

Americans with Disabilities Act

In compliance with the Americans with Disabilities Act, the following procedures will be followed:

Compliance Officer

The superintendent shall be designated as the district's ADA compliance officer. The compliance officer will:

Coordinate the district's ADA responsibilities and compliance efforts;

Make available to all interested individuals the name, office address and telephone number of the district ADA compliance officer;

Investigate any complaint alleging noncompliance or actions prohibited under the ADA;

Administer the district's ADA grievance procedure to provide for the prompt and equitable resolution of complaints.

Self Evaluation

A self-evaluation* study will be completed by January 26, 1993 that includes:

An evaluation of all current services, Board policies, practices and effects to ensure district compliance with the requirements of the ADA;

A description of areas examined and identification of any barriers to accessibility and usability by disabled persons;

An opportunity for interested persons, including persons with disabilities or organizations representing persons with disabilities to participate in the self-evaluation study by submitting comments;

Plans for the removal of any identified barrier and/or modification of services, policies and practices necessary to ensure ADA compliance.

Self-evaluation records will be maintained and available for public inspection for at least three years. The records will include a list of interested persons consulted, a description of the areas examined and the problems identified and a description of any modifications made.

Transition Plan

A transition plan will be developed by July 26, 1992 to address any structural changes needed and readily achievable to eliminate identified barriers. The transition plan will include:

An opportunity for interested persons, including individuals with disabilities or organizations representing persons with disabilities to participate in the development of the transition plan by submitting comments;

An identification of physical obstacles in facilities that limit accessibility of its programs or activities to persons with disabilities;

A description in detail of the methods that will be used to make facilities accessible and/or steps and schedule necessary to complete the identified changes;

An identification of the official responsible for implementation of the plan;

Identification of steps that will be taken during each year of the transition period if longer than one year. Structural changes needed will be made by January 26, 1995.

Job Descriptions

Job descriptions may be maintained and provided in oral, written and/or videotaped form, reviewed and revised annually as needed to include:

All essential job functions specifying which ones are essential and cannot be eliminated or modified;

Qualitative and quantitative performance standards; only to the extent they are in fact required and in practice;

Attendance standards;

A statement that new job descriptions supersede prior descriptions for the position and rescind all past and present job descriptions that don't reflect current requirements of the position;

A statement on job descriptions, "I have read this job description and agree with its contents."

Provide for current employee signature and date; and,

A provision for current employee signature and the date the job description was read.

Job Postings

Job postings will be reviewed to ensure:

All postings contain appropriate notice of the district's responsibilities under the ADA. For example:

"The North Santiam School District, in support of employment practices free of barriers to disabled persons and in compliance with the Americans with Disabilities Act of 1990, and provides reasonable accommodations necessary upon request and appropriate notice. For further information or assistance, contact the superintendent or personnel office at 769-6824. Speech/hearing impaired persons may reach the district through the Oregon Telecommunications Relay Service by dialing 1-800-735-2900."

OR

"Reasonable accommodations for the application and interview process will be provided upon request and as required in accordance with the Americans with Disabilities Act of 1990. Disabled persons may contact the superintendent or personnel office at 769-6924 for additional information or assistance. Speech/Hearing impaired persons may contact the district for assistance through the Oregon Relay at 1-800-735-2900."

All postings eliminate discriminatory references (i.e., "must be able to lift 30 lb.").

Job Application Forms

Job application forms will be reviewed and revised as appropriate to include:

Notice of the district's responsibilities under the ADA (see job posting notice);

A statement asking applicant whether he/she requires any reasonable accommodation to complete any tests given as a part of the interview process (i.e., a reader for a person who is visually impaired). For example:

"You are not required to disclose information about physical or mental limitations that you believe will not interfere with your ability to do the job. If, however, you want the employer to consider special arrangements to accommodate a physical or mental impairment, you may identify that impairment in the space provided and suggest the kind of accommodation which you believe would be appropriate."

