



## **402.2 NONDISCRIMINATION: SECTION 504**

### **I. PURPOSE**

The purpose of this policy is to provide a fair employment setting for all persons and to comply with federal law Section 504 of the Rehabilitation Act of 1973.

### **II. GENERAL STATEMENT OF POLICY**

- A. The school district shall not discriminate against qualified individuals on the basis of disability in regard to job application procedures, hiring, advancement, discharge, compensation, job training, and other terms, conditions, and privileges of employment.
- B. The school district shall not engage in contractual or other arrangements that have the effect of subjecting its qualified applicants or employees to discrimination on the basis of disability. The school district shall not exclude or otherwise deny equal jobs or job benefits to a qualified individual on the basis of disability.
- C. To achieve these ends, the school district will ensure that all personnel procedures and practices will be administered pursuant to this policy. In addition, the school district will periodically review, and as necessary revise, personnel qualifications, standards, policies and procedures.

### **III. SECTION 504**

- A. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against persons with a disability in any program receiving federal assistance. The Act defines a qualifying individual as anyone who:
  - i. Has a mental or physical impairment which substantially limits one or more major life activities;
  - ii. Has a record of such impairment; or
  - iii. Is regarded as having such an impairment.
- B. A “qualified individual” in the employment context is one who meets the prerequisites for a position and who can perform the essential functions of the position, with or without reasonable accommodations. Employees or applicants for employment who believe they have been subject to discrimination in violation of this policy may file a grievance using the attached grievance procedure for employment charges of discrimination.

***Legal References:*** Section 504, Rehabilitation Act of 1973  
42 U.S.C. §2000e *et seq.* (Title VII of the Civil Rights Act)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)

**POLICY ADOPTED:** May 21, 2009

**POLICY REVIEWED:** August 2013, September 15, 2016

**POLICY REVISED:** September 26, 2013