

Policy Number: 502

Adopted: _____

Revised: _____



Midway Star Section 504 Policy Education of Students with Disabilities under Section 504 of the Rehabilitation Act

POLICY PURPOSE

The purpose of this policy is to set forth Midway Star's obligations under Section 504 of the Rehabilitation Act of 1973 and to articulate the school's commitment to prohibit discrimination against students with disabilities and to provide a free appropriate public education to eligible students as required by the Act.

GENERAL STATEMENT

It is the policy of Midway Star to fully comply with the requirements of Section 504 of the Rehabilitation Act of 1973.

POLICY

Section 504 prohibits discrimination based on an individual's disability in any program receiving federal financial assistance. Section 504 of the Rehabilitation Act of 1973 provides that "no qualified person with a disability shall, on the basis of a disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from federal financial assistance".

Midway Star will not discriminate on the basis of disability in admission to, access to, or operations of its programs, services, or activities. The school will comply with the provisions of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.

A student is disabled under the definition of Section 504 if he or she:

1. Has a physical or mental impairment, which substantially limits one or more of such person's major life activities (Examples of "major life activities" include, but are not limited to, functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, and thinking. "Major life activities also includes the

operation of major bodily functions, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, or reproductive functions.)

2. Has a record of such an impairment; or
3. Is regarded as having such an impairment.

Midway Star will identify and evaluate students who, within the intent of Section 504, need academic adjustments or program changes to ensure that the student is provided a free appropriate public education. This includes the right to have an equal opportunity to participate in extracurricular and non-academic programs offered by the school.

In the student and staff handbooks and on the School website, Midway Star will provide notice to parents, employees, bargaining organizations, and community members that it does not discriminate on the basis of disability.

Midway Star will make facilities, programs, and activities accessible, usable, and open to persons with disabilities.

Midway Star will develop and publish grievance procedures that provide prompt resolution of complaints of discrimination based on disability.

Midway Star will designate an employee who will have the responsibility to coordinate the school's efforts under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act and to give overall direction in adhering to this Policy. The School's Executive Director shall have authority to designate this employee. This employee will have experience or background in special education or Section 504 of the Rehabilitation Act or will be provided appropriate training in the same.

EMPLOYEES TO SUPPORT IMPLEMENTATION

Every employee of Midway Star must support the implementation of this Policy.

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 school.

- A. 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.

- B. The complaint must be filed by the grievant with the school 504/ADA Administrator. A student may bring a complaint to a school staff member who shall promptly convey the complaint to the 504/ADA Administrator.

The 504/ADS Administrator is:

At: Address

Email: nali@midwaystar.org

Phone: (651) 642-0667

The names, address, telephone and email of the school's 504/ADA Administrator may be updated from time to time as needed without the necessity of Board Action.

1. Step One: The grievance should be submitted to the 504/ADA Administrator who will investigate the circumstances of the alleged violation. The 504/ADA Administrator will provide a written report of her/his findings of fact and conclusions within fifteen (15) school days to the grievant and School Director.
2. Step Two: If the grievance has not been resolved to the satisfaction of the grievant at Step One, the grievant may appeal to the School Director within ten (10) school days of receipt of the report. The School Director will conduct or authorize an investigation and within fifteen (15) school days of receipt of the appeal, the School Director will affirm, reverse, or modify the decision of the 504/ADA Administrator.
3. 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 School will appoint an impartial hearing officer and follow state and federal rules for due process hearings.
4. Step Four: At any point in the process, the grievant has a right to file a complaint with community, State or Federal agencies.

NOTICE OF PARENT AND STUDENT RIGHTS UNDER SECTION 504

Midway Star will annually take appropriate steps to notify students with disabilities and their parents of the school's duties and their rights under the Act. The Notice will be posted on the School's website. The Notice will contain, at a minimum, the following information:

NOTICE

The Rehabilitation Act of 1973, commonly referred to as “Section 504,” is a nondiscrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination and to assure that students with disabilities have educational opportunities and benefits equal to those provided to non-disabled students.

Below is a description of the rights granted by Section 504 to eligible students with disabilities and the parents of those students.

1. You have a right to be informed by the school of your rights under Section 504. (The purpose of this Notice is to advise you of those rights). 34 CFR 104.32.
2. Your child has the right to an appropriate education designed to meet her/his individual educational needs as adequately as the needs of non-disabled students are met. 34 CFR 104.33.
3. Your child has the right to free educational services except for those fees that are imposed on non-disabled students or their parents. Insurers and similar third parties are not relieved from an otherwise valid obligation to provide or pay for services provided to a student with a disability. 34 CFR 104.33.
4. Your child has a right to placement in the least restrictive environment. 34 CFR 104.34.
5. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. 34 CFR 104.34.
6. Your child has a right to an evaluation prior to an initial Section 504 placement and any subsequent significant change in placement. 34 CFR 104.35.
7. Testing and other evaluation procedures must conform to the requirements of 34 CFR 104.35 as to validation, administration, areas of evaluation, etc. The school will consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations, and anecdotal reports. 34 CFR 104.35.
8. Placement decisions must be made by a group of persons who are knowledgeable about your child, about the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. 34 CFR 104.35.
9. If eligible under Section 504, your child has a right to periodic reevaluations. 34 CFR 104.35.
10. You have the right to notice prior to any action by the school in regard to the identification, evaluation, or placement of your child. 34 CFR 104.36.
11. You have the right to examine relevant records. 34 CFR 104.36.
12. You have the right to an impartial hearing with respect to the school's actions

regarding your child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney. 34 CFR 104.36.

13. If you wish to challenge the actions of the Section 504 Committee with regard to your child's identification, evaluation, or educational placement, you should file a written Notice of Appeal with the school's Section 504 Administrator at [Nimco Ali, 1091 Snelling Ave N., Saint Paul, MN 55108] within 15 calendar days from the time you received written notice of the Section 504 Committee's action(s). A hearing will be scheduled before an impartial hearing officer and you will be notified in writing of the date, time, and place for the hearing.
14. If you disagree with the decision of the impartial hearing officer, you have a right to a review of that decision by a court of competent jurisdiction. 34 CFR 104.36.
15. On Section 504 matters other than your child's identification, evaluation, and placement, you have a right to file a complaint with the school's Section 504 Administrator (or designee), who will investigate the allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution.
16. You also have a right to file a complaint with the Minnesota Department of Human Services or with the U.S. Office for Civil Rights.

The address for the Minnesota Department of Human Rights is: 625 Robert Street North, Saint Paul, Minnesota 55155

Complaints may also be filed with the Minnesota Department of Human Rights via the web.

The address of the Regional Office of the Office of Civil Rights that covers Minnesota is:
ATTN: OCR Regional Manager
Office for Civil Rights, *Chicago Office*
U.S. Department of Education Citigroup Center
500 W. Madison St., Suite 1475
Chicago, IL 60661-7204

In the event that policies adopted by the School are in conflict with then applicable Minnesota law, the provisions of the law will apply.

Legal References:

Section 504 of the Rehabilitation Act, 29 U.S.C. §794; 34 C.F.R. Part 104
Title II of the Americans with Disabilities Act of 1990