



EQUAL EDUCATIONAL OPPORTUNITY

POLICY:	102
ADOPTED:	01/20/98
REVISED:	04/25/22

I. Purpose

The purpose of this policy is to ensure that equal educational opportunity is provided for all students of the school district.

II. General Statement of Policy

- A. It is the school district's policy to provide equal educational opportunity for all students. The school district does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, parental status, status with regard to public assistance, disability, sexual orientation, including gender identity and expression, or age. The school district also makes reasonable accommodations for students with disabilities. Students with disabilities are entitled to a free appropriate public education that includes general education, special education, and/or related aids and services.
- B. The school district prohibits harassment and discrimination of any individual based on any of the protected classes listed above. For information about the types of conduct that constitute violation of the school district's policy on harassment and violence and the school district's procedures for addressing such complaints, refer to the school district's policy on harassment and violence (Policy 413).
- C. The school district prohibits discrimination of students with a disability, within the intent of Section 504 of the Rehabilitation Act of 1973 ("Section 504"), who need services, accommodations, or programs in order to receive a free appropriate public education. For information as to protections that may apply pursuant to Section 504 and the school district's corresponding procedures for addressing disability discrimination complaints, refer to the school district's policy on student disability nondiscrimination (Policy 521).
- D. The school district prohibits sexual harassment discrimination of any individual on the basis of sex in its education programs or activities. For information as to the protections that apply pursuant to Title IX and school district's corresponding procedures and processes for addressing sexual harassment and discrimination, refer to the school district's policy on Title IX sex nondiscrimination (Policy 522).
- E. This policy applies to all areas of education including academics, coursework, co-curricular and extracurricular activities, community education programs, or other rights or privileges of enrollment.

- F. Every school district employee shall be responsible for complying with this policy. For the purposes of this policy, “employee” includes employed staff, a volunteer, an independent contractor, a member of an advisory board, and any other individual acting on behalf of the school district.
- G. Any person having any questions regarding this policy should discuss it with the appropriate school district official as provided by policy. In the absence of a specific designee, an inquiry or a complaint should be referred to the district Section 504 Coordinator.
- H. The Superintendent shall designate one or more employees to coordinate the school district’s efforts to implement this policy and to comply with and carry out the district’s responsibilities under the following laws and their implementing regulations: section 504 of the Rehabilitation Act of 1973, The Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and the Civil Rights Act of 1964.
- G. The Superintendent hereby designates the Director of Special Services, Abel Riodique, 2990 80th Street East, Inver Grove Heights, Minnesota, 651-306-7828, riodiquea@isd199.org as its Section 504 Coordinator.

III. Reporting a Grievance

Any person who believes he or she has been the victim of unlawful discrimination or any person with knowledge or belief of conduct that may constitute unlawful discrimination shall report the alleged acts immediately to an appropriate school district official designated by this policy. See Appendix I for the ISD 199 Grievance Procedure for Complaints of Discrimination, Harassment, Violence, and Other Offensive Behavior. See Appendix II for the General Statement of Policy Prohibiting Unlawful Discrimination, Harassment, Violence and Other Offensive Behavior Grievance Form.

IV. Dissemination of Policy and Evaluation

- A. This policy shall be made available to all students, employees, parents and/or guardians of students.
- B. The school district shall review this policy and the school district’s operation for compliance with state and federal laws prohibiting discrimination on a continuous basis.

Legal References: Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
Minn. Stat. 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)
42 U.S.C. § 12101 et seq. (Americans with Disabilities Act)
20 U.S.C. § 1681 et seq. (Title IX of the Education Amendments of 1972)
42 U.S.C. § 2000d et seq. (Title VI of the Civil Rights Act of 1964)

20 U.S.C. § 1701 et seq. (Equal Educational Opportunities)
29 U.S.C. § 621 et seq. (Age Discrimination in Employment Act)
42 U.S.C. § 2000c et seq. (Civil Rights Act—Public Education)
42 U.S.C. § 2000d et seq. (Title VI, Civil Rights Act—Federally Assisted Programs)
42 U.S.C. § 2000e et seq. (Civil Rights Act—Equal Employment Opportunity)
29 C.F.R. Part 32
29 C.F.R. § 1630.1 et seq.
34 C.F.R. Parts 104, 106
Minnesota Department of Education/Office of Civil Rights Review 2018

