

Administrative Regulation 0100

EQUAL OPPORTUNITY AND NONDISCRIMINATION REGULATION

The procedures set forth in this regulation do not supersede any protection complainants are provided under existing state or federal law.

Public Information

The Equal Opportunity Notification statement will be distributed to students, families, employees, and the community in the following ways: In student and teacher handbooks, as a separate notice mailed home to every student and family, posted on the district web site in appropriate locations, in course catalogs, appropriate newsletters, and press releases.

Definitions

1. *Complainant* shall mean an applicant, employee or student who alleges that there has been a violation of the Civil Rights Act of 1964, as amended, Section 504 or the Americans with Disabilities Act (ADA) or associated regulations that affect him/her.
2. *Complaint* shall mean any alleged violation of the Civil Rights Act of 1964, as amended, Section 504 or ADA or associated regulations.
3. *Compliance Officer* shall mean the employee designated by the Board of Education to coordinate efforts to comply with and carry out responsibilities under the Civil Rights Act of 1964, Section 504 and the ADA. The compliance officer will be designated annually at the Board of Education Reorganization Meeting. For the 2014-15 school year the District Compliance Officer is Dr. Roger P. Catania, Superintendent of Schools, Lake Placid Central School District, 50 Cummings Rd., Lake Placid, NY 12946 (518) 523-2475.

The investigation and resolution of any complaints alleging an action prohibited by the Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act or the ADA shall be dealt with in the following prompt, equitable and impartial manner:

A. Stage I--Compliance Officer

1. As soon as practicable, if possible within 30 days after the events giving rise to the allegation, the complainant shall file a complaint, preferably in writing using the district's complaint form, with the Compliance Officer. The Compliance Officer may informally discuss the complaint with the complainant. He/she shall promptly and thoroughly investigate the matter. All employees and students of the school district shall cooperate with the Compliance Officer in such investigation.
2. Within 15 days of receipt of the complaint, the Compliance Officer shall make a finding in writing that there has or has not been a violation of the Civil Rights Act, Section 504 of the Rehabilitation Act or the ADA. In the event the Compliance Officer finds that there has been a violation, he/she shall propose a resolution of the complaint.
3. If the complainant is not satisfied with the finding of the Compliance Officer, or with the proposed resolution of the complaint, the complainant may, within 15 days after he/she has received the report of the Compliance Officer, file a written request for review by the Superintendent of Schools.

B. Stage II--Superintendent of Schools

1. The Superintendent may request that the complainant, the Compliance Officer, student, or any member of the school district staff present a written statement to him/her setting forth any information that such person has relative to the complaint and the facts surrounding it.
2. The Superintendent shall notify all parties concerned as to the time and place when an informal hearing will be held where such parties may appear and present oral and written statements supplementing their position in the case. Such hearing shall be held within 15 school days of the receipt of the appeal by the Superintendent.
3. Within 15 days of the hearing, the Superintendent shall render his/her determination in writing. Such determination shall include a finding that there has or has not been a violation of the Civil Rights Act, Section 504 of the Rehabilitation Act or the ADA, and if applicable, a proposal for equitably resolving the complaint.
4. If the complainant is not satisfied with the determination of the Superintendent or the proposed resolution, the complainant may, within 15 days after its receipt, file with the Clerk of the Board of Education, a written request for review by the Board.

C. Stage III--Board of Education

1. When a request for review by the Board has been made, the Superintendent shall submit all written statements and other materials concerning the case to the President of the Board.
2. The Board shall notify all parties concerned of the time and place when a hearing will be held. Such hearing will be held within 15 school days of the receipt of the request of the complainant. All parties concerned shall have the right to present further statements and testimony at such hearing.
3. The Board shall render a decision in writing within 15 days after the hearing has been concluded.

