

## **RIGHTS OF PERSONS WITH DISABILITIES**

It is the policy of the Long Hill Township Board of Education (BOE) that no qualified person with a disability<sup>1</sup> shall, on the basis of handicap or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment or any program or activity sponsored by the Board. The Board shall comply with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. It shall also comply with the Individuals with Disabilities Education Act through the implementation of Policy No. 6171.4 – Special Education.

*<sup>1</sup>Pursuant to 42 U.S.C. 12131, the term qualified individual means those individuals with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication or transportation barriers, or the provision of auxiliary aids and services, meet the essential eligibility requirements for the receipt of supplemental educational services or the participation in extracurricular programs and activities of the district.*

### **Employment**

No employee or candidate for employment shall be discriminated against in recruitment, hiring, advancement, discharge, compensation, training, transfer, or any other term, condition, or privilege of employment solely because of his/her handicap/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 be required to answer any questions or submit to an examination regarding a handicap/disability except as such handicap/disability related to the performance of the job sought. No candidate will be discriminated against on the basis of a handicap/disability that is not directly related to the essential function of the position for which he/she has applied.

Reasonable accommodations, not directly affecting the educational and/or instructional program, shall be made to accommodate employment conditions to the needs of qualified persons with handicaps/disabilities. Such accommodations may include, but are not limited to, rescheduling, restructuring jobs, making facilities accessible, acquiring or modifying equipment, modifying examinations, training materials, policies and procedures, and providing readers or interpreters.

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

**Facilities Accessibility**

No qualified person with a disability shall, because of the school district's facilities being inaccessible or unusable by persons with disabilities, 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 facilities shall be constructed that do not fully comply with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

Alterations to existing facilities or part thereof, shall be altered in such a manner to the maximum extent feasible, that the facilities are readily accessible and usable by individuals with handicaps/disabilities who have a need to access district facilities.

**Educational Program Accessibility**

No qualified handicapped person shall, by reason of disability, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination in any program or activity of the Long Hill Township BOE. The district shall provide a free and appropriate public education to each qualified handicapped person within the district's jurisdiction and shall provide such supplementary aids and services to ensure that handicapped persons participate with non-handicapped persons in academic, non-academic and extracurricular services and activities, to the maximum extent appropriate to the needs of the individual handicapped person in question. Such services may include supplemental/related educational services, counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups and clubs. Each student shall be considered on an individual basis and shall be provided those supports and services deemed appropriate by the Child Study Team/504 Committee.

The district shall undertake to locate and identify every qualified handicapped person residing within the district who may be eligible for educational direct and related services, in accordance with all Federal and State statutes and regulations and BOE policies.

The district shall conduct an evaluation of any person who, because of handicap, needs or is believed to need special education services, related services or modifications to a regular academic program.

Each qualified handicapped person, who because of handicap, needs or is believed to need special instruction or related services, shall be provided a system of procedural safeguards to afford them an equal opportunity for participation in district services and activities. Due process rights shall be rigorously enforced.

**Enforcement**

The Director of Special Services is designated as district coordinator for matters dealing with Section 504. The district coordinator shall act as a compliance officer. A complaint regarding a violation of law and this policy will be subject to a complaint procedure which provides for the prompt and equitable resolution of all disputes.

The complainant shall be notified of his/her rights of appeal at each step of the process, and accommodations to the needs of persons with disabilities 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.

A complaint regarding the identification, evaluation, classification, or educational program of a student with a 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. 1:6A-1 *et seq.*, and by the procedural safeguard processes established by Board Policy 6171.4 – Special Education.

**Guarantee of Rights**

The BOE 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 or the Individuals with Disabilities Education Act.

The BOE shall 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 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 BOE directs the Chief School Administrator (CSA) to evaluate district programs and practices on nondiscrimination, in accordance with law, and to report evaluations to the BOE. The BOE will submit such assurances of compliance as are required by law.

**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.*      N.J.S.A. 18A:18A-17      N.J.A.C. 6A:14-1 *et seq.*

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