

**SECTION 504 PROCEDURES**

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) and its implementing regulations prohibit discrimination on the basis of disability by any program or activity that receives or benefits from federal funding. Section 504 requires that disabled students be provided with a free appropriate public education including education with non-disabled peers to the maximum extent appropriate.

**I. The Americans with Disabilities Act (“ADA”)/Section 504 Coordinator**

A. Appointment

The District’s Director of Special Services or other designated administrator shall act as the District’s ADA/Section 504 Coordinator and shall coordinate the District’s efforts to comply with and carry out its responsibilities under the ADA and Section 504.

B. Duties

The duties of the ADA/Section 504 Coordinator shall include answering questions regarding rights and responsibilities under the ADA and Section 504 and investigating any complaint or grievance alleging noncompliance with the ADA or Section 504.

C. Notification

The District shall make available to all interested individuals the name, office address, and telephone number of the employee designated as the ADA/Section 504 Coordinator.

**II. Prohibition Against Discrimination**

A. Discrimination Prohibited

Pursuant to Board of Education Policy 6:120, the District does not discriminate against students on the basis of disability as defined under the regulations implementing Section 504 and the ADA as regards access to or use of the District’s programs, services and activities. It is also this District’s policy to provide a free appropriate public education to all students with disabilities in conformance with the provisions of IDEA and Section 504.

## B. Coordination with IDEA Requirements

The District actively seeks out disabled students through its “Child Find” program and annually notifies the public of available services for disabled students and how to access such services. Students who may be disabled, pursuant to Section 504’s definition of the term, may also be considered disabled under the IDEA. The District recognizes, however, that students may be disabled within the meaning of Section 504 and eligible for accommodations, special education or related services while not being eligible for special education and related services under IDEA.

Accordingly, any student suspected of having a disability shall be referred to each school building’s Student Assistance Team (hereinafter “SAT”) for consideration. If, as a result of such consideration, SAT determines that the referred student may have a disability requiring the provision of special education and related services, the student shall be referred to the special education placement team for a case study evaluation under existing District special education procedures. The implementation of the District’s special education procedures shall satisfy the requirements of Section 504.

Alternatively, if SAT determines that a referral for a case study evaluation is not appropriate, or if an IEP team finds no eligibility for a student under the IDEA after completion of a case study evaluation, but SAT determines that the student may be disabled within the meaning of Section 504 and require services or accommodations, the following Section 504 procedures shall be promptly implemented.

## III. Section 504 Evaluation

Referrals for consideration for Section 504 eligibility may be made at any time. A referral must be made in writing and dated at the time the request is made, including the reason for the referral. Referrals may be made by individuals with knowledge of the student’s needs and/or educational programming, including teachers, other staff members, parents, etc. In response to an oral request for an evaluation or referral, District staff will instruct the parent to make a written request to the principal or 504 coordinator and provide any assistance or direction the parent may need to comply

**Referrals should be directed to the building principal or 504 coordinator at your child’s school. (See Phone numbers for buildings at the top of this form).**

An assessment or evaluation team, consisting of persons knowledgeable about the student, will conduct an individual evaluation of a student initially referred for a Section 504 evaluation (i.e., school psychologist, social worker, administrator, nurse, classroom teacher, counselor, etc.). The designated team will review all submitted documentation, current teacher reports, past records and tests. Additional evaluation tests will be conducted by the School District if deemed necessary. Parental consent will be obtained prior to the initial evaluation completed by the District. If a parent refuses consent for an initial evaluation, the school district may (but is not required to) use hearing procedures to seek to override the parents’ denial of consent.

The 504 evaluation procedures shall be:

1. necessary and appropriate to determine the nature and extent of a disabling condition or a suspected disabling condition;
2. tailored to evaluate the specific areas of educational need and not merely those designed to provide a single intelligence quotient;
3. validated for the specific purpose(s) for which they are used and administered by trained personnel in conformance with instructions provided by their author/publisher;
4. free of racial, cultural, language or sex bias;
5. appropriate for the age and stage of development of each student to whom they are administered;
6. selected and administered so as best to ensure that the test results accurately reflect the student's aptitude or achievement or other factor being measured rather than reflect the student's disability, except where those are the factors being measured; and
7. administered in the student's familiar language or conducted in the mode of communication most familiar to the person being assessed, unless it is clearly not feasible to do so.

No single procedure shall be used by the District to evaluate whether or not a student has a disability under Section 504.

#### **IV. Determination Of Eligibility**

The designated team will convene a Section 504 eligibility conference for a student whose evaluation has been completed, within 60 school days of the referral, if reasonably possible.

