

REGULATION

ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

Related Entries: Policy GAGG

Responsible Office: DIVISION OF HUMAN RESOURCES

AMERICAN WITH DISABILITIES ACT – REASONABLE ACCOMMODATIONS

A. PURPOSE

To establish procedures for processing requests for reasonable accommodations by employees and job applicants of Anne Arundel County Public Schools (AACPS). The provisions of these procedures apply to all AACPS employees and job applicants with disabilities.

Anne Arundel County Public Schools shall handle requests for reasonable accommodations in an effective, expeditious, and confidential manner to enable the individual employee to perform the essential functions of his/her position, or to gain access to the workplace; and enable an applicant with a disability to have an equal opportunity to participate in the application process and to be considered for a job; and to allow an employee with a disability an opportunity to enjoy the same benefits and privileges of employment as are enjoyed by employees without disabilities.

B. BACKGROUND

Persons with disabilities shall be provided an equal opportunity to participate in or benefit from all services offered to other individuals. To the greatest extent reasonable and possible, this shall be done in the integrated setting appropriate to the needs of the individual with a disability. AACPS shall not use standards, criteria, or methods of administration that screen out, exclude, or discriminate based on disability.

C. DEFINITIONS

1. ***Qualified Individual with a Disability*** – An individual with a disability is qualified if (1) he/she satisfies the requisite skill, experience, education and other job-related requirements of the position; and (2) he/she can perform the essential functions of the position, with or without reasonable accommodation. A qualified individual with a disability includes an individual “perceived” as having a disability.
2. ***Reasonable Accommodation*** – Any change in the work environment or in the way work is customarily completed that would enable a qualified individual with a disability to enjoy equal employment opportunities.

3. ***Undue Hardship*** – If a specific reasonable accommodation causes significant difficulty or expense, then the school system will not be required under the law to provide that particular accommodation. Determination of undue hardship must be made on a case-by-case basis, considering factors such as the cost of the reasonable accommodation needed and the impact of the reasonable accommodation on the operation of the school system. Undue hardship includes any action that is unduly costly, extensive, substantial, disruptive, and/or that would fundamentally alter the nature or operation of the school system.
4. ***Essential Functions*** – Those job duties that are so fundamental to the position that the individual cannot do the job without performing them. A function can be “essential” if, among other things, the position exists specifically to perform that function; there are a limited number of other employees who could perform the function; or the function is specialized and the individual is hired based on the ability to perform. The essential functions of a position must be determined on a case-by-case basis so that it reflects the job as actually performed.
5. ***Extenuating Circumstances*** – Extenuating circumstances are factors that could not reasonably have been anticipated or avoided in advance of the request for the accommodation.

D. PROCEDURES

1. The Division of Human Resources shall ensure that medical records are kept confidential, meaning that they will be maintained in files separate from the employee’s official personnel file. The Division of Human Resources shall also determine to whom and under what circumstances medical information may be disclosed, subject to the exceptions listed in the Equal Employment Opportunity Commission regulations.
2. Responsibilities - Employees and Applicants – An employee or applicant shall do the following:
 - a. Communicate a request for accommodation to the Division of Human Resources in accordance with procedures listed below in the “Process for requesting a reasonable accommodation” section.
 - b. Provide sufficient information and documentation to support the request, including the nature of any limitations, the effect of the limitations on the employee/applicant’s employment or application, and an explanation of how the requested accommodation will enable an employee to perform the job or assist an applicant in completing the application process.

- c. Provide relevant medical information related to the functional impairment and the requested accommodation as needed.

3. Responsibilities - AACPS Division of Human Resources shall do the following:

- a. Ensure a continuing affirmative application process and enforcement of the procedures contained herein.
- b. Request sufficient resources for program implementation to ensure efficient and successful processing of requests for reasonable accommodation, and confirm actions meet all legal requirements.
- c. Manage requests for reasonable accommodations. Provide reasonable accommodations in a prompt, fair, and efficient manner.
- d. Maintain confidential records related to an employee's request for accommodations. Ensure that medical records are kept confidential and maintained in files separate from the individual's official personnel file.
- e. Request relevant supplemental medical information if documentation submitted does not clearly explain the nature of the disability, reason for reasonable accommodation, or does not plainly describe how the requested accommodation will assist the applicant/employee to perform the essential function of the job.
- f. Advise supervisors and administrators regarding the implementation of the procedures.
- g. Determine appropriate actions and coordinate with appropriate personnel involved ensuring timely completion of individual requests.
- h. Recommend alternative arrangements to address specific requests.

4. Responsibilities - For applicants, AACPS shall do the following:

- a. Process requests for reasonable accommodation from applicants during the recruitment and application process, as needed.
- b. Make vacancy announcements available to applicants/employees with disabilities.

- c. Ensure that prospective applicants are made aware that reasonable accommodations are available for the application process.

5. Process for requesting a reasonable accommodation

An employee or applicant with a disability, or his/her family member, health care provider or other representative who is acting on behalf of the employee or applicant (requestor) may initiate a request for reasonable accommodation.

- a. The requestor shall contact the Division of Human Resources by telephone, written correspondence, or by submitting the *Request for Reasonable Accommodations and Medical Inquiry Form to Support Accommodation Request* to the Division of Human Resources (Attention: EEO Compliance Specialist). If he/she has not already done so, the requestor shall be advised to complete the *Request for Reasonable Accommodations and Medical Inquiry Form to Support Accommodation Request*. The forms can be found on the Employee Intranet or by contacting the Division of Human Resources.
- b. Upon granting or denying the request for a reasonable accommodation, the Division of Human Resources shall issue a formal decision letter to the requestor.
- c. If the Division of Human Resources denies the request, the requestor shall be informed, in writing, of the denial. The reasons for denial are:
 - i. The requestor has failed to satisfy the requirements; or
 - ii. The accommodation would create an undue hardship on AACPS.
- d. Within ten (10) business days of his/her receipt of the denial notice, a requestor who desires reconsideration of the decision may submit a request, with additional information, to the Executive Director of Human Resources. New evidence and sound justification should be presented to support this request. The Executive Director of Human Resources shall issue a written decision on reconsideration after receipt of the individual's request for reconsideration.

6. Request for Reassignment

Reassignment shall only be considered if accommodations are unavailable to enable the employee to perform his/her current job, or if the only effective accommodation would cause undue hardship.

a. Medical Information

- i. The Division of Human Resources reserves the right to request relevant supplemental medical information if the information submitted does not clearly explain the nature of the disability, or the need for the reasonable accommodation, or does not otherwise clarify how the requested accommodation will assist the employee to perform the essential functions of the job or to enjoy the benefits and privileges of the workplace, or, in the case of an applicant, assist him or her with the application process. The school system shall have the right to have medical information reviewed by a medical expert of AACPS' choosing, at its expense.
- ii. Where medical documentation provided by an employee requesting accommodation is insufficient, the Division of Human Resources shall state why the documentation is insufficient and identify the information still needed.

Regulation History: ***Developed by Superintendent 03/11/15***
 Reviewed by Board of Education 03/11/15
 Issued 03/17/15

Note previous regulation history: none