

STUDENT DISABILITIES PURSUANT TO SECTION 504

I. Disability:

The Board recognizes that a student is disabled pursuant to 29 U.S.C. 794, or Section 504 of the Rehabilitation Act of 1973, if he or she:

- A. has a physical or mental impairment which substantially limits one or more of such person's major life activities,
- B. has a record of such an impairment, or
- C. is regarded as having such an impairment.

All individuals eligible for services under the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1400 et seq.) are protected under Section 504. Individuals who are not eligible for services under IDEA may nonetheless be eligible for services under Section 504.

II. Evaluation:

In compliance with federal law, the Board directs that students disabled pursuant to Section 504 be identified, referred to and evaluated by a Section 504 Committee, and that a determination of eligibility for accommodations of his/her regular program be made. The Section 504 Committee shall consist of a group of persons which includes persons knowledgeable about the child, persons knowledgeable about the meaning of evaluation data, and persons knowledgeable about placement options. In making placement decisions, the 504 Committee shall draw upon a variety of sources including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. The 504 Coordinator shall establish procedures to ensure that information obtained from all such sources is documented and carefully considered.

III. Procedure:

- A. A student's parents/guardians shall be notified before the Section 504 Committee evaluates a student who has been referred for a suspected disability pursuant to Section 504. The 504 Committee shall involve parents/guardians in all identification, evaluation and educational placement decisions. Parents/guardians shall have an opportunity to examine all relevant records. A Section 504 evaluation meeting shall be held which shall provide an opportunity for participation by each student's parents/guardians as well as represented by counsel. The student's parent/guardian shall be notified in writing of the Section 504 committee meetings at least ten (10) days in advance. The Section 504 Committee shall consider all relevant information concerning the student to determine whether he/she is disabled under Section 504.

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Information may include reports from physicians, observations from parents, teachers, school personnel, results of standardized tests, etc. The 504 Committee shall determine whether the student is disabled under Section 504, and, if so, develop a written accommodation plan describing what accommodations, services or programs will be provided to meet the student's needs. The determination and, if applicable, education plan of the 504 Committee shall be submitted to the parent/guardian in writing. The 504 Committee shall meet periodically to review the student's accommodation plan. In addition, prior to any significant changes in placement, a reassessment of the student's needs shall be conducted.

Accommodation plans terminate at the conclusion of each school year and shall be annually reviewed before reapproval for the subsequent school year. Parents or guardians who disagree with the identification, evaluation or placement of a student with disabilities shall have the right to request a due process hearing pursuant to the procedures set forth in Regulation 6164R.

- B. The parent/guardian shall have an opportunity to participate and be represented by counsel at the due process hearing. The due process hearing shall be presided over and decided by an impartial hearing officer. If a due process hearing is to be held under IDEA concerning issues relevant to the Section 504 proceeding, a hearing officer qualified to conduct IDEA proceedings may consider Section 504 issues at the impartial hearing. The issues under IDEA and Section 504 shall be separately addressed in the hearing decision.
1. The decision of the hearing officer is binding on both parties. The school district or parent/guardian may seek review of the decision of the Section 504 hearing officer by a state or federal court of competent jurisdiction.
  2. A Section 504 due process hearing may be called at the request of the school district or parent/guardian.
  3. Requests for a due process hearing must be submitted in writing to the Superintendent or his designee. Parents/guardians shall be notified of the hearing at least ten days prior to the date set for the hearing. The notice shall contain:
    - a. A statement of time, place, and nature of the hearing.
    - b. A statement of the legal authority and jurisdiction under which the hearing is being held.
    - c. A statement of the matters asserted.
    - d. A statement of the right to be represented by counsel.
    - e. A statement of the right to examine relevant records.

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4. The school district's notices to the student's parent/guardian shall be in English or in the native language or mode of communication of the parent/guardian.
  5. At the hearing, each party shall have an opportunity to present relevant information and outside expert testimony.
  6. A copy of the hearing officer's decision shall be delivered to the school district and the parent/guardian as soon as it is available.
- C. The Superintendent or his/her designee shall be responsible for coordinating the Board's efforts to comply with the requirements of Section 504. Those efforts shall include, but not be limited to, notifying parents/guardians of every student enrolled in the district's schools of this policy at the beginning of each school year. Copies of this policy and a list of the procedural rights afforded by Section 504 shall also be sent to parents/guardians as part of the notification that their child has been referred for evaluation pursuant to section III (A) above.

IV. Benefits

The Board recognizes its responsibility to provide an education for each qualified disabled person which is integrated with persons who are not disabled to the maximum extent appropriate to the needs of the disabled student. With regard to nonacademic and extracurricular services and activities, the Board recognizes its responsibility to arrange for the provision of those services and activities such that disabled persons participate with nondisabled persons to the maximum extent appropriate to the needs of the disabled person. Any facility which the Board operates for disabled persons shall be comparable to facilities, services and activities provided for nondisabled persons. The Board has established a grievance procedure in Board No. 6164R (Section 504 Grievance Procedure) to expeditiously process complaints concerning discrimination in the school district.

Adoption: March 10, 2008

Legal References:

29 U.S.C. 794      Nondiscrimination under federal grants and programs

34 C.F.R. 104.31 et seq.