

## Student Disability Nondiscrimination Policy

Adopted: March 2005

Modified: July 2022

Last Review: July 2022

### 1 Purpose

2 The purpose of this policy is to establish definitions, reporting processes, grievance and investigation  
3 procedures regarding claims of unfair discrimination on the basis of disability, and to identify and  
4 evaluate learners who, within the intent of Section 504 of the Rehabilitation Act of 1973, need special  
5 services, accommodations, or programs in order that such learners may receive a free appropriate public  
6 education.

### 7 Definitions

8 For this policy, a learner who is protected under Section 504 is one who:

- 9 1. has a physical or mental impairment that substantially limits one or more major life  
10 activities, including learning; or
- 11 2. has a record of such impairment; or
- 12 3. is regarded as having such impairment.

### 13 Policy

- 14 A. Students are protected from discrimination on the basis of a disability.
- 15 B. It is the responsibility of Minnesota Online High School, hereafter referred to as MNOHS, to  
16 identify and evaluate learners who, within the intent of Section 504 of the Rehabilitation Act of  
17 1973, need special services, accommodations, or programs in order that such learners may receive  
18 a free appropriate public education. This includes the right to have an equal opportunity to  
19 participate in extracurricular and non-academic programs offered by MNOHS.
- 20 C. MNOHS will make facilities, programs, and activities accessible, usable and open to persons with  
21 disabilities.
- 22 D. Learners may be protected from disability discrimination and be eligible for services,  
23 accommodations, or programs under the provisions of Section 504 even though they are not  
24 eligible for special education pursuant to the Individuals with Disabilities Education Act.

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### 25 **Coordinator**

26 Persons who have questions, comments, or complaints should contact the executive director, special  
27 education director or coordinator of student 504 Plans regarding grievances or hearing requests regarding  
28 disability issues.

### 29 **Reporting Grievance Procedures**

- 30 A. Any student who believes they have been the victim of unlawful discrimination based on  
31 disability by a teacher, administrator or other school district personnel, or any person with  
32 knowledge or belief of conduct which may constitute discrimination toward a student should  
33 report immediately to the executive director, special education director, or coordinator of student  
34 504 Plans. MNOHS encourages the reporting party to complain via email oral reports shall be  
35 considered complaints as well.
- 36 B. If the report is received by the special education director or coordinator of student 504 Plans, that  
37 person should forward it immediately to the executive director. The executive director is the  
38 person accountable for investigating and resolving oral or written reports or grievances of  
39 unlawful discrimination toward a student. If a complaint involves the executive director, the  
40 complaint must be made or filed directly with the Board president by the reporting party or  
41 complainant. The Board president shall assume responsibility of conducting an investigation.
- 42 C. A written complaint may be requested but is not required. If the report is given verbally, the  
43 recipient of the report will reduce it to written form within 24 hours. This report should be filed in  
44 the student's paper file (if one exists) and the paper file of the employee who is the subject of the  
45 complaint.
- 46 D. This policy and the contact information for the executive director, special education director,  
47 coordinator of student 504 Plan and Board president shall be posted on the school's website and  
48 placed in the school handbook as well as in the teaching resources course in the school's learning  
49 management system.
- 50 E. Submission of a good faith complaint, grievance or report of discrimination toward a student will  
51 not affect the complainant or reporter's future employment, grades or work assignments.

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52 F. MNOHS will respect the privacy of the complainant, the individual(s) against whom the  
53 complaint is filed, and the witnesses as much as possible, consistent with the school's legal  
54 obligations to investigate, to take appropriate action, and to conform with any discovery or  
55 disclosure obligations.

### Investigation

57 A. Upon receipt of a report, complaint or grievance alleging unlawful discrimination toward a  
58 student, MNOHS shall promptly undertake or authorize an investigation. The investigation may  
59 be conducted by school officials or by a third party designated by MNOHS.

60 B. The investigation may consist of personal interviews with the complainant, the individual(s)  
61 against whom the complaint is filed, and others who may have knowledge of the alleged  
62 incident(s) or circumstances giving rise to the complaint. The investigation may also consist of  
63 any other methods and documents deemed pertinent by the investigator.

64 C. The investigation will be completed within 30 calendar days from receipt of the complaint, unless  
65 impractical. The executive director shall make a written report to the Board president upon  
66 completion of the investigation. If the complaint involves the executive director, the investigation  
67 shall be conducted by Board president and discussed with the full board in a special session. The  
68 report shall include a determination of whether the allegations have been substantiated as factual  
69 and whether they appear to be violations of this policy.

### School District Action

71 A. Upon conclusion of the investigation and receipt of the findings, MNOHS will take appropriate  
72 and effective action. If it is determined a violation of this policy has occurred, such action taken  
73 will be consistent with requirements of applicable contracts or other employment agreements ,  
74 Minnesota law, federal law, and MNOHS policies.

75 B. The result of the investigation of each complaint filed under these procedures will be reported in  
76 writing to the complainant by MNOHS in accordance with state and federal law regarding data or  
77 records privacy.

78 C. MNOHS will comply with federal and state law pertaining to retention of records.

### Reprisal

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80 MNOHS will discipline or take appropriate action against any pupil, teacher, administrator or other  
81 school personnel who retaliates against any person who reports alleged unlawful discrimination toward a  
82 student or any person who testifies, assists or participates in an investigation, or who testifies, assists or  
83 participates in a proceeding or hearing relating to such unlawful discrimination. Retaliation includes, but  
84 is not limited to, any form of intimidation, reprisal or harassment.

### **Right to Alternative Complaint Procedures**

86 These procedures do not deny the right of any individual to pursue other avenues of recourse which may  
87 include filing charges with the Minnesota Department of Human Rights, initiating civil action or seeking  
88 redress under state criminal statutes and/or federal law, or contacting the Office of Civil Rights for the  
89 United States Department of Education. For claims of unlawful discrimination:

90 Minnesota Department of Human Rights

91 Griggs Midway Building

92 540 Fairview Ave North, Suite 201

93 St. Paul, Minnesota 55104

94 651-539-1100 or 1-800-657-3704

95 [Info.mdhr@state.mn.us](mailto:Info.mdhr@state.mn.us)

96 File a complaint online: <https://mn.gov/mdhr/intake>

97

98 Office for Civil Rights - Chicago Office

99 U.S. Department of Education

100 John C. Kluczynski Federal Building

101 230 S. Dearborn Street, 37th Floor

102 Chicago, IL 60604

103 Telephone: (312) 730-1560

104 Facsimile: (312) 730-1576

105 Email: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

106 File a complaint online: <https://ocrcas.ed.gov/>

### **Dissemination of Policy and Evaluation**

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- 108 A. This policy shall be posted in the MNOHS handbooks, placed in the teaching resources course in  
109 the school's learning management system and posted to the school's website.
- 110 B. This policy shall be given to each school district employee and independent contractor at the time  
111 of entering into the person's contract or other employment agreement.
- 112 C. The MNOHS Board of Directors shall periodically review this policy and MNOHS operations for  
113 compliance with state and federal laws prohibiting discrimination.

114

115 **Legal References:** 29 U.S.C. § 794 et seq. (Rehabilitation Act of 1973, § 504)  
116 34 C.F.R. Part 104 (Implementing Regulations)