

**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:

- 11 1. submit an assurance of nondiscrimination with each application for federal financial
12 assistance;
- 13 2. designate a person to coordinate the system’s efforts to comply with Section 504 of the
14 Rehabilitation Act of 1973 (“Section 504”) and its regulations;
- 15 3. designate a person to coordinate the system’s efforts to comply with the Americans with
16 Disabilities Act and its regulations;
- 17 4. publish the position title, office address, and phone number of the compliance
18 coordinator(s) in a manner intended to ensure that employees, applicants, students,
19 parents, and other individuals who participate in the school system’s programs are aware
20 of the coordinator(s);
- 21 5. make complaint procedures available as provided in policy **1710/4020/7230,**
22 **Discrimination and Harassment Prohibited by Federal Law** **1720/4015/7225,**
23 ~~Discrimination, Harassment, and Bullying Complaint Procedure~~, which provides
24 opportunities for prompt and equitable resolutions to complaints alleging actions
25 prohibited by Section 504 or ADA or regulations for these statutes;
- 26 6. provide notice that the school system does not discriminate on the basis of disability in
27 violation of Section 504 or the ADA, or their implementing regulations, and make such
28 notice accessible to employees, applicants, students, and parents;
- 29 7. make reasonable accommodations for qualifying applicants or employees with
30 disabilities; however, a reasonable accommodation does not include an accommodation
31 that demonstrably would impose an undue hardship on the program or would
32 fundamentally alter the nature of the service, program, or activity;
- 33 8. not inquire about any disabilities that may need accommodation until after an applicant
34 has been made an offer and, additionally, avoid using employment tests or other selection
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- 43 criteria that tend to screen out persons with disabilities unless the criteria are
44 demonstrably job-related and effective alternatives are not available;
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46 9. provide a free appropriate public education to each qualified student with disabilities in
47 accordance with Section 504 and its regulations; and
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49 10. establish and implement a system of procedural safeguards with respect to the
50 identification, evaluation, or educational placement of a student with disabilities under
51 Section 504 which includes an opportunity for the student’s parent or guardian to
52 examine relevant records, an impartial hearing with the opportunity for participation by
53 the parent or guardian and representation by counsel, and a review procedure.
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55 Legal References: Americans ~~W~~with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35;
56 Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104
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58 Cross References: **Discrimination and Harassment Prohibited by Federal Law (policy**
59 **1710/4020/7230)**, ~~Prohibition Against Discrimination, Harassment, and Bullying (policy~~
60 ~~1710/4021/7230)~~, ~~Discrimination, Harassment, and Bullying Complaint Procedure (policy~~
61 ~~1720/4015/7225)~~, Service Animals in Schools (policy 4202/5029/7272)
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63 Adopted: September 21, 2015
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65 Revised: [DATE]