

RESOLUTION 25-060 - Approval of amended Board Policy ACA-Americans with Disabilities Act

Background: The revision of Policy ACA was staff initiated due to the need to develop and implement an ADA/Section 504 Compliance Plan, including the appointment and public identification of an ADA/504 Coordinator and the establishment of procedures for prompt and equitable resolution of any complaint regarding noncompliance.

WHEREAS, the Multnomah Education Service District Board of Directors Policy Committee has reviewed and discussed Board Policy ACA-Americans with Disabilities Act; and

WHEREAS, the Multnomah Education Service District Board of Directors Policy Committee has recommended Board Policy ACA-Americans with Disabilities Act for approval by the full Board at its next meeting; and

NOW THEREFORE BE IT RESOLVED, that Board Policy ACA-Americans with Disabilities Act is approved for approval as written or as further modified.

BE IT FURTHER RESOLVED, that if no further discussion is required or changes in language, Board Policy ACA-Americans with Disabilities Act is approved as proposed and does not require a second reading.

Multnomah Education Service District

Code: ACA
Adopted: 9/20/94
Revised/Readopted: 2/15/05; 9/20/05; 6/15/10;
2/19/13; 8/01/13; 12/16/25

Americans with Disabilities Act

The Multnomah Education Service District, in compliance with the Americans with Disabilities Act of 1990 and the Americans with Disabilities Amendments Act of 2008 (ADA), is committed to maintaining employment practices, services, programs and activities that provide equity to qualified individuals with disabilities.

MESD will provide reasonable accommodations for the known disabilities of all qualified applicants and current employees in all employment application procedures, hiring, advancement or discharge, employee compensation, job training, other terms, conditions and privileges of employment upon request and advance notice.

~~A reasonable accommodation will not require significant difficulty or expense; nor present a direct threat to the health or safety of others in the workplace.~~ A reasonable accommodation will not impose an undue hardship on MESD or present a direct threat to the health or safety of the employee or others in the workplace.

MESD services, programs and activities will be accessible and usable by qualified individuals with disabilities, consistent with Section 504 of the Federal Rehabilitation Act of 1973 and ADA. Accessibility may be achieved through nonstructural as well as structural methods.

In order to achieve equal access, MESD will make available appropriate auxiliary aids and services that promote effective communications. Primary consideration will be given to the request of individuals with disabilities in the selection of appropriate aids and services. Final determination will be made by the Superintendent and or designee. Auxiliary aids and services determinations will be based on availability, effectiveness and financial or administrative burden to MESD.

Retaliation is prohibited against anyone who files a complaint of discrimination, participates in an Office of Federal Contract Compliance Program proceeding or otherwise opposes discrimination under federal or state laws. MESD will take appropriate corrective action if retaliation occurs.

~~The Board directs the Superintendent to develop and implement an appropriate plan that provides for MESD compliance with Federal law, including the appointment of an ADA compliance officer and the establishment of a process for the investigation and prompt and equitable resolution of any complaint regarding noncompliance.~~ The Board directs the Superintendent to develop and implement an ADA/Section 504 Compliance Plan, including the appointment and public identification of an ADA/504 Coordinator and the establishment of procedures for prompt and equitable resolution of any complaint regarding noncompliance.

END OF POLICY

Legal Reference(s):

Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 ~~(2006)~~.

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 ~~(2006)~~.

Chevron U.S.A. Inc. v. Echazabal, 536 U.S. 73 ~~(2002)~~.

Americans with Disabilities Act Amendments Act of 2008.

MESD Policy Cross Reference(s):

AC - Non Discrimination

GA- Personnel Policy Goals

GB - Personnel Policies

GBA - Equal Employment Opportunity

GBM - Staff Complaints

GBNA - Hazing/Harassment/Intimidation/Bullying/Menacing

GCC - Recruitment of Staff

IGBHA - Alternative Education Programs

IGBHE - Expanded Options Program

II/IIA - Instructional Resources/Instructional Materials

IKF - Graduation Requirements

IKH - Credit for Proficiency

IL - Assessment Program

JA/JAA - Student Policies, Goals and Objectives

JAB - Learning Supports to Enhance Achievement

JB - Equal Educational Opportunity

JE - Attendance

JECD - Assignment of Students to Classes