

**Administrative Regulation
Equal Educational Opportunities
Section 504 Procedures**

Descriptor Code: JAA-R(2)

Section 504 of the Rehabilitation Act of 1973 ("Section 504") provides that no otherwise qualified student with a physical or mental impairment that substantially limits one or more major life activities may be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any program or activity offered by the school district.

Definitions

Student with a disability: Any otherwise qualified student, who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment or is regarded as having such impairment.

Major Life Activities: Includes, but is not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. These also include the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Physical or Mental Impairment: Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and/or endocrine.

Section 504 Team: The team shall consist of a group of persons, including persons knowledgeable about the child, the meaning of evaluation data, and the placement options.

Section 504 Plan: A Section 504 plan sets out accommodations and services as determined appropriate by a student's Section 504 Team to provide the student access to his or her education. A Section 504 Plan may also take the form of a Health Plan, Medical Plan, SST Plan, or some other plan that meets the student's needs and provides appropriate accommodations pursuant to Section 504.

Referral

All referrals for Section 504 eligibility should be submitted to the Section 504 Coordinator or designee at the school level. Referrals will be documented on the appropriate form by the Section 504 Coordinator or designee. Based on the nature of the referral, the Section 504 Coordinator will contact all necessary individuals that should be included in the student's Section 504 eligibility determination.

Section 504 Eligibility and Evaluation

Upon receipt of a completed Section 504 referral, the Section 504 Coordinator or designee will begin collecting relevant information from the student's educators and school staff.

Upon obtaining all relevant information, the Section 504 Coordinator will send to the parents, and other members of the Section 504 Team, notice of the meeting to determine the student's eligibility and/or determine if additional information is needed to determine eligibility.

A pre-placement evaluation should be conducted by the Section 504 Team of any student who, because of disability, needs or is believed to need special education or related services as defined by Section 504 before taking any action with respect to initial Section 504 placement. The Section 504 Team may review existing relevant information and documentation. This may include, but is not limited to, report cards, aptitude and achievement tests, teacher recommendations, attendance and discipline records, records of current academic performance, behavioral data, medical records, school clinic records, SST/RTI records, psychological evaluations, information related to physical condition, social or cultural background, and/or adaptive behavior. The Section 504 Team may also determine whether additional information, including more formal evaluation measures, is necessary.

If the Section 504 Team determines that formal evaluation measures are necessary, tests and other evaluation materials must have validation for the specific purpose for which they are used and must be administered by trained personnel in conformance with the instructions provided by their producer.

Tests and other evaluation material include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient. Tests are selected and administered to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level, or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

During the initial meeting, the team will review all relevant information and complete the Section 504 eligibility form. If the team determines the student is a child with a disability as defined by Section 504, the team will then determine if the student requires accommodations or services and, if so, should develop a plan consistent with the requirements of Section 504.

If the student is found not eligible under Section 504, or found eligible under Section 504 but not in need of a Section 504 plan, that determination should be documented and shared with the parents/guardians along with a copy of the procedural safeguards.

Section 504 Plan

If the team determines that the student requires accommodations or services, it should develop a plan consistent with the requirements of Section 504.

When a Section 504 plan is developed by a Section 504 Team, the Section 504 Coordinator or designee will provide the plan to all of the appropriate school personnel. The plan remains in effect until either a new plan is developed or until a Section 504 Team determines that the student no longer qualifies as disabled under Section 504.

If the parent does not attend the meeting, then a copy of the plan (if developed or revised)

and the procedural safeguards should be sent home to the parents/guardians.

The Section 504 Plan should be reviewed periodically.

Re-evaluation

A re-evaluation, in accordance with the above procedures, should be conducted periodically and before any subsequent significant change in placement.

Discipline Procedures

If a decision is made to remove a student who is eligible for Section 504 services from school for more than 10 consecutive days in a school year, or if a student eligible for Section 504 services has been subjected to a series of removals during a school year that results in a significant change in placement, then the determination must be made whether the behavior requiring disciplinary action is a manifestation of the student's disability.

Hearing and Complaints

Parents/guardians of a student, or the student if 18 years of age or older, may file a local complaint pursuant to board policy.

Parents/guardians of a student, or the student if 18 years of age or older, may file a complaint with the Office for Civil Rights of the United States Department of Education as outlined in the procedural safeguards.

If the parents/guardians of a student, or the student if 18 years of age or older, disagree with the Section 504 Team regarding identification, evaluation, or educational placement, they are entitled to request an impartial hearing. The person requesting the hearing should be referred to the Section 504 Coordinator, and the hearing request form should be made available.

These procedures are intended to be guidance to school employees and do not expand or replace the District's obligations or the student's or parent's rights under the law.