A request for applicant to provide documentation verifying the need for reasonable accommodation, if deemed necessary by the district;

An opportunity for applicant to provide disability information as a part of the affirmative action section of the job application. Completion must be voluntary. It must be so stated and that the data is not used in the hiring process;

The elimination of any health questions such as:

Have you ever had or been treated for any of the following conditions or diseases (followed by a checklist)?

Please list any conditions or diseases for which you have been treated in the past three years.

Have you ever been hospitalized? If so, for what condition?

Have you ever been treated by a psychiatrist or a psychologist? If so, for what condition;

Have you ever been treated for any mental condition?

Is there any health-related reason that you may not be able to perform the job for which you are applying?

Have you had a major illness in the past five years?

How many days were you absent from work last year because of illness?

Do you have any physical defects which prevent you from performing certain kinds of work? If yes, describe such defects and specific work limitations.

Do you have any disabilities or impairments which may affect your performance in the position for which you are applying?

Are you taking any prescribed drugs?

Have you ever been treated for drug addiction or alcoholism?

Have you ever filed for workers' compensation benefits or had a work-related injury?

Job Interview Procedures

Job interview procedures will be reviewed to ensure:

Questions relating to the health of the applicant, the applicant's disabilities and work-related injuries and benefits have been eliminated. (Applicants may be asked if they are able to perform the duties of the job, with or without reasonable accommodation. Inquiries about the applicant's need to leave to receive treatment or how often leave may be necessary as a result of a disability are not permitted. However, attendance requirements may be explained and applicant asked if he/she will be able to meet those requirements.);

No physical and other barriers are present in the interviewing setting, application procedure and test administration procedures (Accessible locations and formats, such as reader, Braille, audio recordings, written materials, sign language, interpreters, personal assistance will be considered.);

The applicant's previous work history will be ascertained without reference to the applicant's ability to perform those specific functions;

Selection and administration of employment tests will take place in a manner that leads to test results that accurately reflect the skills, aptitudes, and whatever factors the tests purport to measure, rather than the impaired sensory, manual or speaking skills of the test subjects. Performance of any non-essential skills during any testing will not be allowed;

Drug screening tests, if required, are administered to all applicants in a job category selected for interviews;

Physical agility/range of motion tests if required, are specifically job related and administered to all applicants in a job category selected for interviews;

Tests given within a specified time period will be to test speed if speed parallels a typical job requirement;

Pre-employment offer medical examinations shall not be conducted;

Reference checks, if done, will be conducted on all applicants in a job category who meet the job requirements. Careful and complete notes will be taken and maintained;

Applicant requests for reasonable accommodations will be allowed:

Tests or exercises will be postponed as needed so that reasonable accommodation can be done; and,

Modified tests or exercises will be provided unless such accommodation would change the measurement of essential job requirement (i.e., provide reader to assist with written test unless ability to read is essential job skill).

Job Offers

The process for all job offers will be reviewed to ensure:

Job offers will be made to the most qualified applicant who with or without reasonable accommodation can perform the essential function of the job;

The successful applicant will be informed of a medical examination requirements, if any;

The successful applicant will be informed that the job offer may be contingent upon medical examination results;

A completed medical history form and release for medical records with candidate's signature and date may be required;

Workers' compensation checks, if done, will be conducted on all successful applicants in a job category;

Reasonable accommodations will be provided if medical history and/or medical examination discloses disability. The reasonable accommodation will be established as follows:

Determine essential functions of the job;

Consult with the individual who has the disability to determine that individual's precise limitations and how they may be overcome;

Identify, with assistance of the individual with the disability, potential accommodations and assess their effectiveness;

Consider the preference of the individual with the disability, and then implement the accommodation that is most appropriate for the employee and the employer. (In order to be reasonable, an accommodation must be effective. It is not required that the best accommodation be selected as long as the selected accommodation provides an equal opportunity to perform the job);

