

December 11, 2019

**RESCIND BOARD REPORT 12-0125-PO1
COMBINED AMERICANS WITH DISABILITIES ACT AND 504 POLICY
AND
ADOPT A NEW AMERICANS WITH DISABILITIES ACT POLICY**

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the Chicago Board of Education ("Board") rescind Board Report 12-0125-PO1 Combined Americans with Disabilities Act and 504 Policy and adopt a New Americans with Disabilities Act Policy.

PURPOSE: The purpose of this policy is to create a system for the Chicago Public Schools ("District") to address disability-related accommodations requests and complaints for employees and other individuals with disabilities accessing CPS premises in compliance with the Americans with Disabilities Act ("ADA").

POLICY TEXT:

I. APPLICABILITY

This policy applies to accommodation requests and complaints under the ADA made by employees, employment applicants, parents/guardians, community members, Local School Council members, volunteers, and other persons with disabilities accessing CPS premises. The request and complaint procedures set forth in this policy apply to requests for disability-based accommodations and allegations of disability discrimination as described and prohibited in the Board's Comprehensive Non-Discrimination, Harassment, and Retaliation Policy and as otherwise described herein.

This policy does not address the rights or remedies afforded to Chicago Public Schools students with disabilities under the Americans with Disabilities Act (ADA), the Individuals with Disabilities Education Act (IDEA), or Section 504 of the Rehabilitation Act of 1973 (Section 504). Students' rights and remedies are addressed in the Education of Students with Disabilities Policy, the IDEA Procedural Manual, Section 504 Procedural Manual, and other guidance documents developed by the Office of Diverse Learner Supports and Services (ODLSS).

II. SCOPE OF THE ADA

A. The ADA defines a disability as: (i) a physical or mental impairment which substantially limits one or more major life activities; (ii) a record of such an impairment; or (iii) being regarded as having such an impairment. The ADA also covers individuals who have an association with a person who has a disability.

B. The ADA prohibits discrimination in employment, public accommodations, transportation, state and local government services and telecommunications based on an individual's disability, record of a disability or because the individual is regarded as having a disability.

C. No individual, by reason of a disability, record of a disability or because the individual is regarded as having a disability, shall be excluded from participation in or be denied the benefits of District services, programs and activities, or be subjected to discrimination by the District.

D. District services, programs and activities, when viewed in its entirety, are required to be accessible to persons with disabilities. The District will accomplish this by, among other things, reassignment of programs and events to accessible locations or renovation of existing facilities. However, a public entity is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section, nor is it required to take any actions that would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens.

E. Communications with persons with disabilities are to be as effective as communications with others. The District shall furnish auxiliary aids and services, such as qualified sign language interpreters and alternate formats of written materials, where necessary to accomplish equally effective communications, unless to do so would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. If a requested action to provide effective communication would result in such an alteration or such burdens, the District will take other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the benefits or services provided by the District.

F. No person may be retaliated against for exercising rights under federal, state or local laws pertaining to equal opportunities for individuals with disabilities, including, but not limited to, making a request, grievance or complaint, or participating in an investigation.

G. No person shall be discriminated against because of a relationship or association with a person with a disability.

H. As defined by the Chicago Building Code, the Illinois Environmental Act and Title II and Title III of the ADA, all new construction and alterations of District-controlled buildings shall be designed and constructed in such a manner that the facility or altered part of the facility is readily accessible to and usable by individuals with disabilities. In addition, alterations to a primary function area will be performed such that the path of travel to that area is readily accessible to the extent required by law.

I. Additional information regarding the ADA and its applicability to District services, programs or activities can be obtained from the District's Talent Office and Americans with Disabilities Act and Compliance Office (ADA Office).

J. **For Employees and Job Applicants:** No person, by reason of a disability, record of a disability or because the individual is regarded as having a disability, shall be discriminated against in any term or condition of employment, so long as the person is qualified and can perform the essential functions of the job in question, with or without reasonable accommodation. The duty to reasonably accommodate extends to both employees and job applicants. Reasonable accommodations shall be provided unless the modification(s) would fundamentally alter the nature of the service, program or activity.

III. ACCOMMODATION REQUEST AND COMPLAINT PROCEDURES – GENERAL

For the purposes of this policy, the following terms shall have the following meanings:

A. Definitions.

1. Accommodation Request: A request by or on behalf of an employee, job applicant, or any other individual with disabilities accessing CPS premises to obtain any type of disability-related

accommodation in order to participate equally in any District program, service or activity, including, but not limited to:

- a. Relocation of a work space or event to a wheelchair-accessible location;
- b. Provision of specialized equipment for an employee;
- c. Request for use of a service animal in a CPS school, on District property or at District events;
- d. A temporary or permanent building modification;
- e. Modification of a facially neutral policy or guideline to provide equal access;
- f. Provision of a sign language interpreter for a conference or a Braille/large print version of a parent or employee handbook;

2. **Complaint:** An allegation of discrimination regarding:

- a. Intentional unequal or adverse treatment on the basis of disability;
- b. Retaliation or harassment on the basis of disability;
- c. Lack of equal access to CPS services, programs, or activities because of a disability;
- d. Failure to reasonably accommodate; or
- e. Any other type of disability-based discrimination not otherwise covered explicitly under this policy or the Board's Comprehensive Non-Discrimination, Harassment and Retaliation Policy, which is implemented by the Equal Opportunity Compliance Office (EOCO).

