

## **521 STUDENT DISABILITY NONDISCRIMINATION**

### **I. PURPOSE**

The purpose of this policy is to protect students with disabilities 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 (Section 504), need services, accommodations, or programs in order that such learners may receive a free appropriate public education.

### **II. GENERAL STATEMENT OF POLICY**

- A. Students with disabilities who meet the criteria of Paragraph C. below are protected from discrimination on the basis of a disability.
- B. The responsibility of the school district is to identify and evaluate learners who, within the intent of Section 504, need 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 of such person's major life activities; or
  - 2. has a record of such an impairment;
  - 3. is regarded as having such an impairment; or
- 4. has an impairment that is episodic or in remission and would materially limit a major life activity when active.
- 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. COORDINATOR**

Persons who have questions or comments should contact Hope Fagerland, 3303 33rd Ave NE, St. Anthony, MN 55418, 612-706-1062, hfagerland@isd282.org . 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.

### **IV. GRIEVANCE REPORTING PROCEDURE FOR COMPLAINTS OF DISCRIMINATION**

The following grievance procedure applies to claims of sex, disability, and racial discrimination:

- A. Any person who believes he or she has been the victim of unlawful discrimination or any person with knowledge or belief of conduct that may constitute unlawful discrimination shall

report the alleged acts immediately to an appropriate school district official designated by this policy. The complaint must be filed within 90 calendar days of the alleged violation.

- B. The Human Rights Officer is responsible for receiving oral or written complaints of unlawful discrimination toward an employee or student. However, nothing in this policy shall prevent any person from reporting unlawful discrimination toward an employee or student directly with the Human Rights Officer, the school board or other school district official.
- C. The school board hereby designates Wendy Webster 3301 Silver Lake Road, St. Anthony, MN 55418 612-706-1170 wwebster@isd282.org as the school district Human Rights Officer(s) to receive reports, complaints, or grievances of unlawful discrimination. If the complaint involves a Human Rights Officer, the complaint shall be filed directly with [a different staff member, such as the superintendent or school board chair, designated by the school board].
- D. Upon receipt of a complaint, the Human Rights Officer shall immediately notify the superintendent. If the superintendent is the subject of the complaint, the Human Rights Officer shall immediately notify the school board.
- E. The Human Rights Officer may request but not insist upon a written complaint. Alternative means of filing a complaint, such as through a personal interview or by tape recording, shall be made available upon request for qualified persons with a disability. If the complaint is oral, it shall be reduced to writing within 24 hours and forwarded to the superintendent. Failure to do so may result in disciplinary action. The school district encourages the reporting party to complete the complaint form for written complaints. It is available from the principal of each building or the school district office.
- F. The school district shall respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses, consistent with the school district's legal obligations to investigate, take appropriate action, and comply with any discovery or disclosure obligations.

**TITLE IX COORDINATOR**

Wendy Webster  
3303 33rd Ave NE  
St. Anthony, MN 55418  
612-706-1170  
wwebster@isd282.org

**SECTION 504 COORDINATOR**

Hope Fagerland  
3303 33rd Ave NE  
St. Anthony, MN 55418  
612-706-1062  
hfagerland@isd282.org

**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 agencies listed below or initiating action in state or federal court.

Claims of discrimination may also be pursued through the following agencies where appropriate:

**Office for Civil Rights**

Chicago Office  
U.S. Department of Education  
John C. Kluczynski Federal Building  
230 S. Dearborn Street, 37th Floor  
Chicago, IL 60604  
Telephone: 312-730-1560  
Facsimile: (312) 730-1576  
Email: OCR.Chicago@ed.gov

**Minnesota Department of Human Rights**

Griggs Midway Building  
540 Fairview Avenue North, Suite 201

St. Paul, MN 55104  
Telephone: 1-800-657-3704 or (651) 539-1100  
Email: Info.mdhr@state.mn.us

For complaints of employment discrimination:

**Equal Employment Opportunity Commission**

Towle Building  
330 South 2nd Avenue, Suite 720  
Minneapolis, MN 55401  
Telephone: (612) 552-7306  
Fax: (612) 335-4066  
TTY: 1-800-669-4000  
ASL Video Phone: 1-844-234-5122

This document provides general information and is not to be a substitute for legal advice. Changes in the law, including timelines for filing a complaint, may affect your rights.

*Legal References:*

34 C.F.R. Section 104.7(b) (Section 504 of the Rehabilitation Act)  
34 C.F.R. Section 106.8(b) (Title IX of the Education Amendments of 1972)

*Resources:*

Office for Civil Rights  
Chicago Office  
U.S. Department of Education  
John C. Kluczynski Federal Building  
230 S. Dearborn Street, 37th Floor  
Chicago, IL 60604  
Telephone: 312-730-1560  
Facsimile: (312) 730-1576  
Email: OCR.Chicago@ed.gov

Reading Room, U.S. Department of Education, Office for Civil Rights:  
<http://www2.ed.gov/about/offices/list/ocr/publications.html> V. RESOURCES: U.S. Department of

**Legal References:** Minn. Stat. § 363A.03, Subd. 12 (Definitions)  
42 U.S.C. Ch. 126 (Equal Opportunity for Individuals with Disabilities)  
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)  
34 C.F.R. Part 104 (Section 504 Implementing Regulations)

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