

POLICY

BOARD OF EDUCATION OF MONTGOMERY COUNTY

Related Entries: ACA, ACB, ACG-RA

Responsible Office: Superintendent of Schools
Human Resources and Development

Access to Employment, Services, Programs, and Activities by Individuals with Disabilities

A. PURPOSE

1. To provide a clear and comprehensive mandate for the prohibition and elimination of any unlawful discrimination against individuals with disabilities.
2. To affirm a strong commitment to the goals of the *Americans With Disabilities Act Amendments Act of 2008 (ADAAA)*, as well as other applicable laws as they relate to employees, job applicants, and access to the school system's facilities and services by members of the public with disabilities. This policy is to be construed to comport with the ADAAA and its implementing regulations including 28 CFR 35-137 Mobility Devices.
3. To affirm to the citizens of the county, to staff of Montgomery County Public Schools (MCPS), and to students that MCPS is committed to the participation of such individuals in the life and work of the schools in accordance with applicable laws.
4. To affirm that present policies and regulations will be administered to ensure that the rights of individuals with disabilities will be upheld in MCPS, consistent with the long-standing interest on the part of the Montgomery County Board of Education (Board) and MCPS in prohibiting discrimination against and in promoting affirmative action in employment and reassignment for individuals with disabilities.
5. To affirm that MCPS will not discriminate on the basis of disability against any qualified individual with a disability with respect to participating in or benefiting from MCPS services.

6. To declare that MCPS will not deny, on the basis of disability, a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards or committees.

B. ISSUE

The ADAAA is a comprehensive civil rights statute, which provides protection to qualified individuals with disabilities in the areas of employment, state and local government services, and telecommunications. By issuing a companion ADAAA policy, the Board seeks to reaffirm its commitment to nondiscrimination in all areas for individuals with disabilities.

C. POSITION

1. MCPS will not discriminate on the basis of disability against any qualified individual with a disability with respect to participating in or benefiting from MCPS services; job application procedures; the hiring, advancement, or discharge of employees; employee compensation; job training; and other terms, conditions, and privileges of employment.
2. MCPS will provide reasonable accommodations or modifications as required for participation in services, the job application process, employment, continued employment, or reassignment of qualified individuals with disabilities.
3. In accordance with requirements of ADAAA, reasonable accommodations or modifications will be provided unless such accommodations or modifications would impose undue hardship on the school system; fundamentally alter the nature of the service, program, or activity; or present a direct threat to the individual or others.

D. DESIRED OUTCOMES

1. All qualified individuals with disabilities will be able to access MCPS services, programs, and activities and be provided reasonable accommodations or modifications to ensure participation, so long as the accommodations or modifications do not present an undue hardship or a fundamental alteration of the service, program or activity, or present a direct threat to the individual or others.
2. All qualified job applicants, including individuals with disabilities who are seeking employment with MCPS will have equal employment opportunities.

3. Individuals with disabilities who are job applicants or employees, if requested, may receive reasonable accommodations.

E. IMPLEMENTATION STRATEGIES

1. Procedures for implementing this policy will be set forth in administrative regulations as needed.
2. The human resource compliance coordinator designated by the superintendent of schools will be responsible for coordinating the efforts of MCPS to comply with and carry out its responsibilities under the ADAAA, including participating in investigation of any complaint, and will be available to provide guidance, and support in matters related to the rights of individuals with disabilities.
3. Complaint procedures for prompt and equitable resolution of ADAAA complaints will be described in administrative regulations. MCPS will not discriminate or retaliate against an individual for filing a charge or participating in an investigation or proceeding under the ADAAA.

F. REVIEW AND REPORTING

A report regarding the status of MCPS ADAAA claims will be prepared quarterly for Board review.

Policy History: Adopted by Resolution No.26-96, January 11, 1996; amended by Resolution No. 480-11, October 11, 2011.