

521 SECTION 504 STUDENT DISABILITY NONDISCRIMINATION

I. PURPOSE

The purpose of this policy is to protect disabled students from discrimination on the basis of disability and to identify and evaluate learners who, within the intent of Section 504 of the Rehabilitation Act of 1973, need special services, accommodations, or programs in order that such learners may receive a free appropriate public education.

II. GENERAL STATEMENT OF POLICY

- A. Disabled students are protected from discrimination on the basis of a disability.
- B. It is the responsibility of the school district to identify and evaluate learners who, within the intent of Section 504 of the Rehabilitation Act of 1973, need special services, accommodations, or programs in order that such learners may receive a free appropriate public education.
- C. For this policy, a learner who is protected under Section 504 is one who:
 - 1. has a physical or mental impairment that substantially limits one or more major life activities, including learning; or
 - 2. has a record of such impairment; or
 - 3. is regarded as having such impairment.
- D. Learners may be protected from disability discrimination and be eligible for services, accommodations, or programs under the provisions of Section 504 even though they are not eligible for special education pursuant to the Individuals with Disabilities Education Act.
- E. The Worthington Public School has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Americans With Disabilities Act (ADA) and by Minnesota Department of Education implementing Section 504 of the Rehabilitation Act of 1873, as amended (29 U.S.C. §794). Section 504 states, in part, that “no otherwise qualified individual with a disability...shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance.”
- F. Any individual who believes he or she has been the victim of discrimination by a teacher, administrator or other school district personnel, or any person with knowledge or belief of conduct which may constitute discrimination toward a student should report the alleged acts immediately to an appropriate school district official designated by this policy or may file a grievance. 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.

III. COORDINATOR

Persons who have questions, or comments should contact John Landgaard, Superintendent, 1117 Marine Ave, Worthington, 507-372-2172, john.landgaard@isd518.net This person is the school

district's Americans with Disabilities Act/Section 504 Coordinator. Persons who wish to make a complaint regarding a disability discrimination matter may use the accompanying Student Disability Discrimination Grievance Report Form. The form should be given to the ADA/Section 504 coordinator.

The following is a description of the rights granted by federal law to students with handicaps. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

You have the right to:

- A. Have your child take part in, and receive benefits from public education programs without discrimination because of his/her handicapping conditions;
- B. Have the school district advise you of your rights under federal law;
- C. Receive notice with respect to identification, evaluation, or placement of your child.
- D. Have your child receive a free appropriate public education. This includes the right to be educated with non-handicapped students to the maximum extent appropriate. It also includes the right to have the school district make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
- E. Have your child educated in facilities and receive services comparable to those provided non-handicapped students;
- F. Have your child receive special education and related services if he or she is found to be eligible under the individuals with Disabilities Act (PL 101-476) or Section 504 of the Rehabilitation Act;
- G. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, the evaluation data, and placement options;
- H. Have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the district;
- I. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district;
- J. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program and placement;
- K. Obtain copies of educational record at a reasonable cost unless the fee would effectively deny you access to the records.
- L. A response from the school district to reasonable requests for explanations and interpretation of your child's records;
- M. Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child.

If the school district refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing;

- N. Request mediation or an impartial due process hearing related to decisions or reactions regarding your child's identification, evaluation, educational program or placement. You and your child may take parting the hearing and have an attorney represent you.
- O. Ask for payment of reasonable attorney fees if you are successful on your claim;
- P. File a local grievance.

IV. 504 GRIEVANCE REPORTING PROCEDURES

- A. Any individual may file a grievance in the Worthington School District if the individual believes there has been a violation of Section 504.
- B. Prior to the filing of a written complaint, the student or employee is encouraged to visit with the Title IX, Section 504 or Equity Coordinator and to make a reasonable effort to resolve the problem or complaint at the lowest possible administrative level.
- C. Any such grievance must be filed in writing within thirty (30) days after the alleged violation occurred. The grievant must fully state the facts of the alleged violation and the remedy that is being sought.
 - 1. The grievance shall be submitted to John Landgaard, the Section 504 Coordinator of the Worthington School District at 117 11th Avenue, Worthington, Minnesota, who shall investigate the circumstances of the alleged violation. John Landgaard, the Section 504 Coordinator shall make a written report of his findings of fact and conclusions within ten (10) school days.
 - 2. If the grievance has not been resolved to the satisfaction of the grievant, he/she may appeal the report of the Section 504 Coordinator to the superintendent of the Worthington School District within five (5) school days of receipt of the report. After investigation and within ten (10) school days of receipt of the appeal, the superintendent shall affirm, reverse, or modify the report of the Section 504 Coordinator.
 - 3. If the grievance has not been resolved in item 2 to the satisfaction of the grievant, he/she may appeal to the school board within five (5) school days of the receipt of the report in item 2. The school board shall conduct an informal hearing in an open meeting to review the alleged in violation. The board shall give each party at least five (5) school days notice of its meeting. The board shall affirm, reverse or modify the report issued under item 2 within fifteen (15) school days of receipt of the appeal. This procedure contains written assurance that complaints may be made without fear of reprisal.

V. REPRISAL

The school district will discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who retaliates against any person who reports alleged discrimination toward a student or any person who testifies, assists or participates in an investigation, or who testifies, assists or

participates in a proceeding or hearing relating to such discrimination. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

VI. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES.

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Minnesota Department of Human Rights, initiating civil action or seeking redress under state criminal statutes and/or federal law, or contacting the Office of Civil Rights for the United States Department of Education.

VII. DISSEMINATION OF POLICY AND EVALUATION

- A. This policy shall be made available to all students, parents/guardians of students, staff members, employee unions and organizations.
- B. The school district shall review this policy and the school districts operation for compliance with state and federal laws prohibiting discrimination on a continuous basis.

Legal References: Pub. L. 110-325, 122 Stat. 3553 (ADA Amendments Act of 2008, § 7)
29 U.S.C. § 794 et seq. (Rehabilitation Act of 1973, § 504)
34 C.F.R. Part 104 (Implementing Regulations)

Cross References: MSBA/MASA Model Policy 402 (Disability Nondiscrimination)

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Adopted: 4/15/14; 8/16/11; 8/17/04, 3/28/06

**Form: ADA/SECTION 504/TITLE IX AND EQUAL EDUCATION OPPORTUNITY
- DISCRIMINATION REPORTING FORM**

General Statement of Policy Prohibiting Discrimination Toward a Student or an employee of Independent School District No. 518.

Independent School District No. 518 maintains a firm policy prohibiting all forms of discrimination against students and employees. All individuals are to be treated with respect and dignity. Discrimination by any teacher, administrator or other school personnel will not be tolerated under any circumstances.

Complainant _____

Home Address _____

Work Address _____

Home Phone _____ Work Phone _____

I have been discriminated against based on (choose one or more):

[my disability] / [a record of my disability] / [being regarded as having a disability]

because _____

Date of Alleged Incident(s): _____

Name of person you believe discriminated toward you or student on the basis of disability.

If the alleged discrimination was toward another person, identify that person:

Describe the incident(s) as clearly as possible, including such things as: any verbal statements (i.e. threats, requests, demands, etc.); what, if any, physical contact was involved; etc. (Attach additional pages if necessary):

Where and when did the incident(s) occur: _____

List any witnesses that were present: _____

This complaint is filed based on my honest belief that _____ has discriminated against me or a student on the basis of disability. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief.

(Complainant Signature) (Date)

Received by: _____
(Signature) (Date)