The eligibility conference will involve a group of persons knowledgeable about the student, including the student's parents/guardians. The participants may include the student's teacher, member(s) of the assessment team, Section 504 Coordinator, School Psychologist, and the School Nurse (collectively called the "504 Team").

Notice to attend the eligibility conference shall be sent to all 504 Team members, including the student's parents/guardians, at least ten (10) calendar days prior to the conference.

The 504 Team will determine eligibility under Section 504 and determine what services and/or accommodations are needed to meet the student's needs as they relate to the educational setting, if any.

In order to determine that a student who has been evaluated is a student with a disability under Section 504, the Team must conclude, that:

1. the student has a physical or mental condition (i.e., 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, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine or any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disability);

2. the presence of such a physical or mental impairment: (i) substantially limits one or more of the student's major life; (ii) has a record of such an impairment; or (iii) is regarded as having such an impairment; and; and
3. Major life activities include, but not limited to: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working. 42 USC 12102 (2)(A). Major life activities under the section 504 also include "the operation of a major bodily function, including but not limited to, the function of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions." 42 USC 12102 (2)(B)
4. Mitigating measures such as medication, medical supplies, equipment, prosthetics, hearing aids and cochlear implants, mobility devices or other such ameliorative effects *cannot* be used to determine whether an individual is disabled.

In interpreting evaluation data and in making placement decisions, the School District shall use relevant information from a variety of sources, establish procedures to ensure information is documented and carefully considered, ensure that the placement decision is made by a knowledgeable team, and ensure that the child is placed in his/her least restrictive environment.

If the 504 team concludes that the student has a mental or physical impairment that substantially limits a major life activity, the team shall then determine whether reasonable accommodations and services are required in order to provide the student with a free appropriate public education. If so, the evaluation findings, eligibility, and the educational services/accommodations to be provided shall be recorded on the "Section 504 Plan." This Plan shall be generated by the 504 Team and sent to each of the student's teachers. Parents shall receive a copy of this Plan as notice of the student's eligibility and services.

The Section 504 Plan shall include the following:

- 1) A description of the identified disability that substantially limits a major life activity;
- 2) A description of how the identified disability needs to be addressed in relation to school, the education setting, and extracurricular activities;
- 3) A list of the recommendations/accommodations designed to address the needs; and
- 4) The names of the people responsible for ensuring that the accommodations/modifications are put into effect.

The services and reasonable accommodations described in the Section 504 Plan shall be based on a composite understanding of the student's characteristics and how the physical or mental condition substantially limits one or more major life activities.

If it is determined that the student will not be receiving any special services or accommodations, a written notice of the findings shall be provided to the parents along with a notice of their right to appeal the determination.

- (1) A reevaluation of each initial evaluation of the student will normally be conducted every three (3) years or more frequently if conditions warrant.
- (2) Each reevaluation will, when reasonably possible, be completed within sixty (60) school days from the date the notice of reevaluation is sent to the parents.

### Yearly Review

On an annual basis, the appropriate building administrator shall ensure that the Section 504 Team reviews the Service Plan to determine continued eligibility and nature and type of services the District shall provide. The Section 504 Team shall also collect any new data available and adjust the Section 504 Plan accordingly.

### Termination of Services

The Section 504 Team shall recommend the termination of a student's Section 504 Plan if it determines on the basis of the review of all pertinent information that:

- (1) The student is no longer disabled; or
- (2) The student no longer requires any specialized services to meet the identified needs; or
- (3) The student no longer requires any special accommodations; or
- (4) The student can be appropriately educated in a regular classroom environment without special support.

Record of the decision to terminate shall be placed in the student's temporary record file.

## Impartial Hearing Procedure

- (1) A parent may request an impartial hearing by contacting the District's ADA/504 Coordinator.
- (2) The parent request for a hearing shall be in writing. The request shall specify the reason(s) the hearing is being requested.
- (3) The District shall provide the parents with the name of an impartial hearing officer within a reasonable time.
- (4) The hearing shall be scheduled by the hearing officer within a reasonable time.
- (5) The District and the parents shall have the right to present evidence relevant to the issue raised by the parents at hearing. The parties shall have the right to have representation at the hearing.
- (6) The hearing officer shall limit his/her decision to the issue or issues presented by the parents in their written request for a hearing. The hearing officer's decision must be written and shall include a summary of the evidence and the reasons for the decision. The decision is to be based solely on the hearing officer's interpretation of the meaning or application of Section 504.
- (7) The hearing officer's decision will be issued within a reasonable period of time following the conclusion of the hearing. The hearing officer shall send a copy of the decision to the parent(s) and the District.
- (8) The decision of the hearing officer shall be considered final.
- (9) The hearing will be provided at no cost to the parents.