



Policy Title & Number	521 - Student Disability Non-Discrimination
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Date Created:	May 3, 2018
Past Policy Revision Date(s):	
Related Policy(ies):	
Policy Type (Operating, Board)	Operating

A. 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 (Section 504), need services, accommodations, or programs in order that such learners may receive a free appropriate public education.

B. Definitions

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C. Policy Statement

GENERAL STATEMENT OF POLICY

- A. Disabled students 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; or
3. is regarded as having such an 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.

COORDINATOR

Persons who have questions or comments should contact Rebecca Snyder, TrekNorth School Social Worker at (218) 444-1888, ext. 131, or rsnyder@treknorth.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.

This policy may be revised at any time without notice. All revisions supersede prior policy and are effective immediately upon approval by the Director.

D. Associated Procedures or Other Information

TrekNorth Grievance Procedure for Section 504 process or Discrimination Complaints

Purpose:

The purpose of this policy is to provide a grievance procedure for Section 504 and other Discrimination Complaints and to comply with federal law Section 504 of the Rehabilitation Act of 1973.

General Statement of Policy:

TrekNorth does not discriminate on the basis of handicap/disability in any of its policies, procedures, programs or practices. It is desirable that problems and complaints regarding alleged discrimination on the basis of disability brought by students, employees, parents or other members of the community be resolved in a prompt and equitable manner. When possible, such problems and complaints should be resolved in an informal manner. Retaliation in any form for the filing of a grievance, the reporting of instances of discrimination, or any participation in the grievance procedure is prohibited. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

Procedures:

When a person has a complaint against TrekNorth based on disability discrimination, the following steps are recommended:

Step 1: Staff (oral)

The complainant meets with the person or persons immediately involved in an attempt to informally resolve the complaint. If the complaint is not resolved, as a result of that meeting(s) or if the complainant wishes to bypass the first step, the complainant shall contact the TrekNorth 504 Coordinator.

Step 2: 504 Coordinator at the School (oral)

The complainant presents the grievance to the site 504 Coordinator with the objective of resolving the matter informally. If the discussion between the complainant and the 504 Coordinator does not resolve the matter to the satisfaction of the complainant, then the complainant should contact the TrekNorth Office Manager and schedule a meeting to orally present the grievance to the Executive Director with the objective of resolving the matter informally.

Step 3: Executive Director (oral)

The Executive Director is considered the immediate supervisor for students and all building employees. The complainant and the Executive Director shall confer on the grievance with a view toward arriving at a mutually satisfactory resolution of the grievance. At the conference, the complainant may appear alone or be accompanied by a mutually acceptable person. The Executive Director shall have the same privilege.

Step 4: Executive Director (written)

If the discussion between the complainant and the Executive Director does not resolve the matter to the satisfaction of the complainant within 10 school days after the steps two and three conferences, the complainant should write the grievance to the Executive Director specifying:

- The nature of the grievance
- How the complainant has been harmed by action/inaction of the district
- If any suggestion to resolve the grievance was made during the previous steps and why they are insufficient
- What remedy the complainant is seeking
- Why the complainant believes this remedy is appropriate

If the complainant is unable to put a complaint in writing, a mutually agreeable staff member will be provided to assist the complainant.

The Executive Director will consult with the 504 Review Team on processes followed and shall reply in writing to the complainant within 10 school days of receipt of the written grievance. This will constitute the district's final written decision on the matter. The reply will include information regarding further appeals procedures.

Step 5: Office of Civil Rights

If the complainant is not satisfied with the district's final written decision, an appeal may be made to one or more of the following offices:

Office for Civil Rights (Region V)

U.S. Department of Education

500 W. Madison Street, Suite 1475

Chicago, Illinois 60661

Minnesota Department of Human Rights

190 5th Street East, #700

St. Paul, MN 55101

Equal Employment Opportunity Commission (EEOC)

Towle Building

330 South Second Avenue, Suite 720

Minneapolis, MN 55401

E. Associated Forms

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 (Section 504 Implementing Regulations)

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