

Providence Creek Academy

Americans with Disabilities Act

Policies and Procedures

APPROVED BY THE BOARD OF DIRECTORS JULY 28, 2014

Mission Statement

Providence Creek Academy Charter School (PCA) recognizes its legal obligation as required by Title II of the Americans with Disabilities Act of 1990 to make reasonable accommodations designed to make its educational program and activities accessible to otherwise qualified persons with disabilities.

PCA does not discriminate on the basis of disability in admission to its programs, services, or activities. PCA also does not discriminate on the basis of disability in its hiring or employment practices.

PCA believes in promoting an atmosphere of impartiality and equality in which all students have access to educational opportunity. PCA believes in creating an inclusive and welcoming community for all students and their families. PCA is committed to ensuring that all qualified students with disabilities have the opportunity to take part in educational programs and services on an equal basis. PCA strives to ensure that students with disabilities receive access to education and opportunities on this academic campus by being committed to removing architectural barriers.

Questions, complaints or requests for additional information regarding the ADA may be forwarded to the ADA Compliance Officer.

The ADA Committee members are identified on the PCA website.

Equal Educational Opportunity

Student/Student Relations Discrimination and Intimidation

The Providence Creek Academy Charter School Inc. believes that students have the right to be educated in an environment free of discrimination and intimidation that promotes mutual respect and acceptance among the students regardless of age, gender, race, ethnicity, religious belief, physical ability and perceived difference. Students should be expected to treat each other with respect and should not be subjected to or subject other students to demeaning remarks, whether discriminatory and/or intimidating statements and/or actions.

The Providence Creek Academy Charter School Inc. believes that students' acts of discrimination and/or intimidation should not be tolerated.

Proven acts of discriminatory practices should result in disciplinary action.

Principles Concerning Racial Imbalance

The Providence Creek Academy Charter School Inc. believes maintenance of racially imbalanced schools is in contravention of the law and public policy of the State of Delaware.

The Providence Creek Academy Charter School Inc. believes state and local officials have an affirmative obligation to eliminate or prevent racial imbalance, consistent with sound educational considerations.

Equal Employment Opportunity/Nondiscrimination

The Providence Creek Academy Charter School Inc. believes that employees have the right to work in an environment free of discrimination and intimidation that promotes mutual respect and acceptance among the employees regardless of age, gender, race, ethnicity, religious belief, physical ability and perceived difference. Employees are expected to treat each other with respect and will not be subjected to or subject other employees to demeaning remarks, whether discriminatory and/or intimidating statements and/or actions.

Since PCA's policies are intended to be co-existent with the requirements of applicable laws, nothing contained herein is intended to provide less substantive benefits or procedural protections than is required by law. Likewise, nothing contained herein is intended to provide greater substantive benefits or procedural protections than are required by law. Practical considerations of style and a desire to present information to the PCA community in a useful, efficient manner dictate that the precise wording of applicable laws is not restated verbatim in all provisions contained herein. The specific language of such laws and controlling interpretations thereof are incorporated by reference herein. In the event there is a discrepancy between such legal authority and the information contained herein, the legal authority shall control.

**PROVIDENCE CREEK ACADEMY CHARTER SCHOOL
ADA POLICY AND PROCEDURE**

Requests for Reasonable Accommodations by Persons with Disabilities

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SEALED MEDICAL AND HEALTH INFORMATION (COVER SHEET)

SECTION 1 - DEFINITIONS

1. **Accommodation** means measures to make each school service, program, or activity, when viewed in its entirety, readily accessible to and usable by an applicant who is a qualified person with a disability, and may include but is not limited to:

A. Making reasonable modifications in policies, practices, and procedures;

B. Furnishing, at no charge, auxiliary aids and services, including but not limited to equipment, devices, materials in alternative formats, qualified interpreters, or readers; and

C. As appropriate or necessary to making each service, program, or activity, when viewed in its entirety, readily accessible to and usable by a qualified person with a disability.

2. **Applicant** means any student, parent, guardian, or any other individual who has a specific interest in or is participating in any activities at the school.

3. **Person with a disability** means a person covered by the Americans with Disabilities Act of 1990 (§ 42 U.S.C. 12101 et seq.), RCW 49.60 et seq., or other similar local, state, or federal laws. This term includes, but is not limited to, an individual who has a physical or mental impairment that limits one or more major life activities, has a documented history of such an impairment, or is regarded as having such an impairment.

