

AMERICANS WITH DISABILITIES ACT
Non-Discrimination in Places of Public Accommodation

The District shall ensure that services, programs and activities are accessible to and usable by persons with disabilities and shall not discriminate against its students or employees on the basis of race, color, gender identity and expression, religion, religious practices, national origin, sexual orientation, weight, ethnic group, or disability when providing services, programs and activities. Individuals with disabilities shall also be provided an equal opportunity to participate in or benefit from the District's aids, benefits and services and must not be denied access to facilities, accommodations, services, programs, or activities.

The District:

1. Provides services, facilities, privileges, programs, activities and accommodations in an integrated setting, unless different settings are necessary to ensure equal opportunity.
2. Promotes eligibility standards that welcome persons with disabilities to enjoy equal opportunities for services, facilities, privileges, programs, activities and accommodations.
3. Makes reasonable accommodations and modifications in practices, policies and procedures that deny an equal opportunity to access, unless the nature of the services, facilities, privileges, programs, activities and accommodations would be fundamentally altered.
4. Provides auxiliary aid and services where appropriate to ensure effective communication, unless such aid or service results in a significant difficulty or expense.
5. Maintains accessible facilities and equipment.

The District does not provide accommodations, services, programs or activities to persons with disabilities that are different than or separate from those accommodations, services, programs or activities provided to non-disabled individuals.

A person with a disability is defined as one who has a physical or mental impairment which substantially limits one (1) or more of the person's major life activities; has a record of such impairment; or is regarded as having such an impairment.

The facilities, accommodations, services, programs, or activities operated by the District and provided to persons with disabilities shall be provided in the most integrated setting possible.

The District shall make reasonable modifications to provide accommodations, facilities, services, programs, activities and aids, unless it is shown that the modifications would fundamentally alter the nature of the accommodations, facilities, services, programs, activities or aids. However, the District is not required to provide accommodations, services or aids to persons that pose a direct threat to the health or safety of others. Safety requirements may be imposed on all accommodations, aids and services based upon actual legitimate risks.

Individuals with a disability are not required to accept any accommodation, service, program, activity or aid made available to them.

The District may refer a person with a disability to another site or location with accommodations if the District cannot provide the reasonable accommodations within its facilities.

The District permits and modifies its policies, practices and procedures for the use of service animals by those persons with disabilities who require such service.

The District shall not impose any type of surcharge on persons with disabilities for providing such accommodations, services, programs, activities or aids. All accessible facilities and equipment are maintained in operable working condition for those individuals with disabilities.

Auxiliary Aids and Services

Auxiliary aids and services are provided to ensure equal access to accommodations, facilities, services, programs, activities or aids, unless the accommodations, facilities, services, programs, activities or aids create an undue burden or fundamental alteration. Auxiliary aids and services include, among other things:

- qualified interpreters
- note takers
- transcription services
- written materials
- assistive listening devices
- telephones compatible with hearing aids
- closed caption decoders
- telecommunications devices for deaf individuals (TDD)
- qualified readers
- taped texts
- audio recordings
- braille materials
- large print materials

Removal of Barriers

The District shall remove any and all architectural barriers in existing facilities where such removal is readily achievable. Readily achievable means accomplishable and able to be carried out without much difficulty or expense. Whether the removal of a barrier is readily achievable depends on several factors:

- nature and cost of action
- financial resources of the facility(ies) involved
- the number of persons utilizing the facility(ies)
- effect of expenses upon the operation of the facility(ies)
- impact of such action on the operation of the facility(ies)

- financial resources of the District
- number of employees of the District
- the number, type and location of the District's facilities
- the type of operation of the District, including the composition, structure and function of the work force of the District and the administrative/fiscal relationship of the facility(ies) to the District

The removal of barriers may include, but is not limited to the following:

- installation of ramps
- repositioning of shelves
- widening of doors
- installation of grab bars in toilet stalls
- installation of a raised toilet seat
- rearranging of tables, chairs and other furniture
- creating accessible parking spaces

Barriers shall be removed in order of priority:

- to make entrances accessible
- to remove barriers to areas providing services
- to provide access to restrooms

If removal is not readily achievable, then the District may take other alternative measures to make its accommodations, facilities, services, programs, activities or aids accessible. Some alternatives to barrier removal include relocating services, programs and aids to an accessible location.

Portable ramps shall only be installed when the installation of a permanent ramp is not readily achievable. All portable ramps must have safety features, including railings and non-slip surfaces.

In any assembly area located within the District, there shall be a reasonable number of wheelchair seating spaces which are integrated within the general seating, have seats with removable aisle side arm rests and provide accessible means of an emergency route for persons who are wheelchair bound. The District's obligation to remove barriers is ongoing as long as removal is readily achievable.

Transportation

The District shall remove all transportation barriers in buses and other transportation vehicles which transport District students with disabilities, where such removal is readily achievable.

New Construction

Buildings constructed after January 26, 1993, for which the last application for a building permit or permit extension is certified as complete after January 26, 1992, must be readily accessible and usable by those individuals with disabilities. Compliance with this provision is not required when

it is structurally impracticable to do so. Structural impracticability only occurs when the unique characteristics of the terrain prevent accessibility features. If it is structurally impracticable to meet the accessibility requirements then the District must make any portion of the structure accessible as long as it is not impracticable.

The architectural standards for accessibility in new construction are provided for in the U.S. Americans with Disabilities Act Accessibility Guidelines (ADAAG), which are issued by the Architectural and Transportation Barriers Compliance Board and incorporated in the Department of Justice Title III Regulations. These guidelines contain design standards for parking, ramps, doors, drinking fountains, bathrooms, alarms, signage, telephones and assembly areas.

Elevators

The District is not required to install an elevator in any facility that has less than three (3) stories or less than 3,000 square feet per story.

Alterations

Any alterations made after January 26, 1992, to the maximum extent feasible, must be readily accessible for use by those persons with disabilities. Alterations may include remodeling, reconstruction and changes in structural parts. All alterations must comply with the American Disabilities Act Accessibility Guidelines.

An alteration which affects the access to a facility that contains a primary function shall be, to the maximum extent feasible, made readily accessible to those with disabilities, unless the cost and scope of such alteration is disproportionate to the overall alteration. A primary function means an activity in which that particular facility is intended.

Path of Travel

The District provides an accessible path of travel to those with disabilities, unless the cost and scope of such alteration is disproportionate to the overall alteration. If the path of travel cannot be made accessible without being disproportionate, then any alterations to the path of travel shall be made accessible to the maximum extent feasible without incurring disproportionate costs.

Reference: 42 U.S.C. § 12181(7), (9)
49 C.F.R. § 37.105
28 C.F.R. § 36.101-36.507

Adopted: April 1, 2003

Revised: August 14, 2012