



## STUDENT DISABILITY NONDISCRIMINATION

POLICY:	521
ADOPTED:	10/15/01
REVISED:	04/25/22

### 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 (Section 504), 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 who meet the criteria of Paragraph C. below 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, need special services, accommodations, or programs in order that such learners may receive a free appropriate public education and to provide written notice to parents regarding the identification, review or placement of students and to give parents the opportunity to consent, refuse or request a due process hearing.
- 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.

### III. Designation of Responsible Employee

The school board hereby designates the Director of Special Education, Abel Riodique, 2990 80th Street East, Inver Grove Heights, Minnesota, 651-306-7828, riodique@isd199.org, as the Americans with Disabilities Act/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 and Investigation**

- A. A parent or guardian of a student or an adult student may grieve a decision to deny 504 review or deny accommodation. The grievance should be submitted in writing to the building principal or program administrator. The grievant must fully state the facts of the alleged violation and the remedy that is sought. If the grievance involves the principal, it should be submitted directly to the designated district 504 coordinator.
- B. The school district will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, as much as possible, consistent with the district's legal obligations to investigate, to take appropriate action, and to conform to any discovery or disclosure obligations.
- C. Investigation regarding the grievance shall be completed as soon as practicable. The grievant will be notified in writing of the decision. The investigation report shall be filed with the school district's Americans with Disabilities Act/Section 504 Coordinator. If the grievance regards the principal, the investigation report shall be filed directly with the superintendent. The report shall include a determination of whether the allegations of the grievance have been substantiated and what, if any, remedies are to be applied.
- D. If the grievant is not satisfied with the resolution of the grievance, the grievance may appeal the findings of the building administrator to the superintendent or their designee in writing within five days of receipt of the report. The superintendent or their designee will affirm, reverse or modify the report of the building principal or program administrator. The grievant will be notified of the decision in writing.
- E. If the grievant is not satisfied with the findings of the superintendent or their designee, the grievant may within five (5) days of receipt request a review by the board of education. Such requests must be made in writing to the superintendent and will only be considered when the superintendent or designee investigation is complete. The decision of the school board shall be the final decision made by the local education agency.

#### **V. Reprisal**

- A. The school district will investigate complaints regarding retaliation against any person who files a grievance regarding an alleged violation of this policy. Retaliation includes, but is not limited to intimidation, reprisal or harassment. Acts of retaliation will result in disciplinary action. Reports of retaliation should be made to the building principal or program administrator.

## **VI. Right to Alternative Appeal Procedures**

A. This policy does not deny the right of the individual to pursue other avenues of recourse, which may include:

1. Requesting a due process hearing, or
2. File a complaint with the Office of Civil Rights, Region V, U.S. Department of Education, III N. Canal Street, Suite 1053, Chicago, IL 60606 (312) 886-8434.

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

**Cross References:** Policy 402 - Disability Nondiscrimination