

DISTRICT CODE: 521

NONDISCRIMINATION POLICY FOR PERSONS WITH DISABILITIES

Policy reflects Minnesota statute and aligns with other District 270 policies.

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 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 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.

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- 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 the Director of Special Services. 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.

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)

Adopted: July 8, 1996

Revised: May 8, 2003, November 19, 2015

Reviewed: December 18, 2018

Regulations begin on next page.

DISTRICT CODE: 521 - REGULATIONS

NONDISCRIMINATION POLICY FOR PERSONS WITH DISABILITIES

I. RESPONSIBILITIES

Employees and students of the Hopkins School District are responsible for conducting themselves in a manner consistent with the spirit and intent of the Nondiscrimination Policy for Persons with Disabilities.

Principals and other administrators are responsible to ensure that the Nondiscrimination Policy for Persons with Disabilities is disseminated and adhered to as stipulated in the Section 504 Program Handbook and the ADA Compliance Guide.

The District designates the Director of Special Services as the administrator responsible for coordinating the District's efforts under Section 504 and the ADA and to give overall direction in adhering to this Policy.

II. GRIEVANCE PROCEDURE

This grievance procedure is established to meet the requirements of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits, or in employment practices and policies, by the Hopkins School District.

The School District encourages all grievances to be resolved with the individual closest to the issue, in most cases the school principal or designated 504/ADA facilitator. The grievance should contain information about the alleged discrimination such as name and phone number of the complainant and location, date, and description of the problem. Alternate means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint must be filed by the grievant and/or her/his designee within 30 calendar days after the alleged violation.

When it is not possible to file the complaint with the individual closest to the issue, or when such attempts have not been successful, the grievance may be filed in writing with the District 504/ADA coordinator.

The Hopkins School District 504/ADA Coordinator is:

Name: Fhonda Contreras
Address: 1001 Highway 7
Hopkins, MN 55305-4723

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Telephone Number: 952-988-4041

TDD Number: Utilize the MN Relay Service

Hours Available: 9 am to 5 pm - Monday through Friday

Step One

The grievance should be submitted to the school principal or designated 504/ADA Facilitator who will investigate the circumstances of the alleged violation. The principal or 504/ADA Facilitator will provide a written report of her/his findings of fact and conclusions within ten (10) school days to the grievant and District 504/ADA coordinator.

Step Two

If the grievance has not been resolved to the satisfaction of the grievant, s/he may appeal to the District 504/ADA coordinator within ten (10) school days of receipt of the report. The District 504/ADA coordinator will conduct an investigation and within ten (10) school days of receipt of the appeal, the District 504/ADA coordinator will affirm, reverse, or modify the report of the principal or school 504/ADA facilitator.

Step Three

If the grievance has not been resolved in step two to the satisfaction of the grievant, s/he may request an impartial due process hearing. The Hopkins School District will appoint an impartial hearing officer and follow state and federal rules for due process hearings.

Step Four

The grievant may file a complaint with community, State or Federal agencies.

This document is available in large print, Braille, or on an audiotape upon a 72-hour request. Please contact the 504/ADA coordinator.