
**Social Security
Numbers**

It shall be unlawful for an ESC to deny to any individual any right, benefit, or privilege provided by law because of the individual's refusal to disclose his or her Social Security number.

Exceptions

The above provision does not apply to:

1. Any disclosure that is required by federal statute. The United States Internal Revenue Code provides that the Social Security number issued to an individual for purposes of federal income tax laws shall be used as the identifying number for taxpayers;
2. Any disclosure to an ESC maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted before such date to verify the identity of an individual; or
3. Any use for the purposes of establishing the identity of individuals affected by any tax, general public assistance, driver's license, or motor vehicle registration law within an ESC's jurisdiction.

Statement of Uses

An ESC that requests disclosure of a Social Security number shall inform that individual whether the disclosure is mandatory or voluntary, by what statutory authority such number is solicited, and what uses will be made of it.

Privacy Act of 1974, Pub. L. No. 93-579, sec. 7(b), 88 Stat. 1896, 1897 (1974)

**Individuals with
Disabilities**

No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the ESC, or be subjected to discrimination by the ESC. Nor shall the ESC exclude or otherwise deny equal services, programs, or activities to an individual because of the known disability of an individual with whom the individual is known to have a relationship or association. *42 U.S.C. 12132; 28 CFR 35.130(g)*

Definition

A "qualified individual with a disability" is an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of 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 ESC. *42 U.S.C. 12131(2); 28 CFR 35.104*

**Reasonable
Modification**

The ESC shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the ESC can

	demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. <i>28 CFR 35.130(b)(7)</i>
Communications	The ESC shall take 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 ESC 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 by the ESC. In determining what type of auxiliary aid or service is necessary, the ESC shall give primary consideration to the requests of the individual with disabilities. <i>28 CFR 35.160</i>
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, Braille 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, and (4) other similar services and actions. <i>28 CFR 35.104</i>
Limits of Required Modification	The ESC 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 compliance with its responsibility to provide effective communication for individuals with disabilities would fundamentally alter the service, program, or activity or unduly burden the ESC shall be made by the Board 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. <i>28 CFR 35.164</i>
Notice	The ESC 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 ESC. The information shall be made available in such manner as the Board and Executive Director find necessary to apprise such persons of the protections against discrimination assured them by the ADA. <i>28 CFR 35.106</i>
Compliance Coordinator	*The ESC shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title II

of the ADA, including any investigation of any complaint communicated to it alleging its noncompliance or alleging any actions that would be prohibited under the ADA. The ESC 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. *28 CFR 35.107* [See DAA and BED]

*Applies only to ESCs that employ 50 or more persons.

Religious Freedom

The ESC may not substantially burden a person's free exercise of religion, unless the burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest. *Civ. Prac. & Rem. Code 110.003* [See also DAA(LEGAL)]