Cross References:

Policy 413 - Harassment and Violence
Policy 521 - Student Disability Nondiscrimination
Policy 522 - Title IX Sex Nondiscrimination Policy, Grievance Procedure and Process)

Appendix I

GRIEVANCE PROCEDURE FOR COMPLAINTS OF DISCRIMINATION, HARASSMENT, VIOLENCE AND OTHER OFFENSIVE BEHAVIOR

Independent School District 199 maintains a firm policy prohibiting all forms of unlawful discrimination, harassment, violence, and other offensive behavior based on an individual's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability (Protected Class).

ISD 199 prohibits discrimination, harassment, violence and other offensive behavior by or toward a student, school district personnel, or third party that occurs on any property owned or controlled by District or in connection with any activity sponsored by or associated with District. District environments covered include academic, extra-curricular, and co-curricular environments with an approved District association.

The school district shall treat complainants and respondents equitably. However, equality or parity with respect to supportive measures provided to complainants and respondents is not required. The district will not impose any disciplinary sanctions or take any other actions against a respondent that do not constitute supportive measures until it has completed this grievance process and the respondent has been found responsible. The district will provide appropriate remedies to the complainant any time a respondent is found responsible.

I. Reporting a Grievance

- A. Any student who believes they have been the victim of unlawful sex discrimination or sexual harassment, or any person (including the parent of a student) with actual knowledge of conduct which may constitute unlawful sex discrimination or sexual harassment toward a student should report the alleged acts as soon as possible to an appropriate school district official designated by Policy 522 Title IX Sex Nondiscrimination. The complaint must be filed within 90 calendar days of the alleged violation.
- B. Any employee of the school district who has experienced, has actual knowledge of, or has witnessed unlawful sex discrimination, including sexual harassment, or who otherwise becomes aware of unlawful sex discrimination, including sexual harassment, must promptly report the allegations to the Title IX Coordinator without screening or investigating the report or allegations.
- C. The Human Rights Officer is responsible for receiving oral or written complaints of unlawful discrimination toward an employee or student. However, nothing in this policy shall prevent any person from reporting unlawful discrimination toward an employee or student directly with the Human Rights Officer, the school board or other school district official.

- D. The school board hereby designates Director of Human Resources, Michele Carroll, 2990 80th Street East, Inver Grove Heights, 651-306-7805, carrollm@isd199.org as the school district Human Rights Officer to receive reports, complaints, or grievances of unlawful discrimination. If the complaint involves a Human Rights Officer, the complaint shall be filed directly with the Superintendent.
- E. Upon receipt of a complaint, the Human Rights Officer shall immediately notify the Superintendent. If the Superintendent is the subject of the complaint, the Human Rights Officer shall immediately notify the school board.
- F. The Human Rights Officer may request a written complaint. Alternative means of filing a complaint, such as through a personal interview or by tape recording, shall be made available upon request for qualified persons with a disability. If the complaint is oral, it shall be reduced to writing within 24 hours and forwarded to the Superintendent. Failure to do so may result in disciplinary action. The school district encourages the reporting party to complete the complaint form for written complaints. It is available from the principal of each building or the school district office.
- G. The school district shall respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses, consistent with the school district's legal obligations to investigate, take appropriate action, and comply with any discovery or disclosure obligations.

II. Responsible Administrators

Any prohibited conduct should be reported to the appropriate responsible administrator as outlined below.

- A. Students. A student who is the target of alleged prohibited conduct should make a complaint as follows:
 - 1. If the alleged offender is a student, the conduct should be reported to the school principal. An alternative option is to report the conduct to the Superintendent or Superintendent's designee.
 - 2. If the alleged offender is a school district personnel member or third party, the conduct should be reported to the school principal. An alternative option is to report the conduct to the Director of Human Resources.
- B. School District Personnel members. A school district personnel member who is the target of alleged prohibited conduct should make a complaint as follows:
 - 1. If the alleged offender is a student, the conduct should be reported to

the school principal. An alternative option is to report the conduct to the Superintendent or Superintendent's designee.

