

**SPRINGFIELD PUBLIC SCHOOLS**  
**Springfield New Jersey 07081**

**POLICY: ELIMINATION OF DISCRIMINATION ON THE BASIS OF  
DISABILITY IN DISTRICT PROGRAMS OR ACTIVITIES**

As a recipient of federal financial assistance which funds in part or in whole certain educational programs in the district, it shall be the policy of the Board of Education that no otherwise qualified person shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment or under any program or activity sponsored by this Board.

The Board shall comply with Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act of 1990 (ADA), and the Individuals with Disabilities Education Act (IDEA).

**Section 504/ADA Requirements**

A. Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 protect the rights of individuals with disabilities in programs and activities that received federal financial assistance. Section 504 provides that: "No otherwise qualified individual with disabilities in the United States... shall, solely by reason of her or his disabilities, be excluded for the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

B. The Section 504/ADA regulations require a recipient operating federally funded public elementary and secondary education programs to provide a "free appropriate public education" (FAPE) to each qualified person with a disability who is in the recipient's jurisdiction, regardless of the nature or severity of the person's disabilities.

C. Section 504/ADA defines a "person with a disability" as anyone who:

1. has a mental or physical impairment which substantially limits one or more major life activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
2. has a record of such impairment; or,
3. is regarded as having such impairment.

## **Employment Practices**

A. Qualified disabled persons shall not, solely on the basis of disability be subjected to discrimination in employment, nor in any of the activities or programs related thereto such as recruitment, hiring, promotion, transfer, termination, compensation, assignment, leaves, fringe benefits, and any other existing term or condition of employment.

B. Reasonable accommodation shall be made to the known disabilities of qualified applicants or employees unless it can be demonstrated that the accommodation would impose an undue hardship in the program.

Such accommodation may include making facilities used by employees accessible to and usable by disabled persons; job restructuring; modified work schedules; acquisition or modification of equipment; providing readers or interpreters.

In determining whether or not an accommodation would impose undue hardship on the school district, the nature and cost of the accommodation will be considered.

Qualified disabled employees or applicants shall not be denied any employment opportunity solely on the basis of the need to make reasonable accommodation.

Employment tests or other selection criterion which tend to screen out disabled persons shall not be used unless the test score or selection criterion can be shown to be job related and alternative employment tests or selection criterion are not available.

Pre-employment medical examinations or pre-employment inquiries shall not be made as to whether the applicant is a disabled person. Pre-employment inquiries may be made regarding the applicant's ability to perform job related functions.

## **Program Accessibility in School District Facilities**

A. Disabled persons shall not be denied the benefits of or be excluded from participation in, or otherwise be subjected to discrimination in any school program or activity on the basis of facilities which are either unusable or inaccessible to them.

B. The school district shall operate its programs or activities so that when viewed in their entirety, are accessible to the disabled. The school district is not required to make each existing facility or every part thereof accessible to and usable by disabled persons but will through planning make it possible for disabled persons to participate in all programs and activities.

C. In the event structural changes are needed in any of the school district's facilities, a transition plan shall be developed identifying the changes and setting forth the steps to complete such changes. The plan shall be developed with

assistance, advice and counsel of interested persons, including disabled persons or organizations representing disabled persons and, following approval by the Board of Education, shall be made available for public inspection in the office of the Board Secretary.

Any such structural changes shall be made within three years, or more expeditiously if possible, and shall be made in conformance with the “American National Standard Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Disabled.”

### **Elementary and Secondary Education**

A. The school district shall provide each qualified disabled person with a free appropriate public education.

B. The school district shall establish procedures for the identification evaluation and placement of persons who because of disabilities need a special education program or related services. To the maximum extent appropriate, the placement shall be in an instructional setting with pupils who are not disabled or have severe disabilities.

The procedures for the evaluation of disabled persons shall provide for periodic re-evaluation of persons who have been provided special education and related services and shall also provide for a system of procedural safeguards and a process of appeal by which a disabled person or his or her parent(s) or guardian(s) can have the educational placement reviewed.

C. Disabled students shall be afforded an equal opportunity to participate in all non-academic and co-curricular programs and activities including but not limited to the following: counseling services, physical education programs, athletics, intramurals, health services, and clubs. Students shall also receive assistance in transition services i.e., school to careers.

### **Designation of Responsible Employee and Adoption of Grievance Procedure**

A. Upon the recommendation of the Chief School Administrator, the Board of Education shall designate an administrator to whom the Chief School Administrator shall delegate responsibility for the implementation of this policy within the administrative structure of the school district. The responsibilities shall include the preparation of assurances of compliance, the development of all plans, activities and reports required under this policy, and the administration of the grievance procedure included in this Section 4B.

B. The school district shall adopt a grievance procedure with final appeal to the Board of Education, that will provide for the prompt and equitable resolution of complaints alleging any action or actions which are prohibited by and in violation

of this Policy.

The grievance procedure, however, shall not be available to process complaints from applicants for employment.

**Legal References:**

29 U.S.C. 794 (Sec. 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. (Law Against Discrimination)

N.J.S.A. 18A: 18A-17 (Tenure)

N.J.A.C. Title 6 Chapter 28 (Special Education)

34 CFR Part 104 (Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance)

45 CFR Part 84 (Nondiscrimination under Programs Receiving Federal Assistance through the Department of Health and Human Services Effectuation of Title VI of the Civil rights Acts of 1964)

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