

402 DISABILITY NONDISCRIMINATION POLICY

I. PURPOSE

The purpose of this policy is to provide a fair employment setting for all persons and to comply with state and federal law.

II. GENERAL STATEMENT OF POLICY

- A. The school district shall not discriminate against qualified individuals with disabilities, because of the disabilities, with regard to job application procedures, hiring, advancement, discharge, compensation, job training, or any other term, condition or privilege 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 with disabilities 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 because of the known disability of an individual with whom the qualified individual is known to have a relationship or association.
- C. The school district shall make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless the accommodation would impose undue hardship on the operation of the business of the school district.
- D. Any job applicant or employee wishing to discuss the need for a reasonable accommodation, or other matters related to a disability or the enforcement and application of this policy, should contact school principals or superintendent regarding grievances or hearing requests regarding disability issues. These people are the school district's ADA/504 Coordinators.

III. REPORTING GRIEVANCE PROCEDURES

- A. Any person who believes he or she has been the victim of discrimination on the basis of disability by a pupil, teacher, administrator or other school personnel of the school district, or any person with knowledge or belief of conduct which may constitute such discrimination or violence toward a pupil, teacher, administrator or other school personnel should report the alleged acts immediately to an appropriate school district official designated by this policy. The school district encourages the reporting party or complainant to use the report form available from the principal of each building or available from the school district office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting discrimination directly to the building's Section ADA/504 Coordinator or to the superintendent.

- B. In each school building: the building principal is the person responsible for receiving oral or written reports of discrimination based on disability at the building level. Any adult school district personnel who receive a report of discrimination shall inform the building principal immediately.
- C. Upon receipt of a report, the principal must notify the school district ~~Section ADA/504 Coordinator~~ Superintendent immediately, without screening or investigating the report. The principal may request but may not insist upon a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the principal to the ~~Section ADA/504 Coordinator~~ Superintendent. If the report was given verbally, the principal shall personally reduce it to written form within 24 hours and forward it to the ~~Section ADA/504 Coordinator~~ Superintendent. Failure to forward any harassment or violence report or complaint as provided herein will result in disciplinary action against the principal. If the complaint involves the building principal, the complaint shall be made or filed directly with the superintendent ~~or the school district Section ADA/504 Coordinator~~ by the reporting party or complainant.
- D. In the district: the school board hereby designates school principals and superintendent as the school district Section ADA/504 coordinators to receive reports or complaints of discrimination on the basis of disability.
- E. The school district shall conspicuously post the names of the Section ADA/504 Coordinators, including mailing addresses and telephone numbers.
- F. Submission of a good faith complaint or report of discrimination on the basis of disability will not affect the complainant or reporter's future employment, grades or work assignments.
- G. Use of formal reporting forms is not mandatory.
- H. The school district will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

Adopted: December 13, 1999
Revised: March 13, 2006
Revised: April 8, 2019
Revised:

Legal References: Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
29 U.S.C. 794 et seq. (§504 of Rehabilitation Act of 1973)
42 U.S.C., Ch. 126 § 12112 (Americans with Disabilities Act)
29 C.F.R. Part 32
34 C.F.R. Part 35

[34 C.F.R. Part 104](#)

Cross References: MSBA Model Policy 521 (Student Disability Nondiscrimination)