2. If the alleged offender is a school district personnel member or third party, the conduct should be reported to the school principal. An alternative option is to report the conduct to the Director of Human Resources.
 - i. If the alleged offender is the Superintendent or a member of the Board of Education, the conduct should be reported to the Chair of the Board of Education.
 - ii. If the alleged offender is the Chair of the Board of Education, the conduct should be reported to the Vice-Chair.

C. Third Parties. A third party who is the target of alleged prohibited conduct should make a complaint as follows:

1. If the alleged offender is a student, the conduct should be reported to the school principal. An alternative option is to report the conduct to the Superintendent or Superintendent's designee.
2. If the alleged offender is a school district personnel member or third party, the conduct should be reported to the school principal. An alternative option is to report the conduct to the Director of Human Resources.

Responsible administrators who receive complaints of alleged prohibited conduct must document all complaints using District provided report forms, which can be obtained from the school principal, the District office or on the District's website.

Nothing in this procedure prevents any individual from reporting alleged prohibited conduct directly to the Superintendent or from using alternative District policies or procedures. For example, employees and students may report sex discrimination to the District's Title IX Coordinator. In addition, to the extent permitted by the agencies, individuals may file complaints with outside agencies including the Minnesota Department of Human Rights, the U.S. Department of Education Office of Civil Rights (Region V), and the Equal Employment Opportunity Commission.

III. Investigation of a Grievance

- A. The Human Rights Officer, upon receipt of a complaint alleging unlawful discrimination shall promptly undertake an investigation if deemed appropriate. The investigation may be conducted by the Title IX coordinator for complaints of sex discrimination or the Section 504 Coordinator for complaints of disability

discrimination, or a school district official or neutral third party designated by the Title IX coordinator, Section 504 coordinator or Human Rights Officer. The investigation shall be completed within 30 days of the complaint, unless impracticable.

- 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 other methods deemed pertinent by the investigator.
- C. In determining whether the alleged conduct constitutes a violation of this policy, the school district shall consider the facts and the surrounding circumstances such as the nature of the behavior, past incidents or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incident occurred.
- D. The school district may take immediate steps to protect the parties involved in the complaint process, pending completion of an investigation of alleged unlawful discrimination.
- E. The individual accused of the act(s) of harassment or violence shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- F. The investigation will be completed as soon as practicable. Upon completion of the investigation, the school district investigator shall make a written report to the Human Rights Officer. If the complaint involves the Human Rights Officer, the report may be filed directly with the Superintendent or school board. The report shall include the facts, a determination of whether the allegations have been substantiated, whether a violation of this policy has occurred as well as a description of any proposed resolution which may include alternative dispute resolution.
- G. The district shall comply with federal and state law pertaining to retention of records.

IV. Appeal Process

If the grievance has not been resolved to the satisfaction of the complainant, the complainant may appeal to the Human Rights Officer within ten (10) school days of receipt of the findings of the school district investigation. The school district investigator shall conduct a review of the appeal and within ten (10) school days of receipt of the appeal, shall affirm, reverse, or modify the findings of the report. The decision of the school district investigator is final but does not preclude pursuit of alternative complaint procedures noted in the section entitled "Right to Alternative Complaint Procedures."

V. School District Action

- A. Upon conclusion of the investigation and receipt of the findings, the school district shall take appropriate action. If it is determined that a violation has occurred, such action may include, but is not limited to, restorative practices, remediation, warning, suspension, expulsion, transfer or termination. School district action taken for violation of this policy shall be consistent with the requirements of applicable collective bargaining agreements, Minnesota and federal law and school district policies.
- B. The result of the school district's investigation of each complaint filed under these procedures shall be reported in writing to the complainant by the school district in accordance with state and federal law regarding data or records privacy.
- C. In order to prevent or respond to acts of harassment or violence committed by or directed against a child with a disability, the school district shall, where determined appropriate by the child's individualized education program (IEP) or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in acts of harassment or violence.

VI. Retaliation

The school district shall take appropriate action against any student, teacher, administrator or other school personnel who retaliates against any person who reports alleged unlawful discrimination toward an employee or student or any person who testifies, assists or participates in an investigation or hearing relating to such unlawful discrimination. Retaliation includes, but is not limited to, any form of intimidation or harassment.