Medical information will be kept confidential;

Medical information must not be maintained in personnel file;

Medical information will be released only to those with "need to know" and/or "need to reach in emergency situations" (i.e, immediate supervisors, etc.);

Medical information records will be maintained a minimum of one year.;

Documentation will be made of the decision-making process for determining if a needed accommodation is reasonable;

Reasonable accommodations will be provided by the district if such accommodation would enable the individual with a disability to perform essential functions of job or otherwise meet eligibility requirements;

Reasonable accommodations considered will include:

Job restructuring;

Part-time modified work schedules;

Job reassignment;

Acquisitions and/or modification of work policies including:

Qualified interpreters, notetakers, transcription services, written materials, telephone handset amplifiers, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

Qualified readers, taped texts, audio recordings, Brailled materials, large print materials or other effective methods of making visually delivered materials available to individuals with visual impairments;

Acquisition or modification of equipment or devices; and

Other similar services and actions.

A determination will be made whether an accommodation is reasonable or an undue burden by considering:

Nature and cost of accommodation;

Overall financial resources of facility;

Number of persons employed;

Impact on operation of facility;

Effect on expenses and resources;

Type of operation. Composition and functions of workforce. Geographic separation, fiscal or administrative relationship of facilities.

A candidate who has been offered employment contingent on medical examination results will be rejected if medical condition causes a direct threat to employee or employees. The district shall consider whether the risk can be eliminated or reduced by a reasonable accommodation by considering the following:

Significant risk of substantial harm to employee or employees is present;

Specific risk is identified and documented;

Risk is current and not speculative or remote;

Assessment of risk is based on objective medical or factual evidence;

Medical condition is a direct threat.

Signage

Signage will be provided as follows:

Notice of the district's compliance with Section 504 and the Americans with Disabilities Act will be displayed at each facility. Such notice will include:

Pertinent provisions, duties and appropriate requirements under the ADA including the duty to reasonably accommodate upon request with appropriate advance notice;

Accessible services provided;

Individual to contact for services or questions, including office location and phone number;

Notice of Equal Employment Opportunity Commission (EEOC) requirements will be displayed in conspicuous places for all job applicants and employees;

Signage directing users to accessible entrances or to location at which information can be obtained about accessible facilities will be displayed at all inaccessible entrances to each of the district's facilities;

Signage will be displayed at all accessible entrances to the district's facilities. The international symbol for accessibility shall be used.

Communications, Program Accessibility

Communications, programs, services and activities will be non-discriminatory and readily accessible to and usable by individuals with disabilities. The district will ensure:

Communications will be provided individuals with disabilities that are as effective as communications with others. In order to provide equal access, the district will make available appropriate aids and services as necessary that may include:

Qualified interpreters, notetakers, computer-aided transcription services, written materials, telephone handset amplifiers, assistive listening systems, telephones compatible with hearing aids, telecommunications devices for deaf persons (TDD's), videotext displays and/or exchange of written notes for individuals who are deaf or hard of hearing;

TDD's, computer terminals and/or communications boards for individuals with speech impariments;

Qualified readers, taped texts, audio recordings, Brailled materials, large print materials and assistance in locating items for individuals with vision impairments;

Telephone accessibility to enable individuals to seek immediate assistance from police, fire, ambulance and other emergency services;

Other equally effective communications devices, services and actions;

Equipment will be acquired and/or redesigned, aids assigned or services provided at alternate sites as appropriate;

Methods chosen will provide program access. Priority will be given to the one that results in the most integrated setting to encourage interaction among all users, including those with disabilities;

Facility Design/Construction

All facilities designed, constructed or altered after January 26, 1992 must be readily accessible and usable by individuals with disabilities. The district will ensure:

Alterations to existing facilities will take place in a manner that results in the altered portion of the facility being readily accessible to persons with disabilities. Alterations must not decrease accessibility;

Alterations deemed necessary to the path of travel in existing facilities requiring extensive restructuring or burdensome expense will be made in a timely fashion. Priority will be given to the following (in order);

Entrances and routes to the altered area;

Additional, accessible parking

One accessible restroom;

Accessible drinking fountains;

Appropriate requirements of either the Uniform Federal Accessibility Standards (UFAS) or Americans with Disabilities Act Accessibility Guidelines (ADAAG) will be met, including work areas, parking, signs, entrances, water fountains, storage and shelves, telephones, assembly areas, bathrooms, detectable warnings, carpet and carpet tile, curb ramps and visual alarms.