Adoption date: 12-18-12

Revised date: 07-24-14

Attached:

1. Equal Opportunity Notification Statement for distribution
2. District Complaint Form
3. Finding of Initial Complaint Form
4. Request for Appeal to the Superintendent Form
5. Notice of Informal Hearing Form
6. Hearing Procedures
7. Finding of Appeal Form
8. Request for Appeal to the Board of Education Form
9. Hearing Procedures
10. Notice of Board of Education Hearing Form
11. Finding of BOE Appeal Form

EQUAL OPPORTUNITY - NOTIFICATION STATEMENT

It is the policy of the Lake Placid Central Schools not to discriminate on the basis of age, race, color, religion, gender, sexual orientation or gender identity, disability, or national origin, including limited English proficiency, in any employment opportunity. No person is excluded from participation in, denied the benefits of, or otherwise subjected to unlawful discrimination on such basis – perceived or actual -- under any educational program or student activity. This policy includes, but is not limited to vocational programs. Lake Placid Central Schools are committed to equal opportunity.

Grievance procedures can be accessed online at www.lpcsd.org

Inquiries regarding grievance procedures and/or compliance with Title IX and Sexual Harassment/Racial Harassment should be made to:

Title IX Coordinator / Sexual Harassment/Racial Harassment Coordinator

Inquiries regarding compliance with Section 504 should be made to:

Section 504 Coordinator

Dr. Roger Catania, 523-2475, ext. 3002 Superintendent

318 Old Military Road

Lake Placid, NY 12946-1500

BOARD OF EDUCATION MEMBERS

Mary Dietrich – President

John Hopkinson – Vice President Patricia Stanton

Patricia Gallagher

Rick Preston

Jeff Brownell

Camelia Sheridan

All Board of Education meetings are held at 7:00 p.m. the first and third Tuesday of each month. They are held at the Administrative Services Center behind the Middle/High School, or as announced at the Wilmington Community Center.

EQUAL OPPORTUNITY AND NONDISCRIMINATION
LPCSD DISTRICT COMPLAINT FORM

This form is to be used by any student, employee, or other individual who has either observed or been subject to discrimination. It should be completed within 30 days of the alleged event. To insure full investigation it should be completed as accurately as possible. It is not, however, critical to be 100 % precise. An investigation may require the complainant to be interviewed.

Date: _____

Name of complainant making a charge of discrimination: _____

Complainant is (circle one): Student Employee Parent/Guardian Other

Address of complainant: _____

Telephone Number: _____

Position or Grade: _____

Name of individuals involved in the alleged discrimination (please indicate whether they are students or employees):

Please describe the discriminatory action in your own words:

Names of any witnesses; _____

Please indicate whether they _____

Are students or employees: _____

Complainant's Signature _____

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EQUAL OPPORTUNITY AND NONDISCRIMINATION:
LPCSD REQUEST FOR STAGE II APPEAL TO THE SUPERINTENDENT

Name of complainant: _____ Date: _____

Address _____

TO: SUPERINTENDENT

This is to serve as notification that I desire to appeal the decision of the Compliance Officer dated _____ pertaining to a complaint alleging discrimination, and request that a hearing be held pursuant to the provisions of State and Federal Statutes and attendant regulations.

Complainant Signature _____ Date: _____

NOTICE OF INFORMAL HEARING

To: _____ Date: _____

You are hereby notified that a hearing, as requested above, has been scheduled for (date) _____ at (time) _____ in the following location: _____.

An outline for the hearing is attached. This hearing should be held within 15 days of receipt of the appeal.

Signature: _____

SUPERINTENDENT
LAKE PLACID CENTRAL SCHOOLS

HEARING PROCEDURE

The Superintendent or his/her designee shall conduct the hearing. Rules of evidence or any other courtroom procedure are not binding on the Hearing Examiner.

1. Attendance for the Hearing may include:
 - Hearing Examiner
 - Recorder (payment to be made by party requesting such services)
 - Student, Employee, or Applicant bringing complaint
 - Student, Employee, or Applicant Witnesses only when testifying
 - School District Witnesses only when testifying
 - Counsel for the Complainant and/or School District
2. Testimony shall be under oath and witnesses may be cross-examined.
3. Outline of Hearing:
 - Opening statement by Hearing Examiner (Superintendent or designee).
 - Statement of the student/employee/applicant's position, if desired.
 - Statement of the School District's position, if desired.
 - Presentation of student/employee/applicants witnesses and evidence, if any, and right of school to cross-examine.
 - Presentation by School District of its witnesses and evidence with right to cross-examine.
 - Rebuttal or additional information on behalf of student/employee/applicant, if any.
 - Rebuttal or additional information on behalf of School District, if any.
 - Hearing Examiner's clarification questions, if they have not all been asked previously.
 - Closing remarks relevant to the student/employee/applicant's position, if desired.
 - Closing remarks relevant to the School District's position, if desired.
 - Concluding statement of Hearing Examiner.

