

**NONDISCRIMINATION
ON THE BASIS OF DISABILITIES**

Policy Code: **1730/4022/7231**

1 The [Transylvania County Board of Education \(the “board”\)](#) will not discriminate against
2 qualified persons with disabilities on the basis of a disability. This nondiscrimination policy
3 includes, but is not limited to, benefits of and participation in system programs and activities.
4 The system will provide aids, benefits, and school services to a person with disabilities in the
5 most integrated school setting appropriate to his or her needs so that he or she may have an
6 opportunity commensurate to that provided to persons without disabilities to obtain the same
7 results, gain the same benefit, or reach the same level of achievement.

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9 The superintendent is directed to develop appropriate procedures to implement this
10 nondiscrimination policy. The superintendent or designee shall:

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12 1. Submit an assurance of nondiscrimination with each application for federal financial
13 assistance;
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15 2. Designate a person to coordinate the system’s efforts to comply with Section 504 of the
16 Rehabilitation Act of 1973 (“Section 504”) and its regulations;
- 17
18 3. Designate a person to coordinate the system’s efforts to comply with the Americans with
19 Disabilities Act and its regulations;
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21 4. Publish the [nameposition title](#), office address, and phone number of the compliance
22 coordinator(s) in a manner intended to ensure that employees, applicants, students,
23 parents, and other individuals who participate in the school system’s programs are aware
24 of the coordinator(s);
- 25
26 5. Make complaint procedures available as provided in policy 1720/4015/7225,
27 Discrimination, Harassment, and Bullying Complaint Procedure, which provides
28 opportunities for prompt and equitable resolutions to complaints alleging actions
29 prohibited by Section 504 or ADA or regulations for these statutes;
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31 6. Provide notice that the school system does not discriminate on the basis of disability in
32 violation of Section 504 or the ADA, or their implementing regulations, and make such
33 notice accessible to employees, applicants, students, and parents;
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35 7. Make reasonable accommodations for qualifying applicants or employees with
36 disabilities; however, a reasonable accommodation does not include an accommodation
37 that demonstrably would impose an undue hardship on the program or would
38 fundamentally alter the nature of the service, program, or activity;
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40 8. Not inquire about any disabilities that may need accommodation until after an applicant
41 has been made an offer and, additionally, avoid using employment tests or other selection
42 criteria that tend to screen out persons with disabilities unless the criteria are
43 demonstrably job-related and effective alternatives are not available;

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45 9. Provide a free appropriate public education to each qualified student with disabilities in
46 accordance with Section 504 and its regulations; and
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48 10. Establish and implement a system of procedural safeguards with respect to the
49 identification, evaluation, or educational placement of a student with disabilities under
50 Section 504 which includes an opportunity for the student's parent or guardian to
51 examine relevant records, an impartial hearing with the opportunity for participation by
52 the parent or guardian and representation by counsel, and a review procedure.
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54 Legal References: Americans With Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35;
55 Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104
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57 Cross References: Prohibition Against Discrimination, Harassment, and Bullying (policy
58 1710/4021/7230), Discrimination, Harassment, and Bullying Complaint Procedure (policy
59 1720/4015/7225), Service Animals in Schools (policy 4202/5029/7272)
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61 Adopted:

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