

## **NONDISCRIMINATION**

Public schools have the responsibility to overcome, insofar as possible, any barriers that prevent children from achieving their potential. The public school system will do its part. This commitment to the community is affirmed in the following statements of the School System's intent to:

1. Promote the rights and responsibilities of all individuals as set forth in the State and Federal Constitutions, pertinent legislation, and applicable judicial interpretations.
2. Encourage positive experience in human values for children and youth and adults, all of whom have differing personal and family characteristics and who come from various socioeconomic, racial and ethnic groups.
3. Work toward a more integrated society and to enlist the support of individuals as well as groups and agencies, both private and governmental, in such an effort.
4. Use all appropriate communication and action techniques to air and reduce the grievances of individuals and groups.
5. Carefully consider, in all the decisions made within the school system, the potential benefits or adverse consequences that those decisions might have on the human relations aspect of all segments of society.
6. Initiate a process of reviewing policies and practices of the school system in order to achieve to the greatest extent possible, the objectives of this statement.

This policy of nondiscrimination will extend to students, staff, the general public, and individuals with whom it does business. No person shall be excluded from or discriminated against in admission to a public school of any town or in obtaining the advantages, privileges, and courses of study of such public school on account of race, color, sex, gender identity, religion, national origin, sexual orientation, or disability.

If anyone has a complaint, or feels that they have been discriminated against because of their race, color, sex, gender identity, religion, national origin, sexual orientation, or disability, their complaint should be registered with the Title IX compliance officer.

LEGAL REFS.: Title VI, Civil Rights Act of 1964  
Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972 Executive Order 11246, as amended by E. O. 11375 Equal Pay Act, as amended by the Education Amendments of 1972  
Title IX, Education Amendments of 1972  
Rehabilitation Act of 1973  
Education for All Handicapped Children Act of 1975  
M.G.L. 76:5; 76:16 (Chapter 622 of the Acts of 1971)  
Board of Education Chapter 622 Regulations Pertaining to Access to Equal Educational opportunity, adopted 6/24/75, as amended 10/24/78  
Board of Education Chapter 766 Regulations, adopted 10/74, as amended Through 3/28/78  
McKinney-Vento Homeless Assistance Act 2001 (42 U.S.C. 11431 et seq.), Sec.721

# NONDISCRIMINATION STATEMENT

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The Newburyport Public Schools does not discriminate on the basis of race, color, religion, national origin, age, sex, gender identity, sexual orientation, or disability in admission to, access to, employment in, or treatment in its programs and activities.

The Newburyport Public Schools is committed to maintaining a school environment free of harassment based on race, color, religion, national origin, age, sex, gender identity, sexual orientation, or disability. Harassment by administrators, staff, and support personnel, students, vendors and other individuals at school, or at school-sponsored events, is unlawful and is strictly prohibited. The Newburyport Public Schools requires all employees and students to conduct themselves in an appropriate manner with respect to their fellow employees, students and all members of the school community.

To file a complaint alleging discrimination by Newburyport Public Schools on the basis of race, color, national origin, sex, gender identity, disability, age, sexual orientation, or religion or to make inquiry concerning the application of Title VI, Title IX, Section 504, the ADA, the Age Discrimination Act, or applicable state laws and their respective implementing regulations, please contact:

District Level: Title IX Coordinator Civil Rights Officer Newburyport Public Schools 70 Low Street Newburyport, MA 01950 978-465-4456	School Level: Personnel designated appear in each school's student and parent handbook.
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Inquiries concerning the applicability of the aforementioned federal laws and regulations to Newburyport Public Schools also may be referred to:

**Office for Civil Rights  
U.S. DOE  
5 Post Office Square, 8<sup>th</sup> Floor  
Boston, MA 02109-3921**

**Phone: 617-289-0111; or, 1-800-437-0833  
FAX: 617-289-0150  
e-mail: OCR.Boston@ed.gov**

A grievant may file a complaint with OCR, generally,

1. within 180 calendar days of alleged discrimination or harassment; or,
2. within 60 calendar days of receiving notice of Newburyport Public School's final disposition on a complaint filed through Newburyport Public Schools; or,
3. within 60 calendar days of receiving a final decision by the Massachusetts Department of Elementary & Secondary Education, Bureau of Special Education Appeals; or,
4. instead of filing a complaint with Newburyport Public Schools

Inquiries relative to state law may be referred to the Massachusetts Department of Education, 75 Pleasant St., Malden, MA 02148-4906 (phone 781-338-3000, or, 1-800-439-2370) or the Massachusetts Commission Against Discrimination at One Ashburton Place #601, Boston, MA 02108 (telephone 617-994-6000).

## **NONDISCRIMINATION ON THE BASIS OF HANDICAP**

Title II of the Americans with Disabilities Act of 1992 requires that no qualified individual with a disability shall, because the district's facilities are inaccessible to or unusable by individuals with disabilities, 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.

### 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 or 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 practices, 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.

### 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 and 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 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, note takers, transcription services, written materials, assistive listening systems, and other effective methods for making aurally delivered materials available to individuals with hearing impairments.
- (2.) Qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods for making visually delivered materials available to individuals with visual impairments.
- (3.) Acquisition or modification of equipment or devices.
- (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, in compliance with its responsibility to provide effective communication for individuals with disabilities, 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. The decision shall be accompanied by a written statement of the reasons for reaching that conclusion.

#### Notice

The district shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of Title II of the Americans With Disabilities Act (ADA) and its applicability to the services, programs, or activities of the district. The information shall be made available in such a manner as the School Committee and Superintendent find necessary to apprise such persons of the protections against discrimination assured them by the ADA.

#### 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, including any investigation of any complaint communicated to it alleging its noncompliance or alleging any actions that would be prohibited under ADA. The district shall make available to all interested individuals the name, office address, and telephone number of the employee(s) so designated and shall adopt and publish procedures for the prompt and equitable resolution of complaints alleging any action that would be prohibited under the ADA. The Title IX coordinator will serve the function of Compliance Coordinator.

The School system receives Federal financial assistance and must comply with the above requirements. Additionally, it is generally viewed that:

1. Discrimination against a qualified handicapped person solely on the basis of handicap is unfair.
2. To the extent possible, qualified handicapped persons should be in the mainstream of life in a school community.

Accordingly, employees of the school system will comply with the above requirements of the law and policy statements of the School System to ensure nondiscrimination on the basis of handicap.

LEGAL REFS.:           Rehabilitation Act of 1973, Section 504  
                                  Education For All Handicapped Children Act of 1975  
                                  M.G.L. 71B:1 es seq. (Chapter 766 of the Acts of 1972)  
                                  Title II, Americans with Disabilities Act of 1992  
                                  Board of Education Chapter 766 Regulations, adopted 10/74, as amended  
                                  Through 3/28/78  
                                  McKinney-Vento Homeless Assistance Act 2001 (42 U.S.C. 11431 et  
                                  seq.), Sec.721

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