

**Statement of Nondiscrimination**

Heritage Academy does not exclude from participation in, deny the benefits of, or subject to discrimination on the basis of race, religion, color, national origin, sex, age, disability, or relationship or association with an individual with a disability in providing educational services, activities, and programs, including vocational and career technology programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; the Individuals with Disabilities Education Act, as amended; Title IX of the Educational Amendments of 1972, as amended; the Americans with Disabilities Act, as amended, and Section 504 of the Rehabilitation Act of 1973, as amended.

**Grievance Procedures**

Heritage Academy shall adopt a public grievance procedures for prompt and equitable resolution of student complaints alleging discrimination under applicable law. 34 CFR 106.8 (Title IX); 34 CFR 104.7 (Section 504).

**Title IX Coordinator**

Heritage Academy designates the following person(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

Name: Dr. David Lee  
Position: Superintendent  
Address: 12470 Woman Hollering Rd., Schertz, TX 78154  
Telephone: 210-659-0329

**ADA/Section 504 Coordinator**

Reports of discrimination based on disability may be directed to the ADA/Section 504 Coordinator. Heritage Academy designates the following person(s) to coordinate its efforts to comply with the requirements of Section 504 of the Rehabilitation Act of 1973, as amended:

Name: Derrick Armstead  
Position: Director of Student Services  
Address: 12470 Woman Hollering Rd., Schertz, TX 78154  
Telephone: 210-659-0329

**Superintendent**

The Superintendent shall serve as coordinator for purposes of Heritage Academy's compliance with all other antidiscrimination laws.

**Complaints**

Except as otherwise provided in Policy or Procedure, allegations of unlawful discrimination, prohibited harassment, or retaliation shall be made under PG-3.4.1 (Freedom from Discrimination, Harassment, and Retaliation).

Complaints concerning identification, evaluation, or educational placement of a student with a disability within the scope of Section 504 shall be filed under the General Provisions of PG-3.35, except that the deadline for filing an initial Level One grievance shall be twenty (20) school days.

### **Records Retention**

Copies of reports alleging discrimination, prohibited harassment, including sexual harassment, and retaliation; investigation reports; and related records shall be maintained by Heritage Academy for a period of at least three years. If the person alleged to have experienced discrimination, prohibited harassment, or retaliation was a minor, the records shall be maintained until the person reaches the age of 21.

### **Section 504 Committee**

Heritage Academy shall train the Section 504 coordinator and members of the Section 504 committee in the procedures and requirements for identifying and providing educational and related services to those students who have disabilities, but who are not in need of special education in accordance with the Individuals with Disabilities Education Act (IDEA).

The Section 504 committee shall be composed of at least two persons, including persons knowledgeable about the student, the meaning of the evaluation data, the placement options, and the legal requirements regarding least restrictive environment and comparable facilities for students with disabilities.

### **Referrals**

A student may be referred by parents, teachers, counselors, administrators, or any other Heritage Academy employee for evaluation to determine if the student has disabilities and is in need of special instruction or services.

### **Parental Consent**

The Section 504 coordinator shall notify parents prior to any individual evaluation conducted to determine if their child has disabilities or to determine what educational or related services should be provided to the student. Parental consent shall be obtained before the initial student evaluation procedures for the identification, diagnosis, and prescription of specific education services.

### **Notice to Parents**

Parents shall be given written notice of Heritage Academy's refusal to evaluate a student or to provide specific aids and services the parents have requested.

### **Preplacement Evaluation**

The results of the evaluation shall be considered before any action is taken to place a student with disabilities or make a significant change in placement in an instructional program. The evaluation shall include consideration of adaptive

behavior. Adaptive behavior is the effectiveness with which the individual meets the standards of personal independence and social responsibility expected of his or her age and cultural group.

### **Impartial Hearing**

Parents shall be given written notice of their due process right to an impartial hearing if they have a concern or complaint about Heritage Academy' actions regarding the identification, evaluation, or educational placement of a student with disabilities. The impartial hearing shall be conducted by a person who is knowledgeable about the issues involved in Section 504 and who is not employed by Heritage Academy or related to a member of Heritage Academy in a degree that would be prohibited under the nepotism statute. The impartial hearing officer is not required to be an attorney.

### **State-Mandated Assessments**

Modifications in taking the state-mandated assessments may be made for a Section 504 student when the modifications have been determined not to destroy the validity of the test, are necessary for the student to take the test, are consistent with modifications provided the student in the classroom, and are approved by TEA.

### **Retaliation**

Heritage Academy shall not coerce, intimidate, threaten, retaliate against, or interfere with any person who attempts to assert a right protected by the above laws or cooperates with investigation and enforcement proceedings under these laws.

### **Disability Discrimination**

Under the Americans with Disabilities Act (ADA), no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of Heritage Academy, or be subjected to discrimination by Heritage Academy.

Under Section 504 of the Rehabilitation Act, no otherwise qualified individual with a disability shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

### **Student With a Disability**

A "student with a disability" is one who has a physical or mental impairment that substantially limits one or more of the student's major life activities, has a record of having such an impairment, or is being regarded as having such an impairment.

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, such as medication, medical supplies, low-vision devices (which do not include

ordinary eyeglasses or contact lenses), prosthetics, hearing aids, mobility devices, oxygen therapy, assistive technology, or learned behavioral or adaptive neurological modifications.

