



Superintendent's Circular

School Year 2011-2012

NUMBER:
EQT-1

DATE:
September 1, 2011

EMPLOYEES WITH DISABILITIES – RIGHTS AND RESPONSIBILITIES

The Boston Public Schools is committed to the policy of nondiscrimination against qualified persons with disabilities, in accordance with Section 504 of the Rehabilitation Act of 1973, as amended, and its regulations, and with the Americans with Disabilities Act (ADA). This policy of nondiscrimination against qualified handicapped persons applies not only to education programs but also to the employment practices of the school system. The purpose of this circular is to acquaint you with some of the specifics of this policy of equal employment opportunity for qualified individuals with disabilities. A person with a disability is any person who (1) has a physical or mental impairment which substantially limits one or more major life activities, (2) has a record of such impairment, or (3) is regarded as having such impairment. Many of the terms in this definition require legal interpretations. Persons requiring greater detail may obtain a copy of the Regulations from the Office of Equity. Although not all-inclusive, examples of the range and variety of disabilities included are provided below:

Non-ambulatory Disabilities – Physical impairments, regardless of cause, that require an individual to use a wheelchair. In this category are individuals who are paraplegic, quadriplegic, hemiplegic, or who have had a limb or limbs amputated, etc.

Semi-ambulatory Disabilities – Physical impairments that cause a person to walk with difficulty, perhaps with the assistance of crutches, walkers or braces.

Coordination Disabilities – Impairments of muscle control to the limbs, resulting in faulty coordination.

Sight Disabilities – Impairments affecting vision totally or partially.

Hearing Disabilities – Impairments affecting hearing totally or partially.

Speech Impairments – Impairments affecting totally or partially the ability to communicate orally.

Learning Disabilities – Impairments that impede the normal learning processes.

Mental or Psychological Disorders – Impairments affecting normal mental processes or emotional stability.

Section 504 defines a "Qualified Disabled Person" for employment purposes as a person who meets legitimate skill experience, education, or other requirements of an employment position, and who can perform the "essential functions" of the position with or without reasonable accommodation. If the individual is qualified by a disability, the employer must consider whether the individual could perform these functions with a reasonable accommodation.

The ADA does not generally apply to individuals with minor, non-chronic conditions of short duration, such as a sprain, infection or broken limb.

Section 504 Regulations require that public school systems make all decisions concerning employment in a manner which ensures that discrimination on the basis of disability does not occur in any aspect of the employment relationship including:

1. Recruitment, advertising, and the processing of applications;
2. Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;
3. Rates of pay or any other form of compensation and changes in compensation;
4. Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;
5. Leaves of absence, sick leave, or any other leave;
6. Fringe benefits available by virtue of employment, whether or not administered by the institution;
7. Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, and selection for leave of absence to pursue training.

Accompanying this circular are copies of the voluntary self-identification form which Headmasters, Principals and Other Administrative Heads must make available to every employee in the school building or department. This includes teaching and administrative personnel and paraprofessionals of all types, as well as custodial, clerical and lunchroom personnel.

Any employees of the Boston Public Schools who have disabilities are requested to respond to this "Voluntary Self-Identification of Disabled Employees" form.

Responding to this self-identification is VOLUNTARY; even if an employee has a disability that is apparent to others, he/she is under no obligation to participate in this self-identification and failure to do so will not result in any adverse action.

Any information an employee chooses to provide will be held in strictest confidence and will be known only to the BPS's Office of Equity. This information will NOT become part of regular personnel records.

Your cooperation in implementing a policy of nondiscrimination against qualified persons with disabilities will assist the Boston Public Schools in ensuring equal opportunity to all employees and potential employees.

STATE AND FEDERAL REMEDIES

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using BPS' complaint process does not prohibit you from also filing a complaint with these agencies. Most of these agencies have a short time period for filing a claim (OCR – 180 days; MDOE – within same school year; MCAD – 300 days).

