

POLICY

LIVINGSTON BOARD OF EDUCATION

Administration
1510/Page 1 of 664

RIGHTS OF PERSONS WITH HANDICAPS OR DISABILITIES/POLICY ON NON-DISCRIMINATION (M)

1510 RIGHTS OF PERSONS WITH HANDICAPS OR DISABILITIES/POLICY ON NON-DISCRIMINATION (M)

M

It is the policy of the Board of Education that no qualified ~~handicapped or disabled person~~ individual with a disability will, 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 under any program, activity or ~~services~~ vocational opportunities sponsored by this Board. The Board ~~will~~ shall comply with ~~§504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, as amended by the Americans with Disabilities Amendments Act of 2008 (hereafter referred to as the Act). It shall also comply with the Individuals with Disabilities Education Act through the implementation of Policy No. 2460 and Regulations Nos. 2460 through 2460.14.~~

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

Employment

No employee or candidate for employment shall be discriminated against in recruitment, hiring, advancement, discharge, compensation, job training, transfer, or any other term, condition, or privilege of employment solely because of a 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 a question or submit to an examination regarding a handicap/disability except as such handicap/disability relates directly to ~~the performance of the job~~ related functions 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 will~~ be made to accommodate employment conditions to the needs of qualified persons with handicaps/disabilities. Such accommodations may include, but are not limited to making existing facilities used by employees readily assessable to and usable by individuals with disabilities, job restructuring, part-time modified work



POLICY

LIVINGSTON BOARD OF EDUCATION

Administration
1510/Page 2 of 664

RIGHTS OF PERSONS WITH HANDICAPS OR DISABILITIES/POLICY ON NON-DISCRIMINATION (M)

~~schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities, rescheduling; restructuring jobs; making facilities accessible; acquiring or modifying equipment; modifying examinations, training materials, policies and procedures; and providing readers or interpreters.~~

~~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.~~

Facilities Maintenance and Accessibility

No qualified ~~handicapped/disabled person~~ individual with a disability will ~~shall~~, because of the school district's facilities being inaccessible or unusable by ~~handicapped/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 facilities shall be constructed that do not fully comply with ~~the §504 of the Rehabilitation Act of 1973 and the American 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 Board facilities.

~~Educational Program Accessibility~~ 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.~~

~~No qualified handicapped/disabled person shall be denied the benefit of, be excluded from participation in, or otherwise be subjected to discrimination in any activity offered by this district.~~

~~The Board has an affirmative obligation to evaluate a pupil who is suspected of having a handicap/disability to determine the pupil's need for special education and related services. The Board directs that all reasonable efforts be made to identify unserved children with handicaps/ disabilities in this district who are eligible for special education and/or related services in accordance with Policy No. 2460 and Regulations Nos.~~



RIGHTS OF PERSONS WITH HANDICAPS OR DISABILITIES/POLICY ON NON-DISCRIMINATION (M)

~~2460 through 2460.14, the Individuals with Disabilities Education Act, §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 handicapped/disabled under §504 and do not qualify for services under the Individuals with Disabilities Education Act. A pupil may be handicapped/disabled within the meaning of §504, and therefore entitled to regular or special education and related aids and services under the §504 regulation, even though the pupil may not be eligible for special education and related services under Part B of the Individuals with Disabilities Education Act.~~

~~No pupil will be denied, because of his/her educational handicap/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 staff. The due process rights of pupils with handicaps/disabilities and their parents will be rigorously enforced.~~

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~~



POLICY

LIVINGSTON BOARD OF EDUCATION

Administration
1510/Page 4 of 664

RIGHTS OF PERSONS WITH HANDICAPS OR DISABILITIES/POLICY ON NON-DISCRIMINATION (M)

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

Address: 11 Foxcroft Drive
Livingston, NJ 07039

Telephone Number: 973-535-8000

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.

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

- Enforcement

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POLICY

LIVINGSTON BOARD OF EDUCATION

Administration
1510/Page 5 of 664

RIGHTS OF PERSONS WITH HANDICAPS OR DISABILITIES/POLICY ON NON-DISCRIMINATION (M)

~~A district compliance officer will be named at the Board of Education organizational meeting each year for matters dealing with §504 and Title IX. The district compliance officer will be accessible through the Central office:~~

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Address: 11 Foxcroft Drive
Livingston, NJ 07039~~

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Telephone Number: 973-535-8000~~

~~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.~~

~~The complainant shall be notified of his/her rights of appeal at each step of the process, and accommodations to the needs of handicapped/disabled complainants 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 pupil with a handicap/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. 17:27 et seq., and by the procedural safeguard processes established by Board Policy No. 2460 and Regulation No. 2460.6 or the grievance procedures established in Regulation No. 1510.~~

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Guarantee of Rights~~

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

~~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 for that person's participation in any manner in an investigation or proceeding arising under §504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Individuals with Disabilities Education Act or Title IX.~~

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Evaluation and Compliance~~

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POLICY

LIVINGSTON BOARD OF EDUCATION

Administration
1510/Page 6 of [664](#)

RIGHTS OF PERSONS WITH HANDICAPS OR DISABILITIES/POLICY ON NON-DISCRIMINATION (M)

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

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~~Annual Publication~~

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~~This Policy will be published yearly prior to the beginning of the school year in a regional newspaper, magazine and/or other written communication that is available to the public.~~

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~~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.
34 CFR Part 104~~

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Adopted: 11 April 2005

