

Descriptor Term:  
NONDISCRIMINATION ON THE BASIS OF DISABILITIES

Descriptor Code:  
1.7300

Legal References:       The Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; The Americans With Disabilities Act, 42 U.S.C. 12101~~34~~, 28 C.F.R. pt. 35.

Cross References:

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 system programs and activities. The system will provide aids, benefits and, when applicable, school services to a person with disabilities in the most integrated school setting appropriate to the person's needs so that he/she may have an opportunity commensurate to that provided to persons without disabilities 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 implement this nondiscrimination policy. The superintendent or his/her designee shall do the following:

1.       submit an assurance of nondiscrimination with each application for federal financial assistance;
2.       designate a person to coordinate the system'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, office address and office 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 system's programs are aware of the coordinators;
4.       make complaint procedures available to employees as provided in policy 1.7500/7.1500, Employee Grievance Procedures and to students as provided in policy 1.7550/4.3500, Student Grievance Procedures which provide opportunities for a prompt and equitable resolution to complaints alleging any action prohibited by 504 or ADA or regulations for these statutes;
5.       provide notice that the school system does not discriminate on the basis of disability in violation of Section 504 or the ADA, or their implementing regulations and make such notice 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 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 criteria 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 Section 504 regulations.