

POLICY

BOARD OF EDUCATION OF MONTGOMERY COUNTY

Related Entries: ACA, EBA, FAA, GBB, GBH-RA, GDC, GEB, GEG, GEG-RA, IGO-RA
Responsible Office: Superintendent of Schools
Personnel Services

Employment of Individuals with Disabilities

A. PURPOSE

1. To provide a clear and comprehensive mandate for the prohibition and elimination of any discrimination against individuals with disabilities
2. To ensure equal employment opportunities for job applicants who have physical or mental disabilities
3. To ensure that every effort is made to provide for reasonable accommodation for the employment, continued employment in a presently held position, or reassignment to a vacant position for which the individual is qualified
4. To make clear to the citizens of the county, to staff of MCPS, and to students that the Montgomery County Public Schools are committed to the full participation of such individuals in the life and work of the schools, and that the policy of MCPS is to provide for that participation
5. To affirm a strong commitment to the goals of the Americans with Disabilities Act of 1990 (ADA) as well as other applicable laws as they relate to employees and applicants for employment
6. To reaffirm 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 Board of Education and MCPS in prohibiting discrimination against and in promoting affirmative action in employment and reassignment for individuals with disabilities

B. ISSUE

The Americans with Disabilities Act of 1990 (ADA) is a comprehensive civil rights statute which provides protection to individuals with disabilities in the areas of employment, state and local government services, and telecommunications. MCPS has expressed its commitment to nondiscrimination against individuals with disabilities in policies such as human relations and nondiscrimination. With the enactment of the ADA, the Board of Education seeks to reaffirm its commitment to nondiscrimination with regard to employment of individuals with disabilities.

C. POSITION

1. Definitions

- a) *An individual with a disability* is one who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment, or is regarded by MCPS as having such an impairment.
- b) The term *qualified individual with a disability* means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.

2. MCPS will not discriminate against any qualified individual with a disability in regard to job application procedures; the hiring, advancement, or discharge of employees; employee compensation; job training and other terms, conditions, and privileges of employment. In addition, in accordance with its affirmative action plan, MCPS will continue to make outreach efforts to employ and to advance in employment individuals with disabilities.

3. MCPS will provide reasonable accommodations as required for the application process, employment, continued employment, or reassignment of individuals with disabilities, unless such accommodations would impose undue hardship on the school system. The burden of demonstrating undue hardship will be with the school system in accordance with applicable laws.

D. DESIRED OUTCOME

1. All qualified individuals with disabilities who are seeking employment with the Montgomery County Public Schools will have equal employment opportunities.

2. Reasonable accommodations for the employment, continued employment in a presently held position, or reassignment to a vacant position for which an individual with disabilities is qualified will be made to ensure participation of individuals with disabilities.

E. IMPLEMENTATION STRATEGIES

1. Procedures for implementing these goals will be set forth in administrative regulations as needed.
2. The ADA Coordinator designated by the superintendent will be responsible for coordinating the efforts of MCPS to comply with and carry out its responsibilities under the ADA, 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 ADA 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 ADA.

F. REVIEW AND REPORTING

A report regarding the status of implementation and monitoring of this policy will be prepared annually for Board review.

Policy History: Adopted by Resolution No. 374-91, April 22, 1991, amended by Resolution No. 26-96, January 11, 1996.