4. **Qualified person with a disability** means a person with a disability who is otherwise entitled to participate in any program, service, or activity made available by the school.

SECTION 2 - INFORMATION FOR PERSONS WITH DISABILITIES WHO NEED ACCOMMODATIONS TO ACCESS THE SCHOOL

Who may receive an accommodation?

Anyone with a qualified disability who needs assistance to participate in Providence Creek Academy Charter School services, programs or activity may request a reasonable accommodation. A disability is defined by federal and state laws, including the Americans with Disabilities Act of 1990.

What information does Providence Creek Academy Charter School need?

Applicants must provide adequate information to the school establishing why they need an accommodation and what accommodation they would like. This information will allow Providence Creek Academy Charter School to decide if the request may be granted.

How does an individual ask Providence Creek Academy Charter School for a reasonable accommodation?

A “Request for Reasonable Accommodation Form” is provided for applicants to complete and submit to Providence Creek Academy Charter School. The School may request additional information, if necessary, to determine the need and type of accommodation.

Where is the form provided to request a reasonable accommodation?

The form is located on Providence Creek Academy Charter School web page. Go to the “www.pcasaints.org.” Click on “ADA Policy” located in the column on the left side of the page. Click on the “Reasonable Accommodation” link located at the end of the first paragraph on this page. Also, the form may be obtained at Providence Creek Academy Charter School’s reception counter.

What accommodations may be requested?

Applicants may request accommodations that assist them to fully and meaningfully participate in school/work activities. Applicants should request the accommodation that will best allow them to do that. By way of example only, a reasonable accommodation could be a sign language interpreter; changes to a classroom’s layout to improve lighting, hearing, or mobility; large print or high contrast documents and forms; extended time for testing and recesses. Nothing contained herein should be interpreted or construed to guarantee a specific accommodation or that an applicant’s requested accommodation will be approved.

When should the form be filed?

The form should be filed as soon as applicants know they need an accommodation.

Who gets this information?

The request should be submitted to the Providence Creek Academy Charter School’s Compliance Officer, which is available in Section 3 of this document.

Must all requests be granted?

No. If, however, the applicant otherwise qualifies, the school may deny an accommodation request if it would cause an undue burden, if it would fundamentally alter the school proceedings, or it would threaten someone’s safety or well-being. Providence Creek Academy Charter School will explain how the requested accommodation meets one of these criteria.

How will I be notified?

You will be notified in the manner that you requested in Section 8 of the “Request for Reasonable Accommodation Form” or no later than 30 school days. Also, you will receive a written “Notice of Accommodation” at the mailing and/or email address you provide in Section 2 of the “Request for Reasonable Accommodation Form”.

SECTION 3 – INSTRUCTIONS – REQUEST FOR REASONABLE ACCOMMODATIONS

If anyone that has a qualifying disability and needs an accommodation to fully and equally participate in an activity at Providence Creek Academy Charter School, they may request a reasonable accommodation.

To request a reasonable accommodation, complete the **Request for Reasonable Accommodation Form** and return the form to the appropriate ADA Chair Person for Providence Creek Academy Charter School as listed below:

(Steps to complete the form are provided in Section 4)

ADA Chairperson for Providence Creek Academy Charter School	ADA Chairperson Mail: 273 West Duck Creek Road P.O.Box 265 Clayton, De 19938 Phone: (302) 653-6276

If you need help completing the Request for Reasonable Accommodation Form, the above listed individuals will make arrangements to assist you. If you are unsuccessful in contacting them, call the Office at Providence Creek Academy Charter School at (302) 653-6276.

Accommodation requests are granted to any qualified person with a disability for whom such accommodation is reasonable and necessary under the Americans with Disabilities Act of 1990 (ADA), other similar local, state, and federal laws.

You may be required to provide additional information for Providence Creek Academy Charter School to properly evaluate your accommodation request.

SECTION 4 - STEPS TO COMPLETE REQUEST FOR REASONABLE ACCOMMODATION FORM

Step 1.

Fill in the name of the person needing the accommodation.
(Please Print or type all information on form)

Step 2.

Fill in your name, address (street, city, state, and zip code), phone number and email address; if you have an email address.

Step 3.

