

## CHAPTER 3

### 3.1.18 Nondiscrimination on Basis of Handicap (Adopted 2/14/78)

This regulation implements Section 504 of the Rehabilitation Act of 1973. Section 504 provides that "no otherwise qualified handicapped individual shall, solely by reason of his/her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance".

#### 3.1.18.1 Definition

"Handicapped persons" means any person who (1) has a physical or mental impairment which substantially limits one or more major life activities, (2) has a record of such impairment, or (3) is regarded as having such impairment.

#### 3.1.18.2 Employment Practices

1. No qualified handicapped person shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity.
2. Annual notification of all participants, applicants, and employees that the **Board of Education Does Not Discriminate** in admission or access to, or treatment or employment in, its programs and activities.

#### 3.1.18.3 Program Accessibility

No qualified handicapped person shall, because facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity.

#### 3.1.18.4 Existing Facilities

The Board of Education shall give priority to the methods that offer programs and activities to handicapped persons in the most integrated appropriate setting. It must be understood that the Board of Education is not required to make structural changes in existing facilities where other methods are effective in achieving compliance.

The Board of Education will comply with the requirement of this law through such means as redesign of equipment, reassignment of classes or other services to accessible buildings, assignment of aides, home instruction, and alteration of existing facilities.

### **3.1.18.5 New School Construction**

Each new school facility constructed shall be designed and constructed in such a manner that the facility is readily accessible to and usable by handicapped persons.