STUDENT DISABILITY NONDISCRIMINATION 504 POLICY

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 Lakes International Language Academy (the School) 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.

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, 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 official designated by this policy. The School encourages the reporting party or complainant to submit the complaint in writing, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting discrimination directly to the Human Rights Officer.

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

Upon receipt of a report, the Executive Director must notify the Human Rights Officer immediately, without screening or investigating the report. The Executive 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 Executive Director to the Human Rights Officer. If the report was given verbally, the Executive Director shall personally reduce it to written form within 24 hours and forward it to the Human Rights Officer. Failure to forward any discrimination report or complaint as provided herein will result in disciplinary action against the Executive Director. If the complaint involves the Executive Director, the complaint shall be made or filed directly with the Human Rights Officer by the reporting party or complainant.

B. The Board hereby designates the Board Chair as the Human Rights Officer to receive reports or complaints of discrimination. If the complaint involves the Human Rights Officer, the complaint shall be filed directly with the Board. The School shall conspicuously post the name of the Human Rights Officer, including email address and telephone number(s).

C. Submission of a good faith complaint or report of discrimination will not affect the complainant or reporter's future employment, grades or work assignments.

D. The School will process complaints made under this policy as discreetly as possible, consistent with the School '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 administration, the 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 officials or by a third party designated by the School.

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 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 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 Action

A. The School 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. Grievance Procedure: Any person who disagrees with the school's action may file a formal grievance with the Human Rights Officer. The complainant may request mediation or an impartial due process hearing related to decisions or actions regarding a child's identification, evaluation, educational program, or placement in a 504 Plan. The complainant and the student may take part in the hearing and have an attorney represent them. Hearing requests must be made to the Human Rights Officer (School Board Chair).

C. Consistent with the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes §13.01 et. seq., the results of the School's investigation will be made available to the complainant.

VI. Reprisal

The School 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 action taken against any person pursuant to this policy shall be consistent with the requirements of:

A. School Policies;

B. The Pupil Fair Dismissal Act, Minnesota Statutes § 121A.40;

C. Student Conduct Code;

D. State and Federal Law.
The School 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.

ADOPTED: June 1, 2004 KP
AMENDED: March 30, 2010 KBR
AMENDED: July 8, 2010 JKL
AMENDED: 14JUL11
AMENDED: August 13, 2013
AMENDED: October 1, 2013
AMENDED: 28JUL15

VIII. Dissemination of Policy and Training

A. This policy shall be posted on the School website.
B. A summary of this policy shall appear in the student handbook.
C. The school administration will develop a method of discussing this policy with employees.
D. This policy shall be reviewed biennially for compliance with state and federal laws.

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