

SALEM SCHOOL DISTRICT
Salem, Connecticut

STUDENTS

Nondiscrimination

Americans with Disabilities Act

The Board of Education recognizes its responsibility to comply with the letter and spirit of federal and state statutes regarding people with disabilities, including the Americans with Disabilities Act, (ADA) as amended. Discrimination against individuals with a physical or mental impairment is prohibited even if the impairment doesn't substantially limit a major life activity. It is the policy of the Board of Education to provide a free and appropriate education for students with disabilities, regardless of the nature or severity of the student's disability; including those who are in need of special education and related services.

The term "disability" shall be broadly construed. The question of whether an individual's impairment is a disability under the ADA shall not demand extensive analysis.

Definitions

Disability: An individual is disabled if he/she (1) has a physical or mental impairment that substantially limits a major life activity; (2) has a record of such impairment; and (3) is regarded as having such impairment. An impairment that is episodic or in remission is considered a disability if it would substantially limit a major life activity when active.

Physical or Mental Impairment: This means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as: neurological, musculoskeletal, special sense organs, respiratory, (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin and endocrine or any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability. This includes, but is not limited to, contagious and non-contagious diseases and conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia, and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection, tuberculosis, drug addiction, and alcoholism. It does not include homosexuality or bisexuality.

Rules of Construction: These are rules to be applied when determining whether an impairment substantially limits a major life activity to school employees and students. They specify that (1) the term "disability" must be construed broadly in favor of expansive coverage, to the maximum extent permitted by the terms of the ADA; (2) the term "major life activity" must not be interpreted strictly to create a demanding standard and that whether an activity is a major life activity is not determined by reference to whether it is of central importance to daily life; and (3) the term "substantially limits" must be construed broadly in favor of expansive coverage and is not meant to be a demanding standard.

Predictable Assessments: These are impairments that in virtually all cases will result in a determination that an individual has an actual disability because they virtually always can be found to impose a substantial limitation on a major life activity. Such impairments include major depressive disorder, bipolar disorder, schizophrenia, deafness, blindness, intellectual disability, partially or completely missing limbs, autism, cancer, cerebral palsy, diabetes, epilepsy, and HIV. With respect to these types of impairments, the necessary individualized assessment should be particularly simple and straight forward.

The operation of a major bodily function includes the operation of an individual organ within a body system.

Major Life Activity: A major life activity includes, but is not limited to, basic tasks such as caring for oneself, performing manual tasks, seeing, hearing, thinking, walking, eating, sleeping, reading, writing, standing, lifting, bending, speaking, breathing, learning, concentrating, communicating, interacting with others and working. The operation of a major bodily function is to be considered a major life activity. This includes functions of the immune system, normal cell growth, digestive, brain, respiratory, bowel, bladder, neurological, special sense organs and skin, genitourinary, cardiovascular, hemic, lymphatic, circulatory, endocrine, musculoskeletal, and reproductive functions.

Substantially Limits: A person is considered an individual with a disability when one or more of the individual's important life functions are restricted as to the conditions, manner, or duration under which they can be performed in comparison to most people. Ameliorative effects of mitigating measures will not be considered in the classification of a person with a disability. Mitigating measures include medication, prosthetics, hearing aids, oxygen therapy equipment, assistive technology, reasonable accommodations, mobility devices, and low-vision devices which magnify, enhance, or augment a visual image. Ordinary eyeglasses and contact lenses are exempt.

Being Regarded as Having Such Impairment: This means if the individual establishes that he/she has been subject for an action prohibited under the ADA, as amended, because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. This does not apply to conditions that are "transitory and minor," having a duration of less than six months.

The District shall not coerce, intimidate, threaten, retaliate against or interfere with any person who attempts to assert a right protected by the above law and will cooperate with investigating and enforcement proceedings under the ADA as well as Section 504, Title IX and Title VI.

The District shall designate at least one employee to coordinate its efforts to comply with the ADA, in addition to Title IX and Section 504. All students and staff shall be notified annually of the name, address, and telephone number of the designated individual.

The Board directs the Superintendent to develop administrative regulations in order to implement appropriate ADA provisions for students, employees and others who may be affected by this Act. The District shall adopt and publish grievance procedures for prompt and equitable resolution of student/employee complaints alleging discrimination under these statutes.

(cf. 0521 – Nondiscrimination)

(cf. 4118.11 – Equal Employment Opportunity)

(cf. 5145.4 – Equal Education Opportunity)

Legal Reference: Connecticut General Statutes: 19-581 through 585 AIDS testing and medical information. 10-209 Records not to be public. 46a-60 Discriminatory employment practices prohibited. Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b). American Disability Act of 1989 (42 U.S.C. Ch 126 §12112), as amended by ADA Amendments Act of 2008. Amendments of Americans with Disabilities Act, Title II and Title III, Regulation to Implement ADA Amendments Act of 2008. Federal Register, Vol. 81, No. 155 (28 CFR Parts 35 & 36). *Chalk v. The United States District Court of Central California*.

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