



Evergreen Community Charter School

Section: 100 Programs

Title: Nondiscrimination

Number: 103

Last Revised: November 7, 2019

Evergreen Community Charter School does not discriminate on the basis of race, color, religion, marital status, national/ethnic origin, age, sex, sexual orientation, or disability in its programs, activities and employment practices. This statement is used pursuant to: Titles IV, VI, VII, and IX of the Civil Rights Act of 1964 (race, color, national origin); the Age Discrimination in Employment Act of 1967; Title IX (sex discrimination); Section 504 of the Rehabilitation Act of 1973 (Section 504) and 22 PA Code § 15; the Americans with Disabilities Act of 1990 (ADA) (disability); and the Pennsylvania Human Relations Act.

Evergreen Community Charter School will monitor its educational programs and employment policies and practices to be sure that they do not either purposely or inadvertently operate to the detriment of any persons on the basis or bases cited in the section above.

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Director shall designate the Special Education Coordinator as the Compliance Officer for nondiscrimination in student issues. The Director shall serve as the Compliance Officer for nondiscrimination in employment. All inquiries regarding complaints shall be addressed to said Director, Evergreen Community Charter School, P.O. Box 523, Mountainhome, PA 18342.

Grievance Procedures: Guidelines for Filing a Complaint Alleging Discrimination

Any person or student who believes s/he has been subjected to discrimination by the School may file a complaint.

Discrimination complaints must be filed within sixty (60) calendar days of the alleged violation. Complaints must be submitted in writing.

Complainants may be represented by legal counsel at any stage of the grievance procedures set forth below.

While informal, school-level resolution of complaints is always encouraged; at any time an individual may file a complaint with the Federal Office for Civil Rights (OCR).

Complainants are encouraged to contact school personnel as a first resort to share and resolve complaints informally.

General complaints alleging violations of federal law will be resolved equitably and promptly as set forth below.

All complaints submitted in writing within sixty (60) calendar days of the alleged violation shall be resolved as follows.

Request an Informal Conference

At any time, a parent/guardian may request an informal meeting with the designated school employee to address specific allegations of discrimination. Meetings shall be held within ten (10) days of a request unless agreed otherwise. In order to preserve the impartiality of the Compliance Officer, s/he will typically not attend the informal meeting. A request for an informal meeting may be made verbally or in writing.

Electronic mail requests will not be accepted.

Submit A Formal Complaint

If concerns are not resolved at the informal meeting, or if a complainant believes a violation of Section 504 or the ADA has occurred, within sixty (60) days of the alleged violation, the complainant may send a formal, written complaint to the student or employee Compliance Officer. Verbal or electronically mailed complaints will not be accepted. The complaint should set forth the specific issues of dispute and propose a resolution. The complainant may obtain a complaint form from the school office, if needed. The Compliance Officer shall either conduct an investigation or designate an investigator. If the Compliance Officer is the subject of the complaint, an impartial investigator shall be appointed by the Board President.

Investigation - The Compliance Officer or designee will gather information from the complainant and school district employees to investigate the situation.

Response - The Compliance Officer or designee will mail a written response to the complainant within fifteen (15) school days from the date of receipt of the written complaint. The written response will be issued to the complainant and the Director. At his/her discretion, the investigator or designee may schedule a meeting with the complainant as a part of the investigation.

The complainant has the right to have a fair and impartial hearing of his/her complaint.

The complainant has the right to be represented by counsel.

Appeal to the School Board

Within ten (10) school days of receipt of the written response to the formal complaint, the complainant may, in writing, request an appeal to the School Board. Such request must be submitted in writing, set forth the basis for the appeal and include a proposed resolution.

Based on the request for appeal, in his/her discretion, the Director may or may not take additional comments or testimony from the complainant and school employees.

Within thirty (30) school days of receipt of the appeal, the Director shall issue to the complainant a written response setting forth any additional factors considered, the final conclusion about the complaint and any proposed, equitable resolution.

Any student complaint, written response, appeal to the Director and appeal decision will be placed into a student's educational records file. Confidentiality of the response will be maintained consistent with the Family Educational Rights and Privacy Act (FERPA).

Request a Formal Due Process Hearing on Behalf of a Student

At any time, or if the parent/guardian or complainant is not satisfied with the written response from the district, and the dispute involves provision of individual accommodations or modifications, a special education program, a child's identification, evaluation, or educational placement, s/he may request a formal, impartial due process hearing using the Commonwealth's hearing procedures.

A formal due process hearing will be conducted by an impartial, state appointed hearing officer. This hearing can be requested by notifying the district in writing. Both the school district and the complainant may be represented by legal counsel. The school district may request a hearing where it has concerns that it is being impeded from being able to provide appropriate services for a child. Questions about requests for a due process hearing may be directed to: The Office for Dispute Resolution at 717-657-5983.

Federal Complaint

At any time, a complainant/parent/guardian who believes his/her complaint involves discrimination under Section 504 may file a complaint with the U.S. Department of Education, Office for Civil Rights (OCR), Philadelphia Office for Civil Rights, Telephone (215) 656-8541. Complaints should only be filed with OCR as an alternative for seeking redress if the grievant believes there is discrimination occurring and not a dispute regarding issues specific to a child's placement or the type or amount of services s/he is receiving.