

## ***Board File: JBB***

### **NONDISCRIMINATION ON THE BASIS OF DISABILITY**

*First Reading by Board of Education August 4, 2020*

Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA), provide that no otherwise qualified individual with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination. The District does not discriminate in admission or access to, or treatment or employment in, its programs and activities.

Persons protected under Section 504 and the ADA include students, applicants for employment, employees, parents of students, and members of the community who come within the definition of an “individual with a disability” under those statutes.

An individual with a disability to whom the protections of Section 504 and the ADA apply is any person who (1) has a physical or mental impairment, which substantially limits one or more major life activities, (2) had a record of such impairment, or (3) is regarded as having such impairment.

The superintendent shall appoint an individual in central administration to coordinate the District’s efforts to ensure compliance with Section 504 and the ADA as it relates to students, parents, and the general public, who shall be known as a Section 504/ADA coordinator. Such person shall ensure that steps are taken to notify students, parents, and members of the community that the District does not discriminate in violation of Section 504 or the ADA or their implementing regulations, and of the identity of the Section 504/ADA coordinator.

#### **Nondiscrimination with Respect to Students**

The District will provide to each qualified student with a disability, attending school in the District, a free, appropriate public education. With respect to preschool, elementary, secondary, or adult educational services, a “qualified individual with a disability” is a person with a disability of an age during which nondisabled persons are provided such services, or of an age during which it is mandatory under state or federal law to provide such services to persons with a disability.

The District will not exclude or discriminate against, solely on the basis of disability, qualified students with disabilities from participation in nonacademic and extracurricular services and activities. Such services and activities include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the District, and employment of students. Qualified students with disabilities shall be afforded the opportunity to participate in nonacademic and extracurricular services and activities to the same extent as qualified students without disabilities, and shall not be excluded from participation based upon disability-related stereotypes or assumptions about a student in particular or individuals with disabilities in general. The district shall provide qualified students with such reasonable accommodations as are necessary and appropriate to allow them to participate and benefit from

the nonacademic or extracurricular program or activity to the extent afforded to students without disabilities. Such accommodations shall not be required if doing so would amount to a fundamental alteration of the program or activity.

A student who believes he or she has been subject to discrimination on the basis of disability in access to or participation in programs or activities operated or sponsored by the District may file a complaint in accordance with the procedures regarding complaints set forth in the regulations accompanying this policy. With respect to actions involving the provision of education and related services to a particular student, the student may file a complaint in accordance with the procedures regarding complaints set forth in the regulations accompanying this policy or may request a due process hearing in accordance with the procedures regarding due process hearings set forth in the regulations accompanying this policy.

Adopted: April 15, 1997

Revised:

**LEGAL REFS.:**

20 U.S.C. 1400 et seq.

29 U.S.C. 794

28 C.F.R. Parts 35 and 36

34 C.F.R. Parts 104 and 300

**CROSS REFS.:**

AC – Nondiscrimination/Equal Opportunity

JBA – Nondiscrimination/Non-Harassment of Students and Staff

JBB-R – Nondiscrimination on the Basis of Disability (Complaint Procedure)