

**MULTNOMAH EDUCATION
SERVICE DISTRICT**

Code: ACA
Adopted: 9/20/94
Amended: 2/15/05; 9/20/05

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~~ **shall** provide reasonable accommodations for the known disabilities of all 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 ~~must shall not present an undue hardship for MESD, be unduly costly, extensive or disruptive require significant difficulty or expense~~; nor present a direct threat to the health or safety of others in the workplace.

MESD services, programs and activities ~~will~~ **shall** be accessible and usable by qualified individuals with disabilities, consistent with Section 504 of the Federal Rehabilitation Act of 1973 and ~~the Americans with Disabilities Act of 1990 (ADA)~~. Accessibility may be achieved through nonstructural as well as structural methods.

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

The Board directs the Superintendent to develop and implement an appropriate plan that provides for MESD compliance with ~~the Americans with Disabilities Act~~ **Federal laws**, 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.

END OF POLICY

Legal Reference(s):

ORS 192.630
ORS 326.051(1)(e)
ORS 342.934(3)
ORS 659.805
ORS 659.815

ORS 659.850
ORS 659.865
ORS 659.870
ORS Chapter 659A

OAR 581-0210-0045
OAR 581-021-0046
OAR 581-022-1140

Rehabilitation Act of 1973, 29 U.S.C. **Sections §§791 et seq. ,793 and 794** (2006).

Americans with Disabilities Act of 1990, 42 U.S.C. **Sections §§ 12101-12213**; 29 CFR Part 1630 (2006); 28 CFR Part 35 (2006); **as amended by the ADA Amendments Act of 2008 (P.L. 110-325).**

Echazabal v. Chevron U.S.A. Inc., 536 U.S. 73 (2002) ~~F3d (9th Cir 2000)~~. (~~“Direct threat” exception to “otherwise qualified” portion of ADA does not apply to employee’s own health or safety.~~)

~~Americans with Disabilities Act Amendments Act of 2008.~~

MESD Policy Cross Reference(s):

AC	Non Discrimination
AC-AR(1)	Discrimination Complaint Procedure
AC-AR(2)	Discrimination Complaint Form
ACA-AR(1)	Americans with Disabilities Act
ACA-AR)2_	ADA Grievance Procedure
GA	Personnel Policy Goals
GB	Personnel Policies
GB-AR	General Personnel Policies
GBA	Equal Employment Opportunity
GBM	Staff Complaints
GBM-AR	Staff Complaints
GBNA/JFCF	Hazing/Harassment/Intimidation/Bullying/Menacing
GBNA/JFCF-AR	Hazing/Harassment/Intimidation/Bullying/Menacing
GCC	Recruitment of Staff
GCC-AR	Recruitment of Staff
IGBHA	Alternative Education Programs
IGBHE	Expanded Options Program
II/IIA	Instructional Resources/Instructional Materials
II/IIA-AR	Instructional Materials Selection
IKF	Graduation Requirements
IKH	Credit for Proficiency
IKH-AR	Credit for Proficiency
IL	Assessment Program
JA/JAA	Student Policies, Goals and Objectives
JAB	Learning Supports to Enhance Achievement
JB	Equal Educational Opportunity
JB-AR	Equal Opportunity Plan Student
JE	Attendance
JE-AR	Attendance
JECD	Assignment of Students to Classes
JECD-AR	Assignment of Students to Classes
JFE	Pregnant Students