



Book	Policy Manual
Section	2000 Program
Title	SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY IN EDUCATION PROGRAMS AND ACTIVITIES
Code	po2260.01
Status	Active
Legal	29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended 34 C.F.R. Part 104 42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
Adopted	March 1, 2009
Last Revised	July 1, 2022

**2260.01 - SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY IN EDUCATION PROGRAMS AND ACTIVITIES**

Pursuant to Section 504 of the Rehabilitation Act of 1973 ("Section 504"), the Americans with Disabilities Act of 1990, as amended ("ADA") and the implementing regulations (collectively "Section 504/ADA"), no otherwise qualified individual with a disability shall, by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Board of Education does not discriminate in admission or access to, or participation in, or treatment in its programs or activities. As such, the Board's policies and practices will not discriminate against students with disabilities and will make accessible to qualified individuals with disabilities its facilities, programs, and activities. No discrimination will be permitted against any individual with a disability on the basis of that disability in any of the programs, activities, policies, and/or practices in the District.

"An individual with a disability" means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one (1) or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. Major life activities also include the operation of a major bodily function. The operation of a major bodily function includes, but is not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. The list of major life activities is not exhaustive.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active. A temporary impairment is not a disability for purposes of Section 504 unless it is of such severity that it results in a substantial limitation of one (1) or more major life activities.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies, use of assistive technology, reasonable accommodations or auxiliary aids or services, or learned behavioral or adaptive neurological modifications.

With respect to public preschool, elementary, and secondary or adult educational services, a qualified person with a disability means an individual with a disability.

- A. who is of an age during which persons without disabilities are provided such services;

B. who is of any age during which it is mandatory under Michigan law to provide educational services to individuals with disabilities; or

C. to whom the State is required to provide a free appropriate public education pursuant to the Individuals with Disabilities Education Act (IDEA).

With respect to vocational education services, a qualified person with a disability means an individual with a disability who meets the academic and technical standards requisite to admission or participation in the vocational program or activity.

### **District Compliance Officer**

The following person is designated as the District Section 504 Compliance Officer/ADA Coordinator ("District Compliance Officer"):

Tiffany Pomaville  
Executive Director of Special Education  
231-933-1780  
412 Webster St., Traverse City, MI 49686  
PomavillTi@tcaps.net

The District Compliance Officer is responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the ADA. A copy of Section 504 and Title II of the ADA, including copies of the implementing regulations, may be obtained from the District Compliance Officer.

The District Compliance Officer will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints.

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. The Board will further establish and implement a system of procedural safeguards in accordance with Section 504, including the right to an impartial due process hearing.

### **Training**

The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

### **Facilities**

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility design standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities. This includes, but is not limited to, providing accommodations to parents with disabilities who desire access to their child's educational program or meetings pertinent thereto. Programs and activities will be designed and scheduled so that the location and nature of the facility or area will not deny a student with a disability the opportunity to participate on the same basis as students without disabilities.

### **Education**

The Board is committed to identifying, evaluating, and providing a free appropriate public education (FAPE) to students within its jurisdiction who are disabled within the definition of Section 504, regardless of the nature or severity of their disabilities. The Board recognizes and acknowledges that students may be disabled and eligible for FAPE services under Section 504 even though they do not qualify for or require special education services pursuant to IDEA.

If a student has a physical or mental impairment that substantially limits one (1) or more major life activities, the Board will provide the student with a free appropriate public education. An appropriate education is the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of students with disabilities and is based on adherence to procedures that satisfy Section 504's requirements pertaining to educational setting, evaluation, placement, and procedural safeguards. For students with disabilities who are not eligible for specially designed instruction under the IDEA, the FAPE needed under Section 504 in order to have their individual educational needs met as adequately as the needs of nondisabled students are met, shall be delineated, along with their placement, in a Section 504 Plan (Form 2260.01A F13). Parents/guardians/custodians ("parents") are invited and encouraged to participate fully in the evaluation process, eligibility determination and if needed for FAPE, the development of a Section 504 Plan.

The Board is committed to educating (or providing for the education of) each qualified person with a disability who resides within the District with persons who are not disabled to the maximum extent appropriate. The District will place a person with a disability in the regular educational environment unless it is demonstrated by the District that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. If the District places a person in a setting other than the regular educational environment, it shall take into account the proximity of the alternate setting to the person's home. The District recognizes the obligation to consider the full continuum of placements in providing a free appropriate public education to students with Section 504 Plans and IEPs, including homebound/hospitalized services. In individually developing these plans, the teams should consult the District's homebound/hospitalized policy, which requires homebound/hospitalized services where disability-related absences may require such services.

The District will provide non-academic extracurricular services and activities in such a manner as is necessary to afford qualified persons with disabilities an equal opportunity for participation in such services and activities. Non-academic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the District, referrals to agencies that provide assistance to persons with disabilities, and employment of students, including both employment by the District and assistance in making available outside employment. In providing or arranging for the provision of meals and recess periods, and non-academic and extracurricular services and activities, including those listed above, the District will verify that persons with disabilities participate with persons without disabilities in such services and activities to the maximum extent appropriate.

### **Notice**

Notice of the Board's policy on nondiscrimination on the basis of disability in education practices and the identity of the District's Compliance Officer will be posted throughout the District, and published in the District's recruitment statements or general information publications.

Revised 5/10  
Revised 1/11  
Revised 10/1/12  
T.C. 2/20/20  
T.C. 9/1/20  
T.C. 7/1/22

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