

## **EMPLOYMENT OF PERSONS WITH DISABILITIES**

In order to fulfill the Brookings School District's commitment to not unlawfully discriminate against those individuals with disabilities, the Superintendent shall be responsible to ensure that:

1. No qualified persons with disabilities shall be subjected to discrimination. A qualified individual with a disability is an individual with a disability who can perform the essential functions of the employment position, (held or desired) with or without reasonable accommodation. The district shall not limit, segregate or classify applicants for employment or current employees in any way that adversely affects their opportunities or status because of a disability. This prohibition applies to all aspects of employment from recruitment to promotions and includes employee benefits and other elements of compensation.
2. The district shall make reasonable accommodation to the known physical or mental disability of an otherwise qualified applicant or employee unless it is clear that an accommodation would impose an undue hardship on the operation of the district program.
3. The district shall not make use of any employment test or criteria that screens out persons with disabilities unless the test or criteria is clearly and specifically related to an essential job function(s).
4. The district shall not use pre-offer employment health inquiries and tests.
5. Any employee who believes that there has been a violation of this policy or the law prohibiting discrimination because of a disability may initiate a grievance through the procedures for staff complaints. (See policy ACA-Grievance Procedure)

**Legal References:** Section 504 of the Rehabilitation Act of 1973 (Nondiscrimination under federal grants)  
Americans with Disabilities Act of 1990  
34 CFR part 300 et seq. (Assistance to states for the education of children with disabilities)  
42 USC §12101 et seq. (Equal Opportunity for individuals with disabilities)  
29 USC §794 (Nondiscrimination under Federal grants and programs)  
20 USC §1400 et seq. (Education of individuals with disabilities)  
Public Law 108-446 (Individuals with Disabilities Education Improvement Act of 2004)

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