

NONDISCRIMINATION ON THE BASIS OF DISABILITIES

Policy Code: **1730/4022/7231**

The board of education will not discriminate against qualified disabled persons on the basis of a disability. This non-discrimination policy includes, but is not limited to benefits of and participation in district programs and activities. The district will provide aids, benefits and services to disabled persons in the most integrated setting appropriate to the person's needs so they may have an opportunity commensurate to that provided to nondisabled persons to obtain the same results, gain the same benefit or reach the same level of achievement.

The superintendent is directed to develop appropriate procedures to ensure district compliance with this nondiscrimination policy. The superintendent or designee must:

1. submit an assurance of nondiscrimination with each application for federal financial assistance;
2. designate a civil rights coordinator who will coordinate the district's efforts to comply with Section 504 of the Rehabilitation Act of 1973 and its regulations, and the Americans with Disabilities Act, and its regulations;
3. publish the name, address and phone number of the 504 coordinator and the ADA coordinator in a manner intended to ensure that employees, applicants, students, parents and other individuals who participate in the school district's programs are aware of the coordinators;
4. make grievance procedures available to employees as provided in policy 1750/7220 and to students as provided in policy 1740/4010, which provide opportunities for prompt and equitable resolutions to complaints alleging actions prohibited by 504 or ADA or regulations for the statutes;
5. provide notice that the school district does not discriminate on the basis of disability in violation of Section 504 or the ADA, or their implementing regulations, which notice is to be accessible to employees, applicants, students and parents;
6. make reasonable accommodation for qualifying applicants or employees with disabilities; however, a reasonable accommodation does not include an accommodation that demonstrably would impose an undue hardship on the program or would fundamentally alter the nature of the services, program or activity;
7. not inquire about any disabilities which may need accommodation until after an applicant

has been made an offer and, additionally, avoid using employment tests or other selection that tend to screen out persons with disabilities unless the criteria are demonstrably job related and effective alternatives are not available; and

8. provide a free appropriate public education to each qualified student with disabilities in accordance with 34 C.F.R. pt. 104, subpart D.

Legal References: Americans With Disabilities Act, 42 U.S.C. 12134, 28 C.F.R. pt. 35; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104.

Cross References: Student and Parent Grievance Procedure (policy 1740/4010), Grievance Procedure for Employees (policy 1750/7220)

Adopted: March 12, 1998 to become effective July 1, 1998

Updated: May 11, 2000, February 12, 2009

Administrative Procedure: None