint alleging a violation of any anti-discrimination laws or regulations, including the proscription against sexual harassment, should immediately bring the complaint to the attention of the administration of the Collaborative who will conduct a prompt and thorough investigation into the charges. In the event that the charges are substantiated, the administration will take appropriate disciplinary action.

# What is disability discrimination?

## Staff & Students

- Any treatment that is based solely on disability that denies access, prevents employment (must still be qualified and be able to perform essential duties with accommodations), targets an individual, creates a hostile environment.
- All ages covered!

## Chapter 622, Section 504 of the Rehabilitation Act of 1973

- \*Under Section 504, a disability is a mental or physical impairment that limits a person's major life activities (self-care, walking, seeing, learning, breathing, speaking, working).
- \*Requires that no qualified individual shall be discriminated against or excluded from participation in an activity.
- \*In considering substantial limitations, reasonable accommodations and or modifications must be made to provide access to programs and/or facilities
- \*In addition, students must be measured against their same age, non-disabled peers in the general population and without benefit of medication or other mitigating measures such as learned behavior or adaptive neurological modifications, assistive technology or accommodations.
- \*When a 504 Accommodation Plan exists for a student, it is the responsibility and a legal requirement of all educators who work with that student to provide the accommodations.



## G.L. c.151C and the Americans with Disabilities Act

Is the federal law which prohibits discrimination against persons with disabilities.  
Someone with a mental or physical impairment that limits one or more major life activities; or has a history of such impairment;  
who is perceived as having such an impairment.

# M.G.L. Chapter 76, Section 5

No person shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges, and courses of study of such public school on account of age, race, religion, color, national origin, sex, marital status, disability, age, sexual orientation or gender identity.

# Reasonable Accommodations

- Must be provided and discussed (written plan) with the employer.
- For students, these are the accommodations on the IEP and directly impact FAPE.
- Reasonable accommodations are not required by law if the cause undue hardship.
- Examples;
  - Modified schedule to ensure times for snacks for someone who has diabetes.
  - Modified schedule for medical treatments/take medications.
  - Physical accessibility supports
  - Large print
  - Reeducation or modification to non-essential components of the job.

# SSEC Policy

- **Filing a Complaint**

Any complainant should submit a complaint alleging discrimination as soon as possible to the Compliance Officer or to any other school or school administrative staff. Any employee who has knowledge of conduct which may constitute discrimination shall immediately report such conduct to the Compliance Officer, to the employee's supervisor, or to any other school or school administrative staff. Any employee who receives a complaint under this policy shall immediately forward the complaint to the Compliance Officer.

- <https://docs.google.com/forms/d/e/1FAIpQLSeaCe7wtn8BPjiLdnZJiSv0jL-N8ZCcm60IkASPYaEdZNMWjw/viewform>

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# SSEC Policy

- **Investigation**

Upon receipt of a report or complaint of discrimination, the Compliance Officer shall immediately authorize or undertake an investigation. The investigation may be conducted by school staff or a third party designated by SSEC. The investigation shall be completed as soon as practicable, but not later than 15 school days after receipt of the complaint of alleged discrimination by the Compliance Officer unless the extension below is exercised. Within 5 school days of receiving the complaint, the Compliance Officer shall send written notice that the complaint has been received to the complainant and the person or persons allegedly responsible for the discrimination (the accused) which may include SSEC itself as it relates to Title II.

- (refer to full policy for procedure)

# SSEC Policy

## **1. Action by the Executive Director**

Within 10 school days of receiving the Compliance Officer's report, the Executive Director or designee shall issue a decision regarding: (1) whether this policy was violated and, if so (2) what action, if any, will be taken. This decision shall be provided in writing to the complainant and the accused. If the Executive Director determines that discrimination occurred, SSEC shall take prompt, appropriate action to address and remedy the harm and prevent any recurrence. Such action may include; supportive measures, accommodations, discipline and where appropriate termination of employment. Any student discipline must comply with all legal protections for students found eligible for special education. discipline up to and including recommending that a student be expelled or that an employee be discharged.

# SSEC Policy

- **Appeal**

If the Executive Director or designee determines that no discrimination occurred, the complainant may appeal the determination to the SSEC Board within 5 calendar days of receiving the decision. Notice of appeal must be filed with the Executive Director, who shall forward the Compliance Officer's report and any documentation or information deemed relevant by the Compliance Officer during the course of the investigation to the SSEC Board. The SSEC Board shall make a decision within 30 calendar days of receiving the record.

- [https://docs.google.com/forms/d/e/1FAIpQLSe5t9y-3i\\_EFq5Fvg8gBnPQ--1YLqNwlwauHcdPh9kQdRM-qA/viewform](https://docs.google.com/forms/d/e/1FAIpQLSe5t9y-3i_EFq5Fvg8gBnPQ--1YLqNwlwauHcdPh9kQdRM-qA/viewform)

# SSEC Policy

## **A. Informal Procedure**

If the complainant and the persons allegedly responsible for the discrimination agree, the school director/coordinator, designee or the Compliance Officer may arrange for them to resolve the complaint informally with the assistance of a mutually agreed upon designated staff person(s) who will act as a mediator.

If the complainant and the persons allegedly responsible for the discrimination agree to attempt to resolve the complaint informally, they shall each be informed that they have the right to abandon the informal procedure at any time in favor of the initiation of the above formal procedure.

If the complaint is resolved informally, the designated mediator shall notify the school director/coordinator of the resolution. The director/coordinator shall notify the complainant, the persons allegedly responsible for the discrimination and the Compliance Officer in writing that the complaint has been resolved informally.



# SSEC Policy

## **Retaliation**

Retaliation against students, families/guardians or school staff who report discrimination or participate in the related proceedings is prohibited. SSEC shall take appropriate action against any student or employee who retaliates against another student, family/guardian or employee who reports alleged discrimination or participates in related proceedings.

## **False Charges**

Students and SSEC staff who knowingly make false charges of discrimination shall be subject to disciplinary action.

# SSEC Policy



Review Contact  
Information



Questions