

NONDISCRIMINATION ON THE BASIS OF DISABILITY IN NONACADEMIC OR EXTRACURRICULAR PROGRAMS OR ACTIVITIES (Procedures)

The District will not exclude or discriminate against, solely on the basis of disability, qualified students with disabilities from participation in nonacademic and extracurricular services and activities, including the District's athletic programs. The following procedures shall be used to ensure that qualified students with disabilities are afforded the opportunity to participate in nonacademic and extracurricular services and activities to the same extent as qualified students without disabilities, and shall not be excluded from participation based upon disability-related stereotypes or assumptions about a student in particular or individuals with disabilities in general.

Section 504 Requirements and Definitions

Section 504 requires recipients to provide to students with disabilities appropriate educational services designed to meet the individual needs of such students to the same extent as the needs of students without disabilities are met.

Section 504 requires schools to make "reasonable accommodations" to help people with disabilities perform effectively. Under Section 504, schools may not ban or refuse to allow a student to participate in activities without making any reasonable effort to accommodate the student reasonably.

"Fundamental alteration" means a change that is so significant that it alters the essential nature of the goods, services, programs, facilities, privileges, advantages, or accommodations offered.

Procedures

1. If a student with a disability is or may be participating in District-sponsored nonacademic or extracurricular services or activities, the student's teacher, case manager, or special education or Section 504 coordinator (School Representative), as appropriate, shall inform the relevant nonacademic or extracurricular service or activity coordinator, director, or coach (Activity Representative) and provide them with information describing the nature of the student's disability and the relevant accommodation(s) that the student receives.
2. The School Representative and the Activity Representative shall confer to determine which, if any, accommodations the student might require in order to participate or benefit from the service or activity to the same extent as a student without a disability. The student and/or his/her parent may suggest or request accommodations, and those suggestions or requests will be considered in the determination of which, if any, accommodations are necessary and appropriate. The student's or parents' requested accommodations will not necessarily be provided if the District representatives determine that other

accommodations are reasonable and appropriate to allow the student to participate in or benefit from the service or activity to the same extent as students without disabilities.

3. To the extent that accommodations are reasonable and practicable, the District shall offer the student with a disability those accommodations in order to participate in the service or activity to the same extent as students without disabilities, unless providing the student with accommodations or modifications would amount to a fundamental alteration, *i.e.*, would alter the essential nature of the service or activity.

A student who believes he or she has been subject to discrimination on the basis of disability in access to or participation in programs or activities operated or sponsored by the District may file a complaint in accordance with the procedures regarding complaints set forth in the regulations accompanying this policy. With respect to actions involving the provision of education and related services to a particular student, the student may file a complaint in accordance with the procedures regarding complaints set forth in the regulations accompanying this policy or may request a due process hearing in accordance with the procedures regarding due process hearings set forth in the regulations accompanying this policy.

Adopted by Superintendent August 13, 2020

LEGAL REFS.:

20 U.S.C. 1400 et seq.
29 U.S.C. 794
28 C.F.R. Parts 35 and 36
34 C.F.R. Parts 104 and 300

CROSS REFS.:

AC – Nondiscrimination/Equal Opportunity
AC-R – Nondiscrimination/Equal Opportunity (Complaint and Compliance Process)
JB – Equal Educational Opportunities
JBA – Nondiscrimination/Non-Harassment of Students and Staff
JBB –Nondiscrimination on the Basis of Disability
JBB-E-1,2,3 – Section 504/ADA Forms A, B, and C (Regarding Complaints)
JBB-R – Nondiscrimination on the Basis of Disability (Definitions)
JBB-R-1 – Nondiscrimination on the Basis of Disability (Complaint Procedure)
JJI – Interscholastic Athletics