



*South Washington County Schools
Cottage Grove, MN*

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.

IV. GRIEVANCE PROCEDURE FOR SECTION 504

- A. Any person who has a complaint alleging that the South Washington County Schools are not complying with this policy or alleging any actions prohibited by this policy shall present the complaint in writing along with the reasons for such complaint to the Director of Human Resources or designee.
- B. Upon receipt of a complaint, the person designated to handle complaints shall authorize an investigation. This investigation shall be conducted by the Director of Human Resources, other school district officials, or a third party designated by the school district. A determination shall be made as to whether the complaint is substantiated and communicated to the Superintendent of Schools within fifteen (15) school days of receiving the complaint.
- C. Upon determination that the complaint is substantiated, the school district will take appropriate action based upon the results of the investigation.
- D. To the extent permitted by state and federal law, the school district will report the results of the investigation to the complainant.
- E. If the complainant is not satisfied with the findings of the investigation, an appeal may be made to one or more of the following offices:

Office for Civil Rights, Chicago Office (Region V)
U.S. Department of Education
500 W. Madison Street, Suite 1475
Chicago, Illinois 60661

Minnesota Department of Human Rights
190 5th Street East, #700
St. Paul, MN 55101

Equal Employment Opportunity Commission (EEOC)
Towle Building
330 South Second Avenue, Suite 720
Minneapolis, MN 55401-2224

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, August 2016
POLICY REVISED: September 26, 2013