Part 1 — Redline: Fridley Policy 521 with 2026 MSBA/MASA Updates

521 STUDENT DISABILITY NONDISCRIMINATION

I. Purpose

The purpose of this policy is to protect students with disabilities 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 ~~the required~~a free appropriate public education.

II. General Statement of Policy

A. Students with disabilities 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 ~~of the Rehabilitation Act of 1973~~, need services, accommodations, or programs in order that such learners may receive ~~the required~~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~~, including learning~~; or
2. Has a record of such an impairment;
3. Is regarded as having such an impairment; or
4. Has an impairment that is episodic or in remission and would materially limit a major life activity when active.

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 ~~do not require IEP services~~are not eligible for special education pursuant to the Individuals with Disabilities Education Act.

E. Failure to engage in the process to determine if a reasonable accommodation exists that would allow people with disabilities as defined in Minnesota Statutes, section 363A.03, subdivision 12, to participate fully in education may be an unfair discriminatory practice under the Minnesota Human Rights Act.

III. Coordinator

Persons who have questions or comments should contact Danielle Thonpson, Director of Special Services, 6000 West Moore Lake Drive, Fridley, MN 55432, 763-502-5024. 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:

Minn. Stat. § 363A.03, Subd. 12 (Definitions)

Minn. Stat. § 363A.02, Subd. 1 (Public Policy)

20 U.S.C. § 1684 (Blindness or Visual Impairment; Prohibition against Discrimination)

42 U.S.C. Ch. 126 (Equal Opportunity for Individuals with Disabilities)

29 U.S.C. § 794 et seq. (~~504 of~~ Rehabilitation Act of 1973, ~~§504~~§ 504)

34 C.F.R. Part 104 (Section 504 Implementing Regulations)

Cross References:

MSBA/MASA Model Policy 402 (Disability Nondiscrimination)

School Board Action:

Adopted June 18, 2002

Revised June 19, 2012

Revised March 18, 2014

Revised May 17, 2022

Revised August 20, 2024

Revised _____, 2026

Part 2 — 2026 MSBA/MASA Model Policy 521

MSBA/MASA Model Policy 521

Orig. 1995

Rev. 2026 (October)

521 STUDENT DISABILITY NONDISCRIMINATION

[Note: School districts are required by statute to have a policy addressing these issues.]

I. PURPOSE

The purpose of this policy is to protect students with disabilities 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. Students with disabilities 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;

3. is regarded as having such an impairment; or

4. has an impairment that is episodic or in remission and would materially limit a major life activity when active.

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.

E. Failure to engage in the process to determine if a reasonable accommodation exists that would allow people with disabilities as defined in Minnesota Statutes, section 363A.03, subdivision 12, to participate fully in education may be an unfair discriminatory practice under the Minnesota Human Rights Act.

III. COORDINATOR

Persons who have questions or comments should contact [title, name, office address, and telephone number]. 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:

Minn. Stat. § 363A.03, Subd. 12 (Definitions)

Minn. Stat. § 363A.02, Subd. 1 (Public Policy)

20 U.S.C. § 1684 (Blindness or Visual Impairment; Prohibition against Discrimination)

42 U.S.C. Ch. 126 (Equal Opportunity for Individuals with Disabilities)

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)

Part 3 — The Two New Changes

- **Change 1: Duty to engage in the accommodation process under Minnesota law (new Section II.E)**
  - **New language:** Failing to engage in the process of determining whether a reasonable accommodation exists may be an unfair discriminatory practice under the Minnesota Human Rights Act.
  - **Current Fridley:** No such provision. The policy addresses only federal Section 504 obligations.
  - **Effect:** Not engaging in the process can itself be a violation, separate from whether an accommodation is ultimately provided. Staff should document each request and the district's response.
  - **Related:** Minn. Stat. § 363A.02 is added to the legal references to support this section.
- **Change 2: Eligibility language aligned with IDEA terms (Section II.D)**
  - **Current Fridley:** Students may be eligible under 504 even though they "do not require IEP services."
  - **2026 model:** Students may be eligible even though they "are not eligible for special education" under IDEA, and eligibility now covers "services, accommodations, or programs."
  - **Effect:** Uses the IDEA eligibility standard rather than the IEP document, and makes clear that 504 covers more than services.
- **Other updates in the redline**
  - II.A: Protection is tied to students who meet the Section 504 definition in Paragraph C.
  - II.C.1: "including learning" is removed. Learning is still a major life activity under federal law, so coverage does not narrow.
  - I and II.B: "the required" becomes "a" free appropriate public education; Section 504 is defined once and shortened afterward.
  - Legal references: adds Minn. Stat. § 363A.02 and 20 U.S.C. § 1684 (blindness/visual impairment), and fixes citation formatting.
  - Fridley local language kept: the Director of Special Services contact information in Section III.