Identify your specific interest or participation in Providence Creek Academy Charter School, school service, program or activity for which you need an accommodation by checking the corresponding box. If you check the "Other" box, provide specific information regarding your interest or connection to the case, if any.

Step 4.

List all known dates and times the accommodations are needed and please be specific.

Step 5.

You must explain why the accommodation is needed. You should state the nature of the disability and how it prevents them from participating in the school's activities. If you are unsure, state the disability as best as you can and describe how it affects them. You may be required to provide more information to Providence Creek Academy to properly evaluate your request.

Step 6.

What is it that you think will help your student participate in the school activities? Examples of accommodations the school may be asked to provide include: sign language interpreters, assistive listening devices, notetakers, readers for persons with impaired eyesight and removal of barriers for persons with mobility impairments.

Step 7.

If there is other information that will help Providence Creek Academy Charter School to evaluate your request, include it in this section of the form. If you have medical information that describes the disability and how it affects the ability to participate in the daily school activities, you should provide it.

Step 8.

Check the box which indicates the best way to contact you. Print your name and sign and date the request form. Also, identify the city and state where you are signing the form. Return the form to the ADA Chairperson for Providence Creek Academy Charter School as listed above.

Failure to fully and adequately complete the "Request for Reasonable Accommodation Form" may delay processing and/or result in rejection of your requested accommodation.

SECTION 5 – NOTICE OF ACCOMMODATION PROCEDURE

The Providence Creek Academy Charter School ADA Committee will be responsible for notifying the applicant of the decision regarding their request for a reasonable accommodation(s). The applicant shall be notified of the following information:

- Whether the request was denied or approved
- The type of accommodation to be provided
- The duration of the accommodation
- Who the applicant should contact to acquire the accommodation
- Explanation of the appeal process

The Notice of Accommodation Form will be used to notify the applicant in writing of the decision regarding approval or denial of the accommodation. This report will be submitted to all applicants and will be utilized to supplement and document verbal communications to the applicant regarding Providence Creek Academy Charter School ADA Committee's decision.

**SECTION 6 – DENIAL OF ACCOMMODATION AND APPEAL PROCESS
DENIAL OF ACCOMMODATION**

An application may be denied where the Providence Creek Academy Charter School's Committee's finds that:

1. The applicant has failed to satisfy all requirements of federal and state laws;
2. The requested accommodation would create an undue financial or administrative burden;
3. The requested accommodation would fundamentally alter the nature of the school service, program, or activity; or

4. Permitting the applicant to participate in the activities with the requested accommodation would create a direct threat to the safety or well-being of the applicant or others.

These grounds are provided for purpose of example only, and are not an exclusive list of the grounds for which an application may be denied. Application decisions are made on a case-by-case basis.

REVIEW PROCEDURE

When an accommodation has been denied, an applicant may appeal the decision within five (5) school days of the date of denial by following Providence Creek Academy's grievance procedures.

The request for review or appeal may be made in writing to the compliance officer.

The ADA Compliance Officer will respond to the applicant within five (5) days of receipt of the appeal to discuss the decision regarding the accommodation denial, and if founded, work with the applicant for reconsideration of the decision to grant the request or seek resolution of an alternate accommodation that provides equal access to Providence Creek Academy Charter School educational system.

SECTION 7- GRIEVANCE PROCEDURE

Persons who believe that Providence Creek Academy Charter School. has discriminated against them because of their disability and thus violated Title II of the Americans with Disabilities Act (ADA) can file a written grievance with the school's ADA Compliance Officer. Once a written grievance is received, the ADA Compliance Officer will investigate the allegations contained in the written grievance in an effort to reach a prompt and equitable resolution.

A grievance may be filed by a student, the student's parent or parents, or a school employee. A grievance must meet the following requirements:

The grievance must be in writing. However, alternative means of filing will be available to people with disabilities who require such an alternative. At a minimum, a grievance must contain (1) the nature of the grievance; (2) the facts upon which the grievance is based, including a list of all witnesses; (3) the remedy requested; and (4) the complainant's signature and the date the grievance is filed.

The written grievance must be filed with PCA's ADA Compliance Officer at the following address:

ADA Compliance Officer

Providence Creek Academy Charter School
273 West Duck Creek Road
P.O. Box 265
Clayton, Delaware 19938

The grievance should be reported as soon as possible and within thirty (30) school days of the occurrence. This time frame may be lengthened for extraordinary circumstances.

