

**NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY
AGGIE ACADEMY**

NONDISCRIMINATION ON THE BASIS OF DISABILITY

I. Nondiscrimination Based on Disability

In accordance with Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, Aggie Academy will not discriminate against qualified persons with disabilities because of a disability. This non-discrimination policy includes, but is not limited to, benefits of and participation in school system educational programs and activities and employment policies and practices, as required by law. Aggie Academy will provide aids, benefits and school services to students with disabilities in the most integrated school setting appropriate to the student's needs to enable the student to have an opportunity equal to that provided to students without disabilities to obtain the same results, gain the same benefit or reach the same level of achievement.

II. Scope and Application

The purpose of this policy is to provide the Aggie Academy community with a framework for implementation of federal and state laws pertaining to individuals with disabilities. This policy applies to all members of Aggie Academy community with disabilities, including enrolled students, faculty, staff, and visitors.

III. Definitions

- (1) "Child with a Disability," as defined by federal and state law, includes a child who has one of the following disabilities - an intellectual disability, a hearing impairment (including deafness), developmental delay (applicable only to children ages three through seven), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities; and by reason of the disability needs special education and related services.
- (2) An "Individual with a Disability," as defined by federal and state law, is a person who:
 - (a) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (b) has a record of such an impairment, or (c) is regarded as having such an impairment.

IV. Students with Disabilities

A. Disability Laws Compliance

In accordance with federal and state disability laws, including the Individuals with Disabilities Education Act ("IDEA"), Section 504 of the Rehabilitation Act of 1973,

and Section 504 of the Americans with Disabilities Act of 1990, Aggie Academy will work closely with its students and parents to identify, locate, and evaluate whether a student is either a child with a disability or a student with a disability under Section 504.

(1) If it is determined that an Aggie Academy student is a child with a disability, Aggie Academy will work with the student and their parent(s), at no cost, to:

- identify and meet with the appropriate Individualized Education Program (IEP) team;
- determine the appropriate educational placement for the child with a disability in order to provide specially designed instruction to meet the unique needs of the student; and
- identify and provide supportive services to assist the child with a disability in benefitting from the special education the student is receiving.

(2) If it is determined that an Aggie Academy student is an individual with a disability, Aggie Academy will work with the student and their parents(s), at no cost, to identify the appropriate accommodations and placement for the student.

B. Children with Disabilities Governance

Aggie Academy adopts the policies established and governed by the North Carolina State Board of Education and the North Carolina Department of Public Instruction. The policies are outlined in Policies Governing Services for Children with Disabilities, as well as federal and state law concerning Children with Disabilities.

C. Rights of Parents

(1) Parents of a Child with a Disability are entitled to certain rights under the IDEA. An explanation of those rights is provided in the [Parent Rights and Responsibilities in Special Education](#).

(2) Parents concerned that their child is a Child with a Disability or an Individual with a Disability should contact the Multi-Tiered System of Support (MTSS) Lead referenced below.

D. Complaints

Complaints concerning the implementation of this policy with respect to a Child with a Disability or their parent(s) may be directed to Aggie Academy's Principal, or as otherwise prescribed in the Policies Governing Services for Children with Disabilities.

V. **Employees with Disabilities**

Requests for employment-based accommodations by Individuals with Disabilities and determination of eligibility for reasonable workplace accommodations in accordance with Title I of the Americans with Disabilities Act and subsequent amendments should be directed to the Affirmative Action/Equal Employment Officer in the Division of Human Resources.

Applicants seeking employment or employees who are seeking reasonable accommodations due to a disability in order to participate in the application process, perform essential job functions or access Aggie Academy's programs and activities must request accommodations from the Affirmative Action/Equal Employment Officer.

VI. Visitors with Disabilities

Aggie Academy welcomes visitors and guests with disabilities to participate in and attend programs and events in accordance with Title II and III of the ADA. Individuals with Disabilities who need accommodation, auxiliary aids/or services on the basis of a disability as a visitor or guest should contact Aggie Academy's main office. Requests for sign language interpreters or real time captioning should be made at least two (2) weeks prior to the event.

VII. Other Complaints

Complaints concerning matters involving employees, visitors, or guests should be directed to the Affirmative Action/Equal Employment Officer.

Adopted:

Original Effective Date:

References:

Individuals with Disabilities Education Act, [20 U.S.C. 1400 et seq.](#); [34 C.F.R § 300 et seq.](#)

Nondiscrimination under Federal Grants and Programs, [29 U.S.C. § 794 et seq.](#); [34 CFR § 104 et seq.](#)

Americans with Disabilities Act of 1990 as amended by ADA Amendments of 2008, [42 U.S.C. § 12101 et seq.](#); [28 C.F.R. Part 35](#); [28 C.F.R. Part 36](#)

[N.C. Gen. Stat. § 116-239.5](#)

[Program Administration for Children with Special Needs, State Board of Education Policy EXCP-000](#)

[NC Department of Public Instruction Office of Exceptional Children Policies Governing Services for Children with Disabilities](#) (Addendums and other related material)

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