



METROPOLITAN
Nashville
PUBLIC SCHOOLS



ADA Compliance

Cabinet Sponsor
Chief Financial Officer

Division of Manual
School Board Operations

Date Published
August, 2009

Revision History
August, 2008
January, 2005

Review
Annually

A. ADA Disclaimer

It is the policy of Metropolitan Nashville Public Schools (MNPS) to afford all persons, regardless of their actual or perceived race, religion, color, disability, sexual orientation, national origin, ancestry, or gender, including gender identity, expression, and appearance, equal rights and opportunities in all of its educational institutions. Inquiries concerning nondiscrimination policies other than ADA compliance should be forwarded to the Human Resources Department.

Questions, concerns, complaints and request for additional information regarding may be forwarded to the Metropolitan Nashville, Public Schools section ADA Coordinator:

Henry R. Flenory
2601 Bransford Ave.
Nashville, TN. 37201
615-259-8531 615-214-8890 (fax)
henry.flenory@mnps.org

B. MNPS 504 Coordinator and the ADA Coordinator

1. The Section 504 Coordinator coordinates MNPS programs and responsibilities to assure compliance with Section 504 of the Rehabilitation Act of 1973, and other federal and state laws and regulations pertaining to persons with disabilities. The 504 coordinator ensures that the educational program (including transportation), school activities, and extra-curricular activities are accessible. The scope of responsibility is limited to access to programs and facilities for students with disabilities.
2. The ADA Coordinator coordinates MNPS programs and responsibilities to assure compliance with the Americans with Disabilities (ADA) Act, and other federal and state laws and regulations pertaining to persons with disabilities. The scope of responsibility includes access to programs and facilities for faculty, staff, student and the public.
3. The ADA Coordinator works to insure facilities and programs are accessible. The ADA and 504 Coordinators work together to insure compliance when accommodations are required to access physical/facility and educational program areas.

C. General Policy on Accessibility

The Metropolitan Nashville Public Schools (MNPS) is committed to ensuring that no qualified individuals with disabilities are because of disability, excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any service, program or activity conducted by or on behalf of MNPS. MNPS will operate each service, program, or activity so that they are readily accessible to and usable by persons with disabilities unless doing so would fundamentally alter the nature of their programs, services, or activities or would impose an undue burden

D. ADA Request for Accommodation

The request for accommodation should be made in writing to the ADA department/school coordinator. The ADA department/school coordinator must sign the completed request and send it to the MNPS ADA coordinator. Alternative means of filing a request will be made available if needed (e.g., large print, Braille, audiotape). Requests should include the name, address and telephone number of the individual requesting the accommodation, the location of the program, service, activity or facility where the accommodation is required and a description of why the accommodation is needed (Attachment 1).

Within 15 calendar days after the receipt of a written request, the ADA Coordinator will respond to the individual requesting the accommodation. If the response by the ADA Coordinator does not satisfactorily address the request for accommodation, the individual making the request may file a formal grievance with the Assistant Superintendent of Business and Facilities Services.

The Metropolitan Government will keep all written requests for accommodation received by the ADA department coordinator for at least three years.

E. ADA Grievance Procedure

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act (ADA). It may be used by anyone who has attempted to access one of the Metropolitan Nashville Public Schools' services, activities or programs and who believes that he or she has been denied access due to discrimination based on a disability.

Step 1-The Written Complaint

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, e.g., personal interviews or a tape recording of the complaint will be available for persons with disabilities upon request.

The grievant and / or his /her designee should submit the complaint to the Assistant Superintendent of Business and Facility Services as soon as possible but no later than sixty (60) calendar days after the alleged violation.

Step 2- Meeting with the Assistant Superintendent of Business and Facility Services and the MNPS ADA Coordinator

Within fifteen (15) calendar days after receipt of the complaint, the Assistant Superintendent of Business and Facility Services and the ADA Coordinator will meet with the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after the meeting, the Assistant Superintendent of Business and Facility Services will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille or audiotape. The response will explain the position of the Metropolitan Nashville Public Schools and offer options for substantive resolution of the complaint.

Step 3-Appeal to the Director of Schools

If the response by Assistant Superintendent of Business and Facility Services does not satisfactorily resolve the issue, the complainant and /or his /her designee may appeal the decision to the Director of Schools or his/her designee within (15) calendar days after receipt of the response.

Within fifteen (15) calendar days after receipt of the appeal, the Director or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after the meeting, the Director or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the Assistant Superintendent of Business and Facility Services and appeals to the Director of Metropolitan Nashville Public Schools or his/her designee will be kept for a minimum of three (3) years.