The complainant must have the opportunity to present verbal and written evidence.

The ADA Compliance Officer or designee will independently investigate the allegations to determine whether PCA is in compliance under the ADA. The officer or designee will provide a written report of the investigation within thirty (30) school days of receipt of the complaint. The report should include the following information:

- A statement of the complainant's allegations and the remedy sought;

 - A statement of facts as contended by each party;

 - A narrative describing attempts to resolve the grievance;

 - A list of the witnesses interviewed and the documents reviewed during the investigation;

 - A statement of facts as determined by the compliance officer with reference to the evidence to support each fact;

 - The officer or designee's conclusion as to whether the allegations are valid; and

If the officer or designee does determine that the allegations are valid, the report should include any corrective action determined by the compliance officer.

An extension of the thirty (30) school day time limit may occur if necessary as determined by the officer or designee. The complainant will be notified in writing of the extended time limit.

The complainant shall have an opportunity to make a written appeal to the Head of School within ten (10) school days of receiving the compliance officer's report. Following an appeal, the Head of School will review the complainant's appeal along with the compliance officer's report and then respond in writing to the complainant within thirty (30) school days of receiving the appeal. The Head of School shall either confirm or disapprove the compliance officer's decision.

An extension of the thirty (30) school day time limit may occur if necessary as determined by the Head of School. The complainant will be notified in writing of the extended time limit.

SECTION 8 – FORMS

Providence Creek Academy Charter School Request for Reasonable Accommodation

Part 1	Students Name: _____ <i>(Last Name, First Name)</i>
Part 2	Person Requesting Accommodation: _____ <i>(Last Name, First Name)</i> _____ <i>(Mailing Address)</i> _____ <i>(Area Code, Phone Number)</i> _____ <i>(City, State, Zip Code)</i> _____ <i>(Email)</i>
Part 3	I am participating in the school activities as a (check all that apply): <input type="checkbox"/> Student <input type="checkbox"/> Parent <input type="checkbox"/> Guardian <input type="checkbox"/> Employee <input type="checkbox"/> Other (Specify interest in or connection to the student, if any):
Part 4	List all known dates and times the accommodations are needed (specify):
Part 5	Why is the accommodation needed?
Part 6	What accommodation would you like and why?
Part 7	Please provide any information that would help PCA school respond to your request.

Part 8	<p>How do you want to be informed of the status of your request for accommodation?</p> <p><input type="checkbox"/> Phone <input type="checkbox"/> Writing <input type="checkbox"/> Email <input type="checkbox"/> In Person <input type="checkbox"/> Other (Specify):</p> <p>Date: _____ at _____</p> <p>_____</p> <p>_____</p> <p>(Type or print name of person making request) (Signature of person making request)</p>
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Providence Creek Academy Charter School Notice of Accommodation

Date of Notice:

Applicant:

Request for Reasonable Accommodation:

- Approved Alternate Accommodation Approved Request Denied

Type of Accommodation Approved:

Duration of Accommodation:

Applicant must contact the following person at Providence Creek Academy to acquire accommodation:

Mail: 273 West Duck Creek Road
P.O.Box 265
Clayton, De 19938

Other:

Request for Accommodation was denied based on the following:

- The applicant has failed to satisfy the substantive requirements of GR33;
- The requested accommodation would create an undue financial or administrative burden;
- The requested accommodation would fundamentally alter the nature of Providence Creek Academy Charter Schools service, program, or activity
- Permitting the applicant to participate in school with the requested accommodation would create a direct threat to the safety or well-being of the applicant or others.

Explanation for Denial of Accommodation:

Review Procedure

An applicant, when an accommodation has been denied, may appeal to PCA's decision within 5 days of date of denial by submitting a request for review to the appropriate ADA Coordinator for Providence Creek Academy Charter School. The request for review or appeal may be made in writing, verbally communicated, or presented by a third party on behalf of the applicant. The ADA Coordinator shall respond to the applicant within 5 days of receipt of the appeal to discuss Providence Creek Academy Charter Schools decision regarding the accommodation denial, and if founded, work with the applicant for reconsideration by Providence Creek Academy Charter School to grant the request or seek resolution of an alternate accommodation that provides equal access to Providence Creek Academy Charter Schools education system.