File: ACE

NONDISCRIMINATION ON THE BASIS OF HANDICAP

REHABILITATION ACT OF 1973
SECTION 504:
POLICY STATEMENT - On June 3, 1977, the Regulation of the Department of Health, Education and Welfare implementing Section 504 of the Rehabilitation Act of 1973 became effective. Section 504 provides that:

> "no otherwise qualified handicapped individual... shall, solely by reason of his/her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Therefore, effective this date, it is a policy of the Medfield Public Schools that the provisions of Section 504 shall be implemented into all activities and procedures of the school system.

GRIEVANCE PROCEDURE - The Medfield Schools announce as policy the grievance procedure to be followed relative to Section 504 of the Rehabilitation Act of 1973.

1. Any grievance relative to an implied violation of Section 504 of the Rehabilitation Act of 1973 should by brought to the immediate attention of the designated coordinator in written form.

2. The written grievance is to include the violation as perceived by an employee, student, or citizen.

3. Immediately upon a review of the alleged violation, the coordinator will schedule an informal meeting with the party citing the grievance for the purpose of determining if the allegation does violate Section 504.

4. If the alleged violation is found to be fact, the coordinator will immediately take action to resolve the matter with all parties involved.

5. A follow-up meeting will be held with the party filing the initial grievance to determine whether the actions taken have rectified the violation.

6. The grievant will receive written communication regarding the resolution. Designated Coordinator of Section 504 Activities:

   Director of Pupil Services
   Medfield Public Schools
   459 Main Street – Third Floor
   Medfield, MA 02052

NONDISCRIMINATION ON THE BASIS OF HANDICAP

Title II of the Americans With Disabilities Act of 1992 requires that no qualified individual with a disability shall, because the district's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, and activities of the district or be subject to discrimination. Nor shall the district exclude or otherwise deny services, programs, or activities to an individual because of the known disability of a person with whom the individual is known to have a relationship or association.

Definition
A "qualified individual with a disability" is an individual with a disability who, with or without reasonable modification to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the district.

Reasonable Modification
The district shall make reasonable modification in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the district can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

Communications
The district shall take the appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. To this end, the district shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy benefits of, a service, program, or activity conducted by the district. In determining what type of auxiliary aid or service is necessary, the district shall give primary consideration to the requests of the individuals with disabilities.

Auxiliary Aids and Services
"Auxiliary aids and services" includes (1) qualified interpreters, note takers, transcription services, written materials, assistive listening systems, and other effective methods for making aurally delivered materials available to individuals with hearing impairments; (2) qualified readers, taped texts, audio recordings, Brailed materials, large print materials, or other effective methods for making visually delivered materials available to individuals with visual impairments; (3) acquisition or modification of equipment or devices and (4) other similar services and actions.

Limits of Required Modification
The district is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. Any decision that, in compliance with its responsibility to provide effective communication for individuals with disabilities, would fundamentally alter the service, program, or activity or unduly burden the district shall be made by the school committee after considering all resources available for use in funding and operating the program, service, or activity. The decision shall be accompanied by a written statement of the reasons for reaching that conclusion.

Notice
The district shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of Title II of the American With Disabilities Act (ADA) and its applicability to the services, programs, or activities of the district. The information shall be made available in such a manner as the school committee and superintendent find necessary to appraise such persons of the projections against discrimination assured them by the ADA.

Compliance Coordinator
The district shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title II of ADA, including any investigation of any complaint communicated to it alleging its noncompliance or alleging any actions that would be prohibited under ADA. The district shall make available to all interested individuals the name, office address, and telephone number of the employee(s) so designated and shall adopt and publish procedures for the prompt and equitable resolution of complaints alleging any action that would be prohibited under the ADA. The school system receives federal financial assistance and must comply with the above requirements. Additionally, the school committee is of the general view that:

1. Discrimination against a qualified handicapped person solely on the basis of handicap is unfair; and

2. To the extent possible, qualified handicapped persons should be in the mainstream of life in a school community. Accordingly, employees of the school system will comply with the above requirements of the law and policy statements of this committee to ensure nondiscrimination on the basis of handicap.

LEGAL REF.: Rehabilitation Act of 1973, Section 504
Education For All Handicapped Children Act of 1975
M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)
Title II, Americans with Disabilities Act of 1992
Board of Education Chapter 766 Regulations, adopted 10/74, as amended through 3/28/78

CROSS REF.: IGB, Special Instructional Programs and Accommodations
IGBA, Programs for Handicapped Students