

THE SCHOOL DISTRICT OF SOUTH ORANGE AND MAPLEWOOD, NEW JERSEY

ADMINISTRATION

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~~Rights of Persons With Disabilities~~ Americans with Disabilities

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1510 ~~RIGHTS OF PERSONS WITH DISABILITIES~~ AMERICANS WITH DISABILITIES ACT

It is the policy of the Board of Education that no ~~otherwise~~-qualified ~~person~~ individual with a disability will, shall, on ~~a~~-the basis of ~~handicap~~ disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment or under any program, ~~or~~ activity, or services sponsored by this Board. The Board ~~shall~~ will comply with ~~Section 504 of the Rehabilitation Act of 1973~~, the Americans with Disabilities Act of 1990, ~~as amended by the~~ and the Individuals with Disabilities Amendments Education Act of 2008 (hereafter referred to as the Act). ~~This policy is to effectuate those Acts, and is in addition to Policy 2460.~~

Notice of ~~the Board~~ 1530 – Equal Employment Opportunities and Board Policy 5750 – Equal Educational Opportunity will ~~'s policy on non-discrimination in employment (Policy No. 1530) and education (Policy No. 5750) shall be~~ provided ~~included~~ in the Board policy manual, posted throughout the district, and ~~published~~ referenced in any district statement regarding the availability of employment positions or educational services.

Employment

No employee or candidate for employment ~~shall~~ will be discriminated against in recruitment, hiring, advancement, discharge, compensation, job training, transfer, or any other term, condition, or privilege of employment solely ~~because on the basis of a~~ his/her disability, provided the employee or candidate can, with or without reasonable accommodation, perform the essential functions of the position sought or held. ~~;~~

No candidate for employment ~~shall~~ will be required to answer a question or submit to an examination regarding a disability, except as such disability relates directly to ~~the~~ perform ~~job-related functions, once of the job sought~~. No candidate ~~shall~~ will be discriminated against on the basis of a disability that is not directly related to the essential function of the position for which he/she has applied.

Reasonable accommodations, ~~as required by law~~, not directly affecting the educational and/or instructional program, ~~shall~~ will be made to accommodate employment conditions to the needs of qualified ~~persons~~ individual with disabilities. ~~;~~ ~~Such accommodations may include, but are not limited to: rescheduling; restructuring jobs; making existing facilities used by employees readily accessible to and usable by individuals with disabilities, job restructuring, part-time modified work schedules, reassignment to a vacant position; acquisition or~~ ring ~~or modification~~ ring ~~of equipment or devices; appropriate adjustment or modifications of~~ ing ~~examinations, training materials; or policies, the provision of qualified and procedures; and providing~~ and other similar accommodations for individuals with disabilities.

The district will furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities an equal opportunity to participate in and enjoy the benefits of a service, program, or activity conducted by the district.

~~The Board employment policies and procedures shall comply with the Americans with Disabilities Act.~~

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Facilities Maintenance and Accessibility

No qualified individual with a disability~~ed will, -person shall~~, because of the school district's facilities being inaccessible or unusable by disabled persons, be denied the benefits of, be excluded from participation in or otherwise be subjected to discrimination under any program or activity offered by the Board. No new

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facilities ~~shall will~~ be constructed that do not fully comply with ~~the Section 504 of the Rehabilitation Act of 1973 and the American with Disabilities Act~~. Alterations to existing facilities or part thereof, ~~shall will~~ be altered in such a manner to the maximum extent feasible, that the facilities are readily accessible and usable by individuals with disabilities who have a need to access Board facilities.

The district will maintain facilities and equipment required by the Act to be readily accessible to and usable by persons with disabilities.

Service, Program, and Activity Access

The district will make reasonable accommodations so that services, programs, and activities are readily accessible and usable by qualified individuals with disabilities. The district is not required to provide personal devices or services of a personal nature to qualified individuals with disabilities.

Evaluation and Compliance

The Superintendent or designee will evaluate district programs and practices on nondiscrimination, in accordance with law, and will report to the Board accordingly. Assurances of compliance will be submitted as required by law.

The district, with the assistance of interested persons, who may include individuals with disabilities or members of organizations representing individuals with disabilities, or other interested community members and staff, will evaluate its current services, policies, practices, and the effects thereof with regard to the requirements of the Act and make necessary modifications to meet the Act requirements. If such modifications would result in a fundamental alteration of the nature of the affected program or activity, or undue financial or administration burden, the district will provide access through means which would not result in a fundamental alteration or undue financial or administrative burden. CFR §35.150(a)

For a period of at least three years following completion of the self-evaluation, the district will maintain on file, available for public inspection, a list of those interested persons consulted, a description of the areas examined and problems identified, and modifications made.