Transportation

Transportation requirements will be met as follows:

Accessibility for disabled persons will be provided on any new bus or other vehicle purchases and/or lease (i.e., lifts, ramps, wheel chair spaces or seats);

Vehicles will not be "remanufactured" so as to extend usable life for 5 years or more without making such vehicles accessible to individuals with disabilities.

Post Hires/Current Employees

All post hire and current employee requirements will be met as follows:

Medical examinations may be required to determine whether an employee is still able to perform the essential functions of his/her job. Medical examinations must be job-related and consistent for business necessity. This will not prohibit the district from requiring proof of illness to substantiate a request for sick leave;

Leave of absence policies will be reviewed to ensure that they do not discriminate against disabled individuals. (Uniformly applied leave policies are not subject to challenge because they have a more severe effect on individuals due to their disability. "No leave" policies, such as those forbidding leave during the first six months of employment are also not subject to challenge because they may have a more severe impact upon individuals with disabilities. An employer with a "no-leave" policy may have to consider providing leave as a reasonable accommodation unless doing so would impose an undue hardship on its operation.);

Fringe benefit policies will be reviewed to ensure that they do not discriminate against disabled individuals (The ADA does not affect pre-existing condition clauses as long as the clauses are not used as a means to avoid complying with the ADA, and it does not require that additional coverage be purchased to cover expenses related to a disability);

Insurance will be available to all employees on the same basis. Disabled employees shall not have higher rates;

For on-the-job injuries, the district will require:

Employees to complete Workers' Compensation form;

Supervisors investigate, if necessary, and document circumstances that led to injury;

Communication and cooperation with the Workers' Compensation carrier.

The district may, if employee is off-work due to any injury or illness:

Require doctor's verification of ability to return to job, with or without accommodation (all parts of any type of exam must be job related and consistent with business necessity);

Provide doctor with detailed description of regular job activities, physical movement, duration of physical exertions and job description;

Write detailed questions for doctor to answer;

Ask for release authorizing district representative to talk to employee's own physician.

The district will, if employee is not able to perform essential job functions completely after illness or injury:

Determine whether temporary light duty assignment is possible;

Determine whether job can be restructured shifting or trading duties with other workers;

Determine whether modified work day, hours of work, shift, part-time work may be selected as a reasonable accommodation;

Gather information from employee, doctor(s), consultants, etc. as to needed modifications in facilities, equipment, special aids and services;

Document all district efforts to provide reasonable accommodations.

The district will, if employee cannot be accommodated in current job:

Review alternative assignments and offer if vacant and employee is qualified (with any necessary accommodation);

Provide unpaid leave if recovery is on-going and no other assignment is possible;

Provide unpaid leave for the remainder of the regular school year if sickness or other unavoidable circumstances prevent the teacher from teaching 20 school days immediately following exhaustion of sick

leave accumulated under ORS 342.596. If the Board determines that the teacher is unable to resume teaching responsibilities at the beginning of the next fall term, the teacher's employment may be terminated on August 1;

Comply with all Workers' Compensation reinstatement rights to available and suitable employment.