F. Purchasing/General

The contractor will be required to provide assurances that it does not discriminate based on disability in admission to, access to, or operations of its program, services, or activities, including hiring or employment practices. The contractor will ensure that qualified applicants and participants with disabilities in its services, programs or activities have communication access that is equally effective as that provided to people without disabilities. Information shall be made available in accessible formats.

G. Program Location Selection

It is the policy of MNPS to locate each of the school system's services, programs, and activities so, when viewed in their entirety, each service, program, or activity is accessible to and useable by people with disabilities. This policy applies to locations for new services, programs, or activities offered by MNPS and to facilities that are being altered as part of MNPS' ADA Transition Plan. Records of program changes will be made available to the ADA Compliance Division upon request.

The Director of Schools or designee shall review annually each of the school system's services, classes, programs and activities to ensure that, when each class and program is viewed in its entirety, it is accessible to and useable by all individuals including those with disabilities. If a service, class, program or activity is not accessible, the Director of Schools or designee shall take steps to make the alteration of a building, service, class, program or activity, unless doing so would result in fundamental change in the nature of the service, class, program or activity, or pose an undue financial or administrative burden on the system.

H. Building and Facility Use

Requests for use of school property shall be made in writing on appropriate forms to the Director of Schools or his/her designee at least two (2) weeks prior to the proposed use. The Student Assignment Office shall approve any use of school property prior to such use. If the request for use of school property is granted, the person, group, association, organization or corporation requesting the use must execute a Waiver and Release of Liability prior to the use of the property. The MNPS ADA Coordinator will monitor building and facility use as well as location for school related special events

I. Communication

It is the policy of Metropolitan Nashville Public Schools to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with those without disabilities. The Metropolitan Nashville Public Schools will furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a program, service, or activity conducted by the Metropolitan Nashville Public Schools. MNPS will consult with the individuals with disabilities in determining what type of auxiliary aid or service is necessary. MNPS “shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted”. An individual with a disability will not be charged by MNPS for the use of an auxiliary aid.

1. Auxiliary Aids and Services

Auxiliary aids and services include: 1) qualified interpreters, note takers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TTY), Videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments and/or 2) qualified readers, taped texts, audio recordings, Braille materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments

- a. Disability: with respect to an individual, a physical or mental impairment that substantially limits one or more of the activities of such an individual; a record of such an impairment; or being regarded as having such an impairment
- b. Qualified Interpreter: an interpreter who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary
- c. Qualified Readers: if Braille or recorded materials are not available, someone will be designated to read information aloud, when necessary
- d. Telecommunications devices for deaf persons (TDDs): also called a text telephone or TTY, allows persons with hearing or speech disability to communicate with others over the telephone using a keyboard and a visual display or printer. Employees will be trained to use the TDD at the location of the request.

- 1) Notification: Please contact the Metropolitan Nashville Public Schools ADA Coordinator if you are not sure of the school/department that is sponsoring or responsible for providing the program or service that requires the provision of auxiliary aids or services to ensure effective communication.

- 2) Requests for auxiliary aids or services: Requests for auxiliary aids or services should be made to the head of the school/department in advance of the meeting, hearing or other program, service, or activity provided by MNPS. For public meetings, and hearings, the MNPS ADA Coordinator should be notified at least one week in advance. For on-going services and programs, the school/department ADA contact person should be notified at least 48 hours in advance. For emergencies or urgent requests, notify the responsible ADA contact person or the MNPS ADA Coordinator immediately. The best effort to fulfill the request will be made.

- 3) Metropolitan Nashville Public Schools Response: When an auxiliary aid or service is required to ensure effective communication, MNPS will provide an opportunity for an individual with a disability to request the auxiliary aid or service of their choice and will give primary consideration to the choice expressed by the individual. "Primary consideration" means that MNPS will honor the choice, unless:
 - It can show that another equally effective means of communication is available,
 - It can show that use of the requested aid/service would result in a fundamental alteration in the service, program, or activity
 - It can show that use of the requested aid/service would result in undue financial burden to the school/department.

The MNPS ADA Coordinator will consult with the requesting individual to identify the nature of the requirement for an auxiliary aid or service, that is, in what ways effective communication can be achieved with the individual in the context of the school/department's program, service or activity. The ADA school/department contact person may ask the individual for technical assistance and information on how to obtain a particular auxiliary aid or service.

Within 48 hours after the request, the responsible school/department ADA contact person will notify, in writing, the

requesting individual of the proposed auxiliary aid or service to be provided. A copy of the proposal will be sent to the MNPS ADA Coordinator.