Enforcement – 28 CFR §35.107

The Superintendent will designate the In-House Counsel as district coordinator for matters dealing with ADA compliance. The district coordinator can be contacted at the following address or telephone number:

Office Address: 525 Academy Street

Maplewood, NJ 07040

Telephone Number: (973) 762-5600, Ext. 1849

Grievance procedures are outlined in Regulation 1510.

Guarantee of Rights

The Board will not interfere, directly or indirectly, with any person's exercise or enjoyment of the rights protected by the Act.

The Board will not discriminate against any person for that person's opposition to any act or practice made unlawful by law or this Policy, or for that person's participation in any manner in an investigation or proceeding arising under the Act.

The district is not required to permit an individual to participate in or benefit from the district's services, programs, or activities when that individual poses a direct threat to the health or safety of others.

Notice

- Policy and Regulation 1510 will be available to any member of the public in the district's Policy and Regulation Manual.

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- 42 U.S.C. 12101 (Americans with Disabilities Act of 1990, as amended)

N.J.S.A. 10:5-1 et seq.

N.J.S.A. 18A:18A-17

N.J.A.C. 6A:14-1 et seq.

34 CFR Part 104

Educational Program Accessibility

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~~As required by law, no qualified disabled person shall be denied the benefit of, be excluded from participation in, or otherwise be subjected to discrimination in any activity offered by the district.~~

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~~The Board has an affirmative obligation to evaluate a pupil who is suspected of having a disability to determine the pupil's need for Special Services and related services. The Board directs that all reasonable efforts be made to identify unserved children with educational disabilities in this district who are eligible for Special Services and/or related services in accordance with Policy 2460, Regulations 2460 through 2460.14, the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.~~

~~Section 504 of the Rehabilitation Act requires the Board to address the needs of children who are considered disabled under Section 504, and who do not qualify for services under the Individuals with Disabilities Education Act. A pupil may be disabled within the meaning of Section 504, and therefore entitled to regular or Special Services and related aids and services under the Section 504 regulation; however, the pupil may not be eligible for Special Services and related services under Part B of the Individuals with Disabilities Education Act.~~

~~No pupil will be denied, because of his/her educational disability, participation in co-curricular, intramural or interscholastic activities or any of the services offered or recognitions rendered regularly to the pupils of this district.~~

~~There will be grievance procedures for persons alleging discriminatory acts by the Board and/or the staff. The due process rights of pupils with disabilities and their parents will be rigorously enforced.~~

Enforcement

~~The Superintendent shall designate a compliance officer for dealing with matters regarding Section 504. A complaint regarding a violation of law and this policy will be subject to a complaint procedure that provides for the prompt and equitable resolution of disputes.~~

~~***A complainant shall be notified of his/her rights of appeal at each step of the process, and accommodations to the needs the disabled complainant shall be made. A complainant shall be informed of his/her right to file a formal action for redress with or without recourse to the complaint procedure established by this policy and its accompanying regulation.***~~

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~~***A complaint regarding the identification, evaluation, classification or educational program of a pupil with an educational disability shall be governed by the due process rules of the State Board of Education, N.J.A.C. 6A: 14-2.7 and the Office of Administrative Law, N.J.A.C. 17:6A-1 et. seq., and by the procedural safeguard processes established by Board Policy 2460 and Regulation 2460.6, or the grievance procedures established in Regulation 1510.***~~

Guarantee of Rights

~~_____ The Board shall not interfere, directly or indirectly, with any person's exercise or enjoyment of the rights protected by Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 or the Individuals with Disabilities Education Act.~~

~~_____ The Board shall not discriminate against any person for that person's opposition to any act or practice made unlawful by law or this policy, or as a result of that person's participation in any manner in an investigation or proceeding arising under Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, or the Individuals with Disabilities Education Act.~~

Evaluation and Compliance

~~_____ The Board directs the Superintendent to evaluate district programs and practices on non-discrimination, in accordance with law, and to report those evaluations to the Board. The Board will submit such assurances of compliance as are required by law.~~

~~_____ 29 U.S.C. — 794 (Section 504, Rehabilitation Act of 1973)
20 U.S.C. — 1401 et seq. (Individuals with Disabilities Education Act)
42 U.S.C. — 12101 (Americans with Disabilities Act of 1990)
N.J.S.A. — 10:5-1 et seq.
N.J.S.A. — 18A:18A-17
N.J.A.C. — Title 6 Chapter 28
34 CFR — Part 104~~

Cross References: [1510](#), 1530, ~~2460~~, 5750

Initial Adoption: [April 2, 2001](#)

First Reading: ~~March 12, 2001~~ [April 24, 2017](#)

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