

Policy #: 521
Title: STUDENT DISABILITY NONDISCRIMINATION
Date of Initial Approval: 05-03-2007
Revision/Re-authorization Dates:04-19-2018; 04-21-2021
Reviewers: MSA Human Resources; MSA Superintendent

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 Minnesota State Academies 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.

III. PROCEDURE

Persons wishing to discuss a concern or complaint regarding possible discrimination on the basis of disability should first contact the director of the campus where the student attends classes. The Director shall document the complaint and work with the MSA Human Resources Director to take steps to document all reports of suspected discrimination and collect all available and applicable evidence. If the Director is not available or is believed to be party to the suspected discrimination, individuals may contact the MSA Human Resources Director directly. The names of the reporting individuals and the accused/suspected of the violation will not be disclosed to anyone who does not have a business need to know. To protect the integrity of the investigation, the

nature and specifics of the suspected violation will be shared only with those with a business need to know.

Generally, the MSA Human Resources director, in consultation with MSA directors, will determine the type of investigation to be performed and the individual(s) who will perform the investigation. The type of investigation and individual(s) involved will be dependent upon the specific nature of the suspected violation. Depending on the nature of the reported violation, MSA may relinquish control of the investigation to another entity such as the Minnesota Department of Management and Business (MMB) or the Attorney General's office.

At the outcome of the investigation, the MSA Human Resources Director or the lead investigator will provide the MSA Superintendent with written notification of the final resolution of the matter within 30 days or as soon as possible after the final determination. If applicable and appropriate, the reporting individual may be notified of the final determination.

Persons who have questions, comments, or complaints should contact the MSA Human Resources Director regarding grievances or hearing requests regarding disability issues. This position serves as the school district's ADA/504 Coordinator.

Legal References:

29 U.S.C. § 794 et seq. (*Rehabilitation Act of 1973, § 504*)
34 C.F.R. Part 104 (*Implementing Regulations*)

Appendix:

Appendix 521A – Student Disability Discrimination Grievance Report Form