United States Department of Education Office for Civil Rights ("OCR")

John W. McCormack Post Office and Courthouse
Post Office Square, Suite 800
Boston, MA 02109
(617) 223-9662

Massachusetts Department of Education ("MDOE")

350 Main Street
Malden, MA 02108
(781) 388-3300

Massachusetts Office of Attorney General ("MAG")

Civil Rights Division
One Ashburton Place
Boston, MA 02108
(617) 727-2200 ext. 2691

Massachusetts Commission Against Discrimination ("MCAD")

Boston Office: One Ashburton Place, Room 601 Boston, MA 02108 (617) 994-6000	Springfield Office: 436 Dwight Street, Suite 220 Springfield, MA 01103 (413) 739-2145
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For more information about this circular, contact:

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Carol R. Johnson, Superintendent

Enclosure

**SECTION 504 COMPLIANCE:
VOLUNTARY SELF-IDENTIFICATION OF EMPLOYEES WITH DISABILITIES**

Superintendent's Circular #EQT-1 Employees with Disabilities – Rights and Responsibilities, details the commitment of the Boston Public Schools to a policy of non-discrimination against qualified disabled persons. As part of that resolve, all employees of the Boston Public Schools are requested to respond to a "Voluntary Self-Identification of Disabled Employees form."

Providing this information is VOLUNTARY – even if you have a disability that is apparent to others, you are under no obligation to participate in this self-identification, and failure to do so will not result in any adverse action.

Be assured that any information you choose to provide will be held in strictest confidence, and will be known only to the BPS's Office of Equity. This information will NOT become part of your regular personnel file.

Please complete the form and return it promptly to the Office of Equity, 26 Court Street, Boston, MA 02108, 635-9650, fax 635-7940.

Examples of the range of disabilities covered by Section 504 and the Americans with Disabilities Act are:

1. non-ambulatory disabilities (i.e., those that require a person to use a wheelchair);
2. semi-ambulatory disabilities (i.e., those that cause a person to walk with difficulty or with the assistance of crutches, braces, etc.);
3. coordination disabilities;
4. sight, hearing or speech impairments;
5. learning disabilities;
6. mental or psychological disorders;
7. other conditions including heart disease, diabetes, epilepsy, cancer, acquired immune deficiency syndrome, alcoholism and drug addiction;
8. a history of any of the above disabilities.

BOSTON PUBLIC SCHOOLS
CONFIDENTIAL EMPLOYEE WITH A DISABILITY VOLUNTARY SELF-IDENTIFICATION FORM

NAME _____ DATE _____

ADDRESS _____ City _____ State _____ Zip _____

Home Phone # _____ Cell Phone # _____

Work Phone # _____ E-mail address _____

Employee ID # _____ Title/Position Held _____

School/Department Name _____

School/Department Address _____

1. How long have you worked in the Boston Public Schools?

_____ 0-3 yrs. _____ 3-6 yrs. _____ 6-10 yrs. _____ more than 10 years

2. What is your disability? Please describe the nature of your disability in as much detail as possible.

3. Is there any accommodation that the Boston Public Schools could provide that would assist you in performing your job responsibilities? Yes No

4. If "yes" to question #3, what accommodation(s) would be helpful to you?

- | | |
|---|--|
| <input type="checkbox"/> make office/work area accessible | <input type="checkbox"/> provide ASL interpreter |
| <input type="checkbox"/> restructure job duties | <input type="checkbox"/> provide assistive devices |
| <input type="checkbox"/> modify work schedule | <input type="checkbox"/> other: please specify |

Please be specific: _____

5. Please explain how this accommodation would enable you to perform your job functions better.

6. Have any of these accommodations already been provided for you by the Boston Public Schools?
Yes No

7. If "yes" to #6, please indicate the accommodation(s):

8. If "no" to #6, have you requested any accommodations which have NOT been provided? Yes No

9. To whom was your request directed? Please describe the results.

10. If filing for an accommodation, please submit a recent letter/statement from your physician indicating the nature of your disability which necessitates a reasonable accommodation. This letter must be signed by a medical doctor and will not be accepted from other medical staff (i.e. nurse practitioner, counselor). Also, it must clearly answer the following questions:

1. What is the individual's disability?
2. How long have they been diagnosed with this disability and under the care of a doctor?
3. What are the limitations of the disability/impairment as it pertains to the person's job? (A job description can be provided for the doctor if necessary).

ANY ADDITIONAL COMMENTS:

RETURN TO THE SENIOR OFFICER, OFFICE OF EQUITY, 26 COURT STREET, BOSTON, MA
02108, TELEPHONE 635-9650, FAX 635-7940.