



Somerset Berkley Regional School District

Somerset Public Schools

RIGHTS AND PRIVILEGES

Non-Discrimination Against Students

Chapter 76, section 5 of the Massachusetts General Laws provides, in pertinent part, that: “[no] person shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and courses of study of such public school on account of race, color, sex, gender identity, religion, national origin or sexual orientation.” The Somerset Public Schools and the Somerset Berkley Regional School District are committed to providing a safe and welcoming environment in which all students can learn and access all activities related to their education.

The Massachusetts Department of Elementary and Secondary Education has enacted regulations, found at 603 CMR 23.00, to ensure that Massachusetts public schools do not discriminate against students, and that all students have equal rights of access and equal enjoyment of the opportunities, advantages, privileges, and courses of study at public schools across the state. These regulations address five areas of special policy: school admissions, courses of study, guidance services, course content, and extracurricular and athletic activities.

If you have any questions or concerns regarding M.G.L. c. 76, s. 5 or 603 CMR 26.00, and how either affect your child, please do not hesitate to contact the principal at your child's school. Copies of the law and regulations can be obtained online or from the:

Massachusetts Department of Elementary and Secondary Education
75 Pleasant Street
Malden, Massachusetts 02148-4906
(781) 338-3000

Non-Discrimination Statement

The Somerset Public Schools and Somerset Berkley Regional School District do not discriminate in admission to, access to, treatment in, or employment in its services, programs and activities:

- on the basis of race, color or national origin (Title VI of the Civil Right Act of 1964 (Title VI));
- on the basis of sex (Title IX of the Education Amendments of 1972 (Title IX));
- on the basis of age (Age Discrimination in Employment Act of 1975 (Age Discrimination Act));
- on the basis of domicile (Title VIIB of the McKinney-Vento Homeless Assistance Act of 2001);
- on the basis of native language (No Child Left Behind Act of 2001);



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- on the basis of disability (Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (ADA), as amended by the ADA Amendments Act (ADAAA) of 2008);
- on the basis of sexual orientation or religion (Mass. Gen. Laws, Chapter 71 and 151B); or
- on the basis of gender identity (Mass. Gen. Laws, Chapter 4, Section 7);
- on the basis of pregnancy or pregnancy-related condition.

COMPLIANCE OFFICERS AND REPORTING

The following individuals have been designated and are available to address questions or concerns regarding the districts' non-discrimination policies with respect to educational activities.

Section 504 Compliance Officer

To file a complaint alleging discrimination or harassment by Somerset Public Schools or Somerset Berkley Regional School District on the basis of disability, or to make an inquiry concerning the application of **Section 504** and the **ADA/ADAAA** and their respective implementing regulations, please contact:

Director of Special Education
Somerset Public Schools/Somerset Berkley Regional School District
580 Whetstone Hill Road
Somerset, MA 02726
Telephone: (508) 324-3100 – Ext: 2

Title IX Compliance Officer

To file a complaint alleging discrimination or harassment by Somerset Public Schools or Somerset Berkley Regional School District on the basis of sex, or to make an inquiry concerning the application of **Title IX** and its respective implementing regulations, please contact:

Director of Special Education
Somerset Public Schools/Somerset Berkley Regional School District
580 Whetstone Hill Road
Somerset, MA 02726
(508) 324-3100 - Ext: 2

Civil Rights Compliance Officer

To file a complaint alleging discrimination or harassment by the Somerset Public Schools or Somerset Berkley Regional School District on the basis of race, color, national origin, age, domicile, native language, sexual orientation, religion, gender identity or pregnancy or pregnancy related condition, or to make inquiry concerning the application of any of the above laws or regulations, please contact:



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Director of Special Education
Somerset Public Schools/Somerset Berkley Regional School District
580 Whetstone Hill Road
Somerset, MA 02726
(508) 324-3100 – Ext: 2

All written complaints should state in detail the basis of the complaint, the names of the persons involved and any dates relevant to the specific complaint.

These inquiries may also be referred to:

U.S. Department of Education
Office of Civil Rights (OCR)
5 Post Office Square, 8th Floor
Boston, MA 021109
(617) 289-0111

Section 504 of the Rehabilitation Act of 1973

Policy Statement

It is the policy and obligation of the Somerset Public Schools and the Somerset Berkley Regional School District to provide a free and appropriate public education to each qualified student with a disability within its jurisdiction, regardless of the nature or severity of the disability. Further, it is the intent of both districts to ensure that students who are disabled within the definition of Section 504 are identified, evaluated, and provided with appropriate educational services.

Under the districts' Section 504 policy, a disabled student is one who:

- a) Has a physical or mental impairment that substantially limits one or more major life activities, including learning;
- b) Has a record of such an impairment, or;
- c) Is regarded as having such an impairment.

Students may be disabled under Section 504 and this policy even though they do not require services pursuant to the Individuals with Disabilities Education Act (IDEA).

Notice of Rights Under Section 504 of the Rehabilitation Act of 1973

The following is a description of the rights granted by federal law to students with disabilities. These rights may be enforced by a student's parents/guardians, or the student if he or she has reached the age of majority (which in Massachusetts is age 18):

You have a right to:



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- have your child take part in, and receive benefits from, public education programs or activities without discrimination based on his/her disability;
- be notified by the school district of your child's rights under Federal law (this document provides that notice);
- receive notice with respect to identification, evaluation or placement of your child;
- have your child receive a free appropriate public education in the least restrictive environment. This includes, to the maximum extent possible, the right to be educated with children who are not disabled, and the right to reasonable accommodations that allow your child an equal opportunity to participate in school-related activities, including nonacademic and extracurricular activities. Parents/guardians are responsible for the same costs as the parents/guardians of children who are not disabled;
- have your child educated in or have access to services, facilities and activities comparable to those provided to nondisabled students;
- have evaluation, educational, and placement decisions made based on a variety of information sources, and by persons who know your child and who are knowledgeable about the evaluation data and placement options;
- to have your child receive special education and related services if he/she is found eligible under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act;
- review relevant educational records related to your child that are maintained by the school. You may also obtain a copy of educational records at a reasonable cost unless the fee would effectively deny you access to the records;
- a response from the school district to reasonable requests for explanations and interpretations of your child's records;
- present a grievance or complaint to the school district's Section 504 Compliance Officer. The district's Section 504 Compliance Officer is: Director of Special Education, 580 Whetstone Hill Road, Somerset, MA 02726 (Phone: (508) 324-3100);
- to contest an action taken by a Section 504 team by means of an impartial due process hearing. A Request for Hearing must be submitted to: Bureau of Special Education Appeals (BSEA), One Congress Street, 11th floor, Boston, MA 02114, or by fax to the BSEA at 617-626-7270 (A copy of the written request for hearing must also be provided to the districts' Section 504 Compliance Officer); and
- to file a complaint with the Office of Civil Rights of the United States Department of Education, 5 Post Office Square, 8th floor, Boston, MA 02109-3921; Phone: (617) 289-0111 or Fax: (617) 289-0150.