An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

A student meets the requirement of being “regarded as” having an impairment if the student establishes that he or she has been subjected to a prohibited action because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. This provision does not apply to impairments that are transitory or minor. A transitory impairment one with an actual or expected duration of 6 months or less.

#### **Qualified Individual with a Disability**

The term “qualified individual with a disability” means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by Heritage Academy.

#### **Major Life Activities**

“Major life activities” include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. “Major life activity” also includes the operation of major bodily functions, including functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

#### **Reasonable Modification**

Heritage Academy shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless Heritage Academy can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

#### **Direct Threat**

“Direct threat” means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services as provided below.

Heritage Academy is not required to permit an individual to participate in or benefit from the services, programs, or activities of Heritage Academy when that individual poses a direct threat to the health or safety of others.

In determining whether an individual poses a direct threat to the health or safety of others, Heritage Academy must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain:

1. The nature, duration, and severity of the risk;
2. The probability that the potential injury will actually occur; and
3. Whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

### **Free Appropriate Public Education (FAPE)**

Heritage Academy shall provide a free appropriate public education to each qualified student with a disability within Heritage Academy' jurisdiction, regardless of the nature or severity of the student's disability. A student with a disability is "qualified" if he or she is between the ages of three and 21.

An appropriate education is the provision of regular or special education and related services that are:

1. Designed to meet the student's individual educational needs as adequately as the needs of students who do not have disabilities are met; and
2. Based on adherence to procedures that satisfy federal requirements for educational setting, evaluation and placement, and procedural safeguards, as set forth below.

### **Educational Setting**

Heritage Academy shall place a student with a disability in the regular educational environment, unless Heritage Academy demonstrates that education in the regular environment with the use of supplemental aids and services cannot be achieved satisfactorily.

In providing or arranging for nonacademic and extracurricular services and activities, Heritage Academy shall ensure that a student with a disability participates with students who do not have disabilities to the maximum extent appropriate to the needs of the student with a disability.

### **Evaluation and Placement**

Heritage Academy shall establish standards and procedures for the evaluation and placement of persons who, because of disability, need or are believed to need special education and related services. Heritage Academy shall conduct an

evaluation before the initial placement, or any significant change in placement, of the student.

### **Military Dependents**

In compliance with the requirements of Section 504, and with Title II of the Americans with Disabilities Act (42 U.S.C. Sections 12131–12165), Heritage Academy shall make reasonable accommodations and modifications to address the needs of incoming military dependents with disabilities, subject to an existing Section 504 or Title II Plan, to provide the student with equal access to education. This does not preclude Heritage Academy from performing subsequent evaluations to ensure appropriate placement of the student.

### **Procedural Safeguards**

Heritage Academy shall establish a system of procedural safeguards with respect to the identification, evaluation, and educational placement of persons who need or are believed to need special instruction or related services.

The system shall include notice, an opportunity for the student’s parent or guardian to examine relevant records, an impartial hearing with the opportunity for participation by the student’s parents or guardian and representation by counsel, and a review procedure. Compliance with the procedural safeguards of IDEA is one means of meeting this requirement.

### **Homeless Children**

Heritage Academy shall adopt policies and practices to ensure that homeless children are not stigmatized or segregated on the basis of their homeless status.

### **Liaison**

Heritage Academy shall designate an appropriate staff person as the liaison for homeless children. Heritage Academy shall inform school personnel, service providers, and advocates working with homeless families of the duties of the liaison.

### **Discrimination on the Basis of Sex**

No person shall, on the basis of sex, be excluded from participation in, denied the benefits of, or be subjected to discrimination by Heritage Academy.

Heritage Academy shall not provide any course or otherwise carry out any of its educational programs or activities separately on the basis of sex, or require or refuse participation therein on the basis of sex, including health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses.

### **Sexual Harassment**

Sexual harassment of students is discrimination on the basis of sex under Title IX.

**Separate Facilities**

Heritage Academy may provide separate toilet, locker room, and shower facilities on the basis of sex, but the facilities provided for one sex shall be comparable to the facilities provided for the other sex.

**Human Sexuality Classes**

Portions of classes in elementary and secondary school that deal exclusively with human sexuality may be conducted in separate sessions for boys and girls.

**Vocal Music Activities**

Heritage Academy may make requirements based on vocal range or quality that may result in a chorus or choruses of one or predominantly one sex.

**Single-Sex Programs**

Heritage Academy shall not, on the basis of sex, exclude any student from admission to an institution of vocational education or any other school or educational unit operated by Heritage Academy unless Heritage Academy otherwise makes available to the student, pursuant to the same policies and criteria of admission, comparable courses, services, and facilities.

**Pregnancy and Marital Status**

Heritage Academy shall not apply any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex.

**Physical Education Classes**

Heritage Academy may group students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex.

**Contact Sports**

Heritage Academy may separate students by sex within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball, and other sports the purpose or major activity of which involves bodily contact.

**Athletic Programs**

Heritage Academy shall not discriminate, on the basis of sex, in interscholastic or intramural athletics or provide any such athletics separately on such basis.

**Single-Sex Teams**

Heritage Academy may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport. However, where a recipient operates or sponsors a team in a particular sport for members of one sex but not for members of the other sex,

and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try out for the team offered unless the sport involved is a contact sport.

**Equal Athletic Opportunities**

Heritage Academy shall provide equal interscholastic and/or intramural athletic opportunity for members of both sexes.