EQUAL OPPORTUNITY AND NONDISCRIMINATION:
FINDING OF APPEAL TO THE SUPERINTENDENT

This finding should be completed within 15 days of the hearing.

Date: _____

TO: _____

FROM: _____ TITLE: _____

RE: HEARING ON COMPLAINT ALLEGING DISCRIMINATION

As a result of your written request for a Hearing received _____ alleging
Discrimination, such Hearing was held

_____ at _____
(DATE) (PLACE) (ADDRESS)

After reviewing all the evidence and materials presented at the Hearing, the following
disposition of the complaint and the relief sought is hereby ordered:

_____ COMMENTS: _____
(APPROVED/DENIED/REVISED)

Signature: _____

EQUAL OPPORTUNITY AND NONDISCRIMINATION:
LPCSD REQUEST FOR STAGE III APPEAL TO THE BOARD OF EDUCATION

This form should be filed within 15 days of the Superintendent's finding.

Name of complainant: _____ Date: _____

Address _____

TO: BOARD OF EDUCATION

This is to serve as notification that I desire to appeal the decision of the Superintendent dated _____ pertaining to a complaint alleging discrimination, and request that a hearing be held pursuant to the provisions of State and Federal Statutes and attendant regulations.

Complainant Signature _____ Date: _____

NOTICE OF INFORMAL HEARING

To: _____ Date: _____

You are hereby notified that a hearing, as requested above, has been scheduled for (date) _____ at (time) _____ in the following location: _____.

An outline for the hearing is attached.

Signature: _____

PRESIDENT, BOARD OF EDUCATION
LAKE PLACID CENTRAL SCHOOLS

HEARING PROCEDURE

The President of the Board of Education or his/her designee shall conduct the hearing. Rules of evidence or any other courtroom procedure are not binding on the Hearing Examiner.

1. Attendance for the Hearing may include:
 - Hearing Examiner
 - Recorder (payment to be made by party requesting such services)
 - Student, Employee, or Applicant bringing complaint
 - Student, Employee, or Applicant Witnesses only when testifying
 - School District Witnesses only when testifying
 - Counsel for the Complainant and/or School District
2. Testimony shall be under oath and witnesses may be cross-examined.
3. Outline of Hearing:
 - Opening statement by Hearing Examiner (BOE President or designee).
 - Statement of the student/employee/applicant's position, if desired.
 - Statement of the School District's position, if desired.
 - Presentation of student/employee/applicants witnesses and evidence, if any, and right of school to cross-examine.
 - Presentation by School District of its witnesses and evidence with right to cross-examine.
 - Rebuttal or additional information on behalf of student/employee/applicant, if any.
 - Rebuttal or additional information on behalf of School District, if any.
 - Hearing Examiner's clarification questions, if they have not all been asked previously.
 - Closing remarks relevant to the student/employee/applicant's position, if desired.
 - Closing remarks relevant to the School District's position, if desired.
 - Concluding statement of Hearing Examiner.

EQUAL OPPORTUNITY AND NONDISCRIMINATION:
FINDING OF APPEAL TO THE BOARD OF EDUCATION

This finding should be completed within 15 days of the hearing.

Date: _____

TO: _____

FROM: _____ TITLE: _____

RE: HEARING ON COMPLAINT ALLEGING DISCRIMINATION

As a result of your written request for a Hearing received _____ alleging
Discrimination, such Hearing was held

_____ at _____
(DATE) (PLACE) (ADDRESS)

After reviewing all the evidence and materials presented at the Hearing, the following
disposition of the complaint and the relief sought is hereby ordered:

_____ COMMENTS: _____
(APPROVED/DENIED/REVISED)

Signature: _____