VII. Conflict of Interest

If there is a conflict of interest with respect to any party affected by this policy, appropriate action shall be taken such as, but not limited to, appointing or contracting with a neutral third party investigator to conduct the investigation or recusal from the process the person for whom a conflict or potential conflict of interest exists.

VIII. Dissemination of Procedures

The school district shall adopt and publish these procedures on the district's website.

IX. District Grievance Contacts

Title IX Coordinator/Section 504 Coordinator

Director of Special Services, Abel Riodique

2990 80th Street East

Inver Grove Heights, Minnesota 55076

651-306-7828

riodiquea@isd199.org

Title IX Alternative Coordinator

Activities Director, Will Short

2920 80th Street East

Inver Grove Heights, Minnesota 55076

651-306-7002

shortw@isd199.org

Section 504 Alternative Coordinator

Assistant Director of Special Education, Kris Hillesheim

2990 80th Street East

Inver Grove Heights, MN 55076

651-306-7826

hillesheimk@isd199.org

Human Rights Officer &

For Complaints of Employment Discrimination:

Director of Human Resources, Michele Carroll

2990 80th Street East, Inver Grove Heights, MN 55076

651-306-7805

carrollm@isd199.org

X. Right to Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse, which may include filing charges with the agencies listed below or initiating action in state or federal court.

Claims of discrimination may also be pursued through the following agencies where appropriate:

U.S. Department of Education
Office for Civil Rights, Region V
500 W. Madison Street – Suite 1475
Chicago, IL 60661
Tel: 312-730-1560
TDD: 312-730-1609

MN Department of Human Rights
190 E 5th Street

St. Paul, MN 55101
800.657.3704
651.296.5663
TDD 651.296.1283

For complaints of employment discrimination:

Equal Employment Opportunity Commission

330 S. 2nd Avenue

Suite 430

Minneapolis, MN 55401

800.669.4000

612.335.4040

TDD 612.335.4045

This is general information and is not to be a substitute for legal advice. Changes in the law, including timelines for filing a complaint, may affect your rights.

Appendix II

GENERAL STATEMENT OF POLICY PROHIBITING UNLAWFUL DISCRIMINATION, HARASSMENT, VIOLENCE AND OTHER OFFENSIVE BEHAVIOR GRIEVANCE FORM

Independent School District 199 maintains a firm policy prohibiting all forms of unlawful discrimination, harassment, violence and all other offensive behavior. All persons are to be treated with respect and dignity. The school district shall treat complainants and respondents equitably. Discrimination, harassment, violence or other offensive behavior on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability (Protected Class) by any student, teacher, administrator or other school personnel that creates an intimidating, hostile or offensive environment will not be tolerated under any circumstances.

Complainant:	
Home Address:	
Work Address:	
Home/Cell/Work Phone:	
Date of Alleged Incident(s):	
Name of person you believe harassed, discriminated or was violent toward you or another individual on the basis of protected class:	
If the alleged harassment, discrimination or violence was toward another person, identify that person:	
Describe the incident(s) as clearly as possible, including such things as what force, if any, was used; any verbal statements (i.e. threats, requests, demands, etc.); what, if any, physical contact was involved, etc. (Attach additional pages if necessary):	
Where and when did the incident(s) occur?	
List any witnesses that were present:	

This complaint is filed based on my honest belief that _____ has harassed, has discriminated or has been violent toward me or another person on the basis of Protected Class (race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability). I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief. I understand that the information provided in this complaint will be used consistent with School District policies.

<i>Complainant Signature:</i>	<i>Date:</i>
<i>Received By:</i>	<i>Date:</i>

For more information contact the district's Title IX Coordinator:

*Abel Riodique, Director of Special Services,
2990 80th Street East Inver Grove Heights, MN 55076
Email: riodiquea@isd199.org
Phone: 651-306-7828*

Or

*Human Rights Officer:
Michele Carroll, Director of Human Resources
2990 80th Street East Inver Grove Heights, MN 55076
Email: carrollm@isd199.org
Phone: 651-306-7805*