B. **Timeline and Procedure for Requesting Reasonable Accommodations.** Details regarding the timeline and procedures for how employees, job applicants, and all other individuals with disabilities accessing CPS premises can request reasonable accommodations are detailed in the Americans with Disabilities Act (ADA) Procedural Manual.

C. **ADA Coordinator.** The ADA Coordinator for the District is: (1) the ADA Administrator and is the person for the District who determines whether an employee, job applicant, or other individual qualifies for an ADA accommodation and what that reasonable accommodation will be. These are not school based or department based decisions. All principals and department heads must contact the ADA Administrator when approached by an employee, visitor or other individual who requests an accommodation. (2) The Capital and Facilities Programs' ADA designee makes the determinations regarding alterations to District facilities.

D. **Publication of Procedures.** The procedures for processing disability-related accommodations requests and complaints is outlined in the Americans with Disabilities Act (ADA) Procedural Manual, posted on the Chicago Public Schools website and shall also be available in the ADA Office.

E. **Confidentiality.** All information regarding accommodations requests, and complaints must be treated as confidential by Board employees and must be handled in accordance with ADA confidentiality requirements, in addition to any specific directions detailed below.

F. **Non-Exclusion.** Nothing in this policy prevents anyone from submitting a report of discrimination, harassment, retaliation or non-compliance with this policy which they have witnessed or of which they have knowledge.

IV. MEETINGS & EVENTS

A. In accordance with the requirements of the ADA, public meetings and events, including but not limited to Local School Council meetings, shall be held in a location that is accessible to individuals with disabilities.

B. Reasonable accommodations must be made to enable parents/guardians, visitors, and other individuals with disabilities accessing CPS premises to access non-public events, such as report card pick-up, graduation, student performances, etc. If a school building is not accessible, the school principal, in consultation with the ADA Administrator, will need to identify reasonable accommodations to provide access to the non-public event, such as relocating the site for the event.

C. Requests for relocation of meetings or events that are made pursuant to the Illinois Open Meetings Act must be submitted in writing in advance of the event to: a) The school principal at which the desired program, service, or activity is offered; b) The district department head of the applicable department; c) The designated contact person, if any, for the desired program, service or activity; or d) The ADA Office. The ADA Office may refer requests it receives to one of the other listed entities if doing so may address the request more expeditiously.

D. Requests for auxiliary aids and/or other services such as sign language interpreters, alternate formats of written materials or other such accommodations in order to attend or participate in public meetings and events must be submitted in accordance with the procedures above and should be submitted in advance of the meeting or event.

E. A principal, district department head, or designated contact person who receives a request less than two (2) business days before the scheduled event or meeting, should immediately forward the request to the ADA Office, along with any proposed resolution. The ADA Office will attempt to respond to the request before the event or meeting, to the extent practicable, given the amount of notice provided by the requestor, the nature of the request, and the nature of the event or meeting.

V. LIMITATIONS

All terms above shall be interpreted as they are interpreted in the ADA. This policy is not intended to expand or limit rights created by the ADA. Nothing in this policy is intended nor shall be construed to create a private right of action against the Board or any of its employees. Furthermore, no part of this policy shall be construed to create contractual or other rights or expectations. Nothing herein is intended to affect the right of any person to make a charge of disability discrimination at any agency with jurisdiction over such claims.

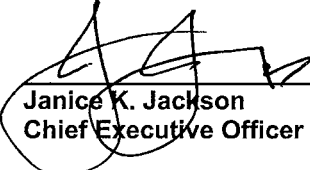
Legal References: Americans with Disabilities Act (42 §§ U.S.C. 12101 et seq.); Illinois Open Meetings Act (5 ILCS 120-1 et seq.)

Approved for Consideration:



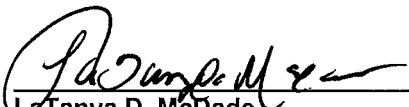
Matthew Lyons
Chief Talent Officer

Approved:



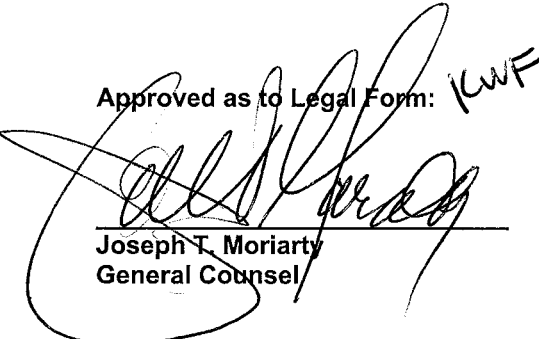
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