

**Foundation & Basic Commitments**

**Section: ACE**

**NON-DISCRIMINATION ON THE BASIS OF DISABILITY**

Title II of the Americans with Disabilities Act of 1992 requires that no qualified individual with a disability shall, be excluded from participation in, or be denied the benefits of the services, programs, and activities of the District or be subject to discrimination. Nor shall the District exclude or otherwise deny services, programs, or activities to an individual because of the known disability of a person with whom the individual is known to have a relationship or association.

Section 504 of the Rehabilitation Act of 1973 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.

Therefore, it is a policy of the Hudson Public Schools that the provisions of Section 504 shall be implemented in all activities and procedures of the school system.

Definition: A "qualified individual with a disability" is an individual with a disability who, with or without reasonable modification to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the District.

Reasonable Modification: The District shall make reasonable modification in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the District can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

A request for an accommodation should be made in writing to the Section 504 or ADA Coordinator. Alternative means of filing a request will be made available if needed, such as large print or audiotape. Requests should include the name, address and telephone number of the individual requesting the accommodation, the location where the accommodation is required and why the accommodation is needed. For public meetings and hearings, the Section 504 or ADA Coordinator should be notified at least seventy-two (72) hours in advance.

For students, the Section 504 Coordinator will respond to such a request in accordance with the Hudson Public Schools' Section 504 Policies and Procedures or Special Education Policies and

Procedures. For all other individuals, the Section 504 or ADA Coordinator will respond within two (2) school days of receipt of the request.

Communications: The District shall take the appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. To this end, the District shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy benefits of, a service, program, or activity conducted by the District. In determining what type of auxiliary aid or service is necessary, the District shall give primary consideration to the requests of the individuals with disabilities.

Auxiliary Aids and Services: "Auxiliary aids and services" includes (1) qualified interpreters on-site or through video remote interpreting (VRI), note takers, real-time computer-aided transcription services, written materials, exchange of written notes, telephone handset amplifiers, assistive listening devices, assisted listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, including real time captioning, voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices, videotext displays, accessible electronic and information technology; and other effective methods for making aurally delivered materials available to individuals with hearing impairments; (2) qualified readers, taped texts, audio recordings, Braille materials and displays, large print materials, screen reader software; magnification software, optical readers, secondary auditory programs (SAP), accessible electronic and information technology or other effective methods for making visually delivered materials available to individuals with visual impairments; (3) acquisition or modification of equipment or devices and (4) other similar services and actions.

Limits of Required Modification: The District is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. Any decision that an action would fundamentally alter the service, program, or activity or unduly burden the District shall be made by the Superintendent after considering all resources available for use in funding and operating the program, service, or activity. A written statement of the reasons for reaching that conclusion shall accompany the decision.

Notice: The District shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of Title II of the American with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act and their applicability, as the School Committee and Superintendent find necessary to apprise such persons of the protections against discrimination assured them by the ADA and Section 504.

Compliance Coordinator: The District shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title II of ADA and Section 504,

including any investigation of any complaint communicated to it alleging its noncompliance or alleging any actions that would be prohibited under ADA or Section 504. The District shall make available to all interested individuals the following coordinators:

Jennifer Allard, SHRM-SCP, MSIOP  
Title II - ADA Coordinator for the District  
Hudson Public Schools  
155 Apsley Street  
Hudson, MA 01749  
Tel: 978.567.6100  
Email: [jnallard@hudson.k12.ma.us](mailto:jnallard@hudson.k12.ma.us)

Cathy Kilcoyne  
504 Coordinator  
Hudson Public Schools  
155 Apsley Street  
Hudson, MA 01749  
Telephone:  
Email: [cakilcoyne@hudson.k12.ma.us](mailto:cakilcoyne@hudson.k12.ma.us)

The employees so designated shall adopt and publish procedures for the prompt and equitable resolution of complaints alleging any action that would be prohibited under the ADA or Section 504. The school system receives federal financial assistance and must comply with the above requirements. Additionally, the School Committee is of the general view that:

1. Discrimination against a qualified disabled person solely on the basis of disability is unfair; and
2. To the extent possible, qualified disabled persons should be in the mainstream of life in the school community. Accordingly, employees of the school system will comply with the above requirements of the law and policy statements of this Committee to ensure nondiscrimination on the basis of disability.

#### Website Accessibility

The Hudson Public Schools is committed to providing all users of their websites, including users with disabilities, with meaningful accessibility in this online environment. The Hudson Public Schools follow standards that are generally based on the standards used by the federal government for technology accessibility for individuals with disabilities and web content accessibility guidelines developed by the World Wide Web Consortium (W3C). The Hudson Public Schools' websites are regularly tested and reviewed by users to verify that the websites are compliant with applicable standards.

If an individual needs assistance in accessing materials, such a request should be made to the ADA Coordinator.

SOURCE: MASC – 7/16

LEGAL REFS.: Rehabilitation Act of 1973, Section 504, as amended

Individuals with Disabilities Education Act

M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)

Title II, Americans with Disabilities Act of 1992, as amended

603 CMR 28.00

CROSS REFS.: IGB, Support Services Programs

*Approved by the Hudson School Committee – January 9, 2018*

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