The district will review drug and alcohol policies to ensure:

Illegal use of drugs and the use of alcohol at the workplace is prohibited by all employees;

Employees will be required to behave in conformance with the requirements of the Drug-Free Workplace Act of 1988;

Employees who engage in the illegal use of drugs or are alcoholics will be held to the same qualification standards or job performance and behavior to which all other employees are held, even if unsatisfactory performance or behavior is related to employee's drug use or alcoholism;

Employees taking drugs under the supervision of licensed health care professionals will be protected by the provisions of the ADA;

Employees who are no longer illegally using drugs and who have been either rehabilitated successfully or are in the process of completing a rehabilitation program will be protected by the provisions of the ADA (i.e., in-patient or out-patient programs, employee assistance programs, professionally recognized self-help programs, such as Narcotics Anonymous, or other programs that provide professional assistance and counseling for individuals who illegally use drugs).

The district will review participation in contractual or other arrangements to ensure:

Reasonable accommodations for individuals with disabilities will be made (i.e., collective bargaining agreements, fringe benefits and apprenticeship programs);

Reasonable accommodations will be available to enable access by disabled employees to training programs provided by the district and/or third parties;

* If self-evaluation and/or transition plan requirements of Section 504 of the Rehabilitation Act of 1973 have been completed, these requirements apply only to the services, policies and practices not included in the previous self-evaluation and/or transition plan.

ADA GRIEVANCE PROCEDURE

The compliance officer is responsible for coordinating the district's efforts to comply with the Americans with Disabilities Act. The compliance officer shall be a neutral party having had no involvement in the complaint presented.

Step I Any complaint shall be presented in writing to the compliance officer within 180 days from date of alleged discrimination. It must include the following:

1. Name and address of the individual or the representative filing the complaint;
2. Description of the alleged discriminatory action in sufficient detail to inform the district of the nature and date of the alleged violation;
3. signature by the complainant or by someone authorized to do so on his/her behalf;
4. Identification (by name, if possible) of the alleged victims of the discrimination for any complaint filed on behalf of classes or third parties.

Step II the compliance officer shall thoroughly investigate the complaint, notify the person who has been accused of discriminating, permit a response to the allegation and arrange a meeting to discuss the complaint with all concerned parties within ten (10) working days after receipt of the written complaint, if deemed necessary. The compliance officer shall give a written answer to the complaint within fifteen (15) working days after receipt of the written complaint.

Step III If the complainant is not satisfied with the answer of the compliance officer, he/she may submit a written appeal to the superintendent or designee indicating with particularity the nature of disagreement with the answer and reason underlying such disagreement. Such appeal must be filed within ten (10) working days after receipt of the compliance officer's answer. The superintendent or designee shall arrange a meeting with the complainant and other affected parties, if requested by the complainant, at a mutually agreeable time to discuss the appeal. The superintendent or designee shall give a written answer to the complainant's appeal within ten (10) working days.

Step IV If the complainant is not satisfied with the answer, an appeal with the Board may be filed within ten (10) working days after receipt of the step III answer. The Board shall, within twenty (20) working days, conduct a hearing at which the complainant shall be given an opportunity to present the complaint. The Board shall give a written answer to the complaint within ten (10) working days following completion of the hearing.

Step V The complainant may appeal the decision of the Board to the State Department of Education. Individuals may initiate complaint procedures and/or civil actions with or without first complying with local complaint procedures.

ADA AND SECTION 504 COMPLIANCE NOTICE

SECTION 504, SAYS . . .

"no otherwise qualified individual with a disability in the United States...shall, solely by reason, of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

THE AMERICANS WITH DISABILITIES ACT REQUIRES...

all programs and services to be accessible to persons with disabilities. Receipt of federal financial assistance is no longer a factor.

WE OFFER ACCESSIBLE SERVICES BY
PROVIDING THE FOLLOWING:

FOR SERVICES OR QUESTIONS, CONTACT:

Compliance Officer

Office Address:

Office Phone Number:

Oregon Telecommunications Relay Service Phone Number:

1-800-735-2900

Telecommunication Device for the Deaf (TDD) Phone Number:

PHONE NUMBER

VOICE