

# INDEPENDENT SCHOOL DISTRICT #877 POLICY

## Buffalo-Hanover-Montrose

INDEX TITLE Students SERIES NO. 500

POLICY TITLE Student Disability Non-Discrimination CODE NO. 521

### 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, (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. Disabled students 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 major life activities, including learning; or
  - 2. has a record of such impairment; ~~or~~
  - 3. is regarded as having such 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.

### III. COORDINATOR

Persons who have questions or comments should contact the Director of Special Education. This person is the school district's ADA/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)  
~~Pub. L. 110-325, 122 Stat. 3553 (ADA Amendments Act of 2008, § 7)~~  
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)

**Administrative Offices**  
**Buffalo, Minnesota 55313**

<b>DATE OF ADOPTION</b>	<u>December 6, 1993</u>
<b>DATE OF REVIEW</b>	<u>August 26, 2019</u> <u>August 26, 2024</u>
<b>DATE OF APPROVAL</b>	<u>August 26, 2019</u> <u>August 26, 2024</u>