

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 whom, 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. Reporting Procedures

Any person who believes he or she has been the victim of disability discrimination by a pupil, teacher, administrator or other school personnel of the school district, or any person with knowledge or belief of conduct which may constitute disability discrimination toward a pupil should report the alleged acts immediately to an appropriate school district official designated by this policy. The school district encourages the reporting party or complainant to use the report form available from the office of the Director, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting discrimination directly to a School District Human Rights Officer.

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- A.** The Director is the person responsible for receiving oral or written reports of discrimination. Any adult school district personnel who receive a report of discrimination shall inform the Director immediately.

Upon receipt of a report, the Director must notify the School District Human Rights Officer immediately, without screening or investigating the report. The Director may request, but may not insist upon, a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the Director to the School District Human Rights Officer. If the report was given verbally, the Director shall personally reduce it to written form within 24 hours and forward it to the School District Human Rights Officer. Failure to forward any discrimination report or complaint as provided herein will result in disciplinary action against the Director. If the complaint involves the Director, the complaint shall be made or filed directly with the School District Human Rights Officer by the reporting party or complainant.

- B.** The School Board hereby designates the School Board Chair as the School District Human Rights Officer to receive reports or complaints of discrimination. If the complaint involves the School District Human Rights Officer, the complaint shall be filed directly with the School Board. The school district shall conspicuously post the name of the School District Human Rights Officer, including mailing addresses and telephone numbers.
- C.** Submission of a good faith complaint or report of religious, racial or sexual harassment or violence will not affect the complainant or reporter's future employment, grades or work assignments.
- D.** Use of formal reporting forms is not mandatory.
- E.** The school district will process complaints made under this policy as discreetly as possible, consistent with the school district's legal obligations and the necessity to investigate allegations of disability discrimination and take disciplinary action when the conduct has occurred.

IV. Investigation

- A.** By authority of the school district, the School District Human Rights Officer, upon receipt of a report or complaint alleging discrimination shall immediately undertake or authorize an investigation. The investigation may be conducted by school district officials or by a third party designated by the school district.

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- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, the school district should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and the surrounding circumstances.
- D. In addition, the school district may take immediate steps, at its discretion, to protect the complainant, pupils or other school personnel pending completion of an investigation of alleged discrimination.

V. School District Action

- A. The school district will take such action as appropriate based on the results of the investigation. In the event that the investigation establishes that a violation of this policy has occurred, disciplinary action may be taken.
- B. Consistent with the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes §13.01 et. seq., the results of the school district's investigation will be made available to the complainant.

VI. 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 disability discrimination 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.

VII. Discipline

Any school district action taken against any person pursuant to this policy shall be consistent with the requirements of:

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- A. Applicable Collective Bargaining Agreements;
- B. School District Policies;
- C. The Pupil Fair Dismissal Act, Minnesota Statutes § 121A.40;
- D. Student Conduct Code;
- E. State and Federal Law.

The school district will take such disciplinary action it deems necessary and appropriate, including warning, suspension, immediate discharge or expulsion to end disability discrimination and prevent its recurrence.

VIII. Dissemination of Policy and Training

- A. This policy shall be conspicuously posted throughout the school building in areas accessible to pupils and staff members.
- B. This policy shall appear in the student handbook.
- C. The school district will develop a method of discussing this policy with students and employees.
- D. This policy shall be reviewed at least annually for compliance with state and federal laws.