- 4) Grievance procedures: If the requesting individual is dissatisfied with the ADA contact person's proposed auxiliary aid or service, the individual is encouraged to file a grievance with the Metropolitan Nashville Public Schools ADA Coordinator.

2. ADA Compliance of Website

The MNPS website will be designed by adhering to the guidelines of Section 508 standards. The website will be text based with content separated from structure and presentation.

3. Public Service Announcements and MNPS sponsored television programs produced by MNPS will be accompanied by closed captioning or interpretive services. This is the responsibility of the Communications Department.
4. Public Notice/Accessibility Statements
MNPS utilizes two accessibility statements that ADA Metro Government has approved for our use. These statements must be included in handbooks, invitations, newsletters (this includes PTA newsletters), and all mass mailings to students, parents and the community.

Statement #1 is used to request any written document in an alternate format. Statement #2 is a request for any other accommodations. Please remember to insert your name and telephone number in the space provided.

1. Request for alternate format



To request this information in an alternate format, please contact your building principal or department head.

[**Insert appropriate Principal's or designee's name and telephone number**]

2. Request for auxiliary aids at a school building statement



Individuals who need auxiliary aids and services are to make their request known to the building principal or department head prior to the date it is needed. (Interpreters for the deaf or hard of hearing must be requested at least seventy-two [72] hours prior to the event.)

[**Insert appropriate Principal's or designee's name and telephone number**]

J. Playgrounds, Athletic Fields, and Gymnasiums

1. All new construction by MNPS of MNPS facilities used for athletics, physical education and recreation, including playgrounds, athletic fields, tracks, and gymnasiums shall be ADA compliant.
2. All existing MNPS facilities that are part of the ADA cluster plan used for athletics, physical education and recreation, including playgrounds, athletic fields, tracks, and gymnasiums shall be ADA compliant.
3. Alterations and Additions to playgrounds, athletic fields, tracks and gymnasiums should adhere to requirements of Section M in this document.

K. Maintenance Projects

The Department of Plant Maintenance will channel all construction request(s) to MNPS Plant Planning and Construction Department for evaluation and approval. Upon approval, the Construction Department will provide architectural drawings to the Maintenance Department to obtain required permits from Metro Codes, Local and State Fire Marshals, Metro Cross Connections and the ADA Compliance Division. A cost analysis will be performed and submitted with each drawing relevant to the scope of work.

Further, the Department of Plant Maintenance will submit to the ADA Compliance Division an electronic monthly report within the first ten working days of the month. The electronic report will identify all work requested from schools and MNPS owned facilities.

L. Design and Construction Projects

All new school construction and renovation of buildings shall be designed and constructed such that they are readily accessible to and useable by all individuals including those with disabilities. The School Planning and Construction Department will adopt enforceable accessibility standards that comply with 36CFR Parts 1190 and 1191 ADA/ABA Accessibility Guidelines dated November 16, 1999, which the Metropolitan Government has adopted. To ensure compliance, the ADA Compliance Division will review all plans for new construction and renovations. When the project has been completed in full compliance with the approved construction plans, the ADA Compliance Division will sign off on the use and occupancy permit.

M. Alterations and Additions

The School Planning and Construction Department must approve all alterations and additions to the school buildings and grounds.

1. Request for alterations or additions to buildings and grounds must be submitted in writing to the School Planning and Construction Department.
2. The School Planning and Construction Department will contact the ADA Compliance Division and provide all pertinent documentation as required to ensure that all requirements are met.

3. The School Planning and Construction Department will respond to the request in writing.

N. MNPS/ADA Compliance Division Cooperation

The MNPS ADA Coordinator and the Metro Nashville ADA Compliance Division will conduct yearly mandatory training for all MNPS maintenance employees and principals using Metropolitan government's Building Maintenance Staff Training. MNPS and the Metro Nashville ADA Compliance Division shall meet at least once per month or more often if needed, to review MNPS adherence to these policies and procedures.

References:

American Disabilities Act of 1990, 42 U.S. C. § 12101 et seq.
Architectural Barriers Act of 1968, 42 U.S. C § 4151 et seq.
Individuals with Disabilities Education Act, 20 U. S. C. § 1400 et seq.
Section 504 of the Rehabilitation Act of 1973 as amended 29 U.S.C. § 794
Section 508 of the Rehabilitation Act of 1973 as amended 29 U.S.C. § 794d
Telecommunications Act of 1996 47 U.S.C. § 255, 251nn
Johnson, S.P. (2004) Written Guidelines for Presentation on ADA Compliance

