

Policy 402 DISABILITY NONDISCRIMINATION POLICY

Adopted: 6/8/2004

Revised: _____

DISABILITY NONDISCRIMINATION POLICY

I. PURPOSE

The purpose of this policy is to provide a fair employment setting for all persons and to comply with state and federal law.

II. GENERAL STATEMENT OF POLICY

- A. The school district shall not discriminate against qualified individuals with disabilities, because of the disabilities, in regard to job application procedures, hiring, advancement, discharge, compensation, job training, and other terms, conditions, and privileges of employment.
- B. The school district shall not engage in contractual or other arrangements that have the effect of subjecting its qualified applicants or employees with disabilities to discrimination on the basis of disability. The school district shall not exclude or otherwise deny equal jobs or job benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association.
- C. The school district shall make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless the accommodation would impose undue hardship on the operation of the business of the school district.
- D. Any job applicant or employee wishing to discuss the need for a reasonable accommodation, or other matters related to a disability or the enforcement and application of this policy, should contact **Mr. Russ Lofthus**. This individual is the school districts appointed ADA/Section 504 coordinator.

III. ADA GRIEVANCE PROCEDURES

- A. The Adrian Public School has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Americans With Disabilities Act (ADA) and by Minnesota Department of Education implementing Section 504 of the Rehabilitation Act of 1873, as amended (29 U.S.C. §794). Section 504 states, in part, that “no otherwise qualified individual with a disability...shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance.”

- B. Any individual who believes he or she has been the victim of discrimination by a teacher, administrator or other school district personnel, or any person with knowledge or belief of conduct which may constitute discrimination toward a student should report the alleged acts immediately to an appropriate school district official designated by this policy or may file a grievance. The school district encourages the reporting party or complainant to use the report form available from the principal of each building or available from the school district office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting discrimination toward a student or any individual in the school system to the school district's ADA/Section 504 coordinator or to the superintendent.
- C. Persons who have questions, comments, or complaints should contact Russ Lofthus, Principal at 515 Oklahoma Avenue, Adrian, Minnesota, by telephone 507-483-2225, or by email at rlofthus@adrianschool.com who has been designed to coordinate Section 504/ADA compliance efforts.
- D. Upon receipt of a report or grievance, the Section 504/ADA coordinator may request, but not insist for a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable. If the report was given verbally, the coordinator shall personally reduce it to written form within 24 hours and forward it on to the responsible federal department or agency. Failure to forward any report or complaint of unlawful discrimination toward a student as provided herein may result in disciplinary action against the coordinator. If the complaint involves the district coordinator, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant.
- E. The school district shall conspicuously post the name of the Section 504/ADA coordinator, including office mailing address, telephone number and email address.
- F. Submission of a good faith complaint, grievance or report of discrimination toward a student will not affect the complainant or reporters future employment, grades or work assignments.
- G. Use of formal reporting forms are not mandatory.
- H. The school district will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school districts legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

IV. INVESTIGATION

- A. By authority of the school district, the Section 504/ADA coordinator, upon receipt of a report, complaint or grievance alleging discrimination toward a student shall promptly undertake or authorize an investigation. The investigation may be conducted by school district officials or by a third party designated by the school district.
- 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 the 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 surrounding circumstances.
- D. In addition, the school district may take immediate steps, at its discretion, to protect the complainant, pupils, teachers, administrators or other school personnel pending completion of an investigation of alleged discrimination toward a student and/or employee.
- E. The investigation will be completed as soon as practicable. The school district Section 504/ADA coordinator shall make a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, the report may be filed directly with the school board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

V. SCHOOL DISTRICT ACTION

- A. Upon conclusion of the investigation and receipt of a report, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law and school district policies.
- B. The result of the school district's investigation of each complaint filed under these procedures will be reported in writing to the complainant by the school district in accordance with state and federal law regarding data or records privacy.

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 discrimination toward a student 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. 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 Minnesota Department of Human Rights, initiating civil action or seeking redress under state criminal statutes and/or federal law, or contacting the Office of Civil Rights for the United States Department of Education.

VIII. DISSEMINATION OF POLICY AND EVALUATION

- A. This policy shall be made available to all students, parents/guardians of students, staff members, employee unions and organizations.
- B. The school district shall review this policy and the school districts operation for compliance with state and federal laws prohibiting discrimination on a continuous basis.