



Newaygo County Regional Educational Service Agency
4747 W. 48th Street
Fremont, MI 49412
(231) 924-0381

Non-Discrimination and Complaint Procedure

Board Policy 2430

It is the policy of the Newaygo County RESA that no person shall, on the basis of race, color, religion, national origin, gender, age, height, weight, marital status or other trait or characteristic protected by federal or state employment discrimination statutes, be excluded from participation in, be denied the benefits of, or be subject to discrimination during programs, activities, and employment.

The Agency reaffirms its long-standing policy of compliance with all applicable federal and state laws and regulations prohibiting discrimination including, but not limited to, Titles VI and VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d. et seq.; and 42 U.S.C. §§ 2000e, et seq.; Title IX of the Educational Amendments of 1972, 20 U.S.C. §§ 1681, et seq.; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794; Title II of The Americans With Disabilities Act of 1990, 42 U.S.C. §§ 1210, et seq.; The Handicappers' Civil Rights Act, MCL §§ 37.1101, et seq.; and The Elliott-Larsen Civil Rights Act, MCL §§ 37.2101, et seq.; Proposal 2 of the Michigan Constitution; 29 C.F.R. Part 1630; and 34 C.F.R. Part 104.

The Cultural Competency Plan describes how our staff effectively delivers programs and services to persons of all cultures, races, ethnic backgrounds, and religions in a manner that recognizes, values, affirms, and respects the worth of the individuals and protects and preserves the dignity of each. Procedures of the Cultural Competency Plan are included in Administrative Regulation 2430.

Disabilities

“An individual with a disability” means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity must be made without regard to an ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance or otherwise augment a visual image, but no 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 or supplies, use of assistive technology, reasonable accommodation or “auxiliary aides or services,” learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

A qualified person with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the job in question.

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose undue hardship on the operation of the Agency's program and/or activities. A reasonable accommodation is not necessarily required for an individual who is merely regarded as having a disability.

The following person is designated as the Agency's Title II and Section 504 Compliance Officer/ADA Coordinator (Compliance Officer):

Superintendent of Schools
Newaygo County RESA
4747 W. 48th St.
Fremont, MI 49412
(231) 924-0381

The Compliance Officer is responsible for coordinating the Agency's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the Compliance Officer.

The Compliance Officer will oversee the investigation of any complaints of discrimination based on disability and will attempt to resolve such complaints. The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA.

No qualified person with a disability will, because of the Agency's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504 or ADA applies.

For facilities constructed or altered after June 3, 1977 the Agency will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the Agency is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the Agency's Compliance Officer will be published in employee and student handbooks and in statement of general information publications.

Civil Rights/Title IX

The Director of Special Education is appointed the Civil Rights/Title IX Coordinator regarding complaints of disability/handicap discrimination involving educational services, programs, and activities. The Superintendent is appointed the Civil Rights/Title IX Coordinator regarding discrimination complaints made by students (grades Pre-K through 12) and/or their parent/guardian, and involving race, color, religion, national origin, gender, age, height, weight, or marital status. The Superintendent is appointed the Civil Rights/Title IX Coordinator regarding all other complaints of discrimination. In the event the complaint is against the Superintendent of Schools, the Board Vice President of the Board of Education is appointed the Civil Rights/Title IX Coordinator.

Inquiries or complaints by students and/or their parent/guardian related to discrimination based on disability/handicap should be directed to:

Director of Special Education
Newaygo County RESA
4747 W. 48th St.
Fremont, MI 49412
(231) 652-1638

Inquiries or complaints made by students (grades Pre-K through 12) and/or their parent/guardian related to discrimination based on race, color, religion, national origin, gender, age, height, weight, marital status or disability should be directed to:

Superintendent of Schools
Newaygo County RESA
4747 W. 48th St.
Fremont, MI 49412
(231) 924-0381

In the event a complaint is against the Superintendent of Schools, the complaint should be directed to:

The Board Vice President of the Board of Education
Newaygo County RESA
4747 W. 48th St.
Fremont, MI 49412
(231) 924-0381

All other inquiries related to discrimination should be directed to:

Superintendent of Schools
Newaygo County RESA
4747 W. 48th St.
Fremont, MI 49412
(231) 924-0381

The Coordinators, as specified herein, are designated to receive and resolve complaints from any person who believes that he/she may have been discriminated against in violation of this policy. Any person who believes he/she has been discriminated against in violation of this policy should file a written complaint with the appropriate coordinator within ten (10) calendar days of the alleged violation. The Coordinator will then take the following action:

First, begin an investigation of the complaint.

Second, arrange for a meeting to occur with the complainant, which may include school Agency staff who are knowledgeable of the facts and circumstances of the particular complaint or who have particular expertise that will assist in resolving the complaint.

Third, complete the investigation of the complaint and provide, in writing, a reply to the complainant. If the Coordinator determines that a violation has occurred, he/she shall propose a fair resolution of the complaint and deliver the determination to the complainant and the Superintendent. In the event the complaint is against the Superintendent, a copy of the determination shall be delivered to the Board Vice President of the Board of Education. The complainant may appeal the Coordinator's determination to the Superintendent, or, in the case of a complaint against the Superintendent, to the Vice President of the Board, by so notifying the Superintendent or Board Vice President in writing within the (10) calendar days of the

Coordinator's determination. The Superintendent or Board Vice President may conduct additional investigation of the facts and circumstances surrounding the complaint.

The Board Vice President or Board President may elect to secure the services of an outside party to investigate the facts and circumstances surrounding any complaint against the Superintendent. The Superintendent or Coordinator may also elect to secure the services of an outside party, after consultation with the Board President or Board Vice President to ensure proper handling and resolution of any complaint made pursuant to this policy.

The Superintendent, or Board Vice President in the case of a complaint against the Superintendent, shall affirm or reverse the Coordinator's decision and, if warranted, implement the Coordinator's proposed resolution or a modification thereof. In the event of a claim against the Superintendent, if the complaining party is dissatisfied with the Board Vice President's resolution, he/she may file a request for determination by the full Board. The Superintendent or Board Vice President's decision shall be final.

Upon completion of, or at any point in, the grievance process, complainants have the right to file a complaint with the Office for Civil Rights, US Department of Education, Washington, D.C. 20201 or any other agency with jurisdiction over the subject matter. The complainant should first be directed to the following address:

Office for Civil Rights
1350 Euclid Ave., Suite 325
Cleveland, OH 44145
(216) 522-4970 phone
(800) 877-8339 phone
(216) 522-2573 fax

The complainant must file with outside agencies on a timely basis and should consult with such agencies to determine the time limits followed by that agency.

A copy of this policy shall be provided to each complainant upon receipt of a complaint and shall be published annually in appropriate publications of the Agency.

Approved: 2/14/07; 6/29/09; 7/9/12; 4/17/17; 6/26/17; 5/13/19; 2/17/20
LEGAL REF: Included in Text