

## Policy 2159

### Instruction

#### Section 504 Students

##### Section 504 of the Rehabilitation Act of 1973

It is the intent of the District to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated and provided with appropriate educational services. For those students who need or are believed to need special instruction and/or related services under Section 504 of the Rehabilitation Act of 1973, the District shall establish and implement a system of procedural safeguards. The safeguards shall cover students' identification, evaluation, and educational placement. This system shall include: notice, an opportunity for the student's parent or legal guardian to examine relevant records, an impartial hearing with opportunity for participation by the student's parent or legal guardian, and a review procedure.

It is the responsibility of the District to identify and evaluate students in need of reasonable accommodations in order that such students may receive the required free appropriate education pursuant to the provisions of Section 504 of the Rehabilitation Act of 1973.

For the purposes of this policy, a student who may need special services or programs pursuant to Section 504 is one who:

- 1) Has a physical or mental impairment, or
- 2) Who has a record of such impairment or is regarded as having such impairment and who has been subject to discrimination that substantially limits the student's ability to participate in or benefit from the District's educational programs.

Students may be eligible for services under the provisions of Section 504 even though they do not require services pursuant to the Individuals with Disabilities Education Act (IDEA). Students who are identified as individuals with exceptional needs, according to IDEA criteria, will have any reasonable 504 non-discriminatory accommodations included in their IEP and will not have a separate 504 plan. The needs of such students are provided for under District policy and under state and federal laws and regulations.

For the purposes of this policy, the provision of an appropriate education includes the reasonable accommodations designed to meet individual educational needs of students with disabilities as adequately as the needs of non-disabled students are met in the district.

#### **IDENTIFICATION AND REFERRAL PROCEDURES**

Each Principal may designate a 504 Coordinator for his or her building. If none is designated, the building Principal shall act as the 504 Coordinator.

Any student who needs, or is believed to need, accommodations not available through existing programs in order to receive a free, appropriate public education may be referred by a parent, teacher, or other certificated school employee to the "Response To Intervention" (RTI) or "Problem Solving" (PS) team. If the RTI or PS team determines that there is a significant possibility that student qualifies for non-discrimination protection under Section 504, they will make a referral to the 504 Coordinator. The 504 Coordinator will oversee the eligibility determination under Section 504 and determination of appropriate student accommodations.

The 504 Team will be designated by the 504 Coordinator for the building and be composed of persons knowledgeable about the student, the student's school history, the student's individual needs, the meaning of evaluation data, and the placement options. Each building principal will be provided with the composition of the 504 Team to ensure that qualified personnel participate.

The 504 Team will consider the referral and, based upon multiple sources of diagnosis including, but not limited to, a review of the student's existing records, including academic, social, and behavioral records, make a decision as to whether an eligibility under this procedure is appropriate. Each member of the team must be free to express their opinion. Parents may bring outside evaluations to an eligibility meeting and they should be considered. The district will not reimburse parents for the cost of outside evaluations. If a request for eligibility is denied, the 504 Team will inform the parents/guardian of this decision and of their procedural rights.

## **EVALUATION**

Evaluation of the student and formulation of a plan of services will be carried out by the 504 Team according to the following procedures:

1. The 504 Team will evaluate the nature of the student's disability and the impact of the disability upon the student's ability to participate or benefit from the District's educational programs in which the student needs or wishes to participate in. This evaluation will include consideration of any disabilities that interfere with regular participation of a student who otherwise meets the criteria for participation in the educational program and/or activities.
2. The 504 Team shall consider all relevant information on the student to determine whether he or she is disabled under Section 504. Information may include reports from physicians, observations from parents, teachers, and/or school personnel, results of standardized aptitude and achievement tests, comprehensive assessments conducted by the District's professional staff and other relevant evaluation material, as appropriate. The information will also include consideration of the student's behavior.

In order to ensure that the 504 Team's interpretation of evaluation data and placement decision is consistent with federal law, the 504 Team shall:

1. Draw upon information from a variety of sources, which may include aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;

2. Document that the information obtained from all sources is carefully considered;
3. Ensure that the 504 Team 's decision whether or not the student is eligible for 504 protection is made by a group of persons, including persons knowledgeable about the student, the meaning of the evaluation data, and the placement options; and
4. Ensure that the eligibility decision provides for appropriate academic and nonacademic settings. No final determination of whether the student will or will not be identified as a disabled individual within the meaning of Section 504 will be made by the 504 Team without first inviting the parents/guardian of the student to participate in a meeting concerning such determination.

A final decision will be made by the 504 Team in writing, and the parents/guardian of the student shall also be provided with the Section 504 procedural safeguards available to them, including the right to an impartial hearing and review.

### **WRITTEN PLAN FOR SERVICES**

For a student who has been identified as disabled within the meaning of Section 504 and if the 504 Team determines that the student may be eligible for special education or related aids and services, the 504 Team shall be responsible for placing the case in the special education referral process. In making such determination, the 504 Team shall consider all available relevant information, drawing upon a variety of sources, as set forth in the Evaluation section of this policy.

The parents/guardian shall be invited to participate in 504 Team meetings where accommodations for the student will be determined, and shall be given an opportunity to examine all relevant records

The 504 Team will develop a written 504 plan describing the disability and the accommodations needed. The plan will specify how the accommodations will be provided, and by whom. Such accommodations will be designed to meet individual educational needs of the student as adequately as the needs of non-disabled students are met in the district. Each member of the 504 Team, the parents, and the principal shall sign the 504 Plan in acknowledgement of the plan's existence and their willingness to accept the Team's decision.

The team may also determine that no accommodations are appropriate. If so, the record of the 504 Team proceedings will reflect the identification of the student as a disabled person and the basis for the decision that no accommodations are presently needed.

A disabled student shall be placed in the regular educational environment of the District, with the accommodations, unless the District demonstrates that such placement cannot be achieved pursuant to this and other District policies. The disabled student shall be educated with those who are not disabled to the maximum extent appropriate to the individual needs of the student.

If the parents/guardian are unable to attend the meeting, the 504 Team shall notify the parents/guardian in writing of its final decision concerning the services to be provided.

The teachers of eligible students will be provided with the accommodations they are responsible for implementing under the students' 504 Plans.

## **REVIEW OF THE STUDENT'S PROGRESS**

The RTI or PS team will monitor the progress of the disabled student and the effectiveness of the student's education plan during their regularly scheduled meetings to determine whether the disabled student's needs are being met as adequately as the needs of non-disabled students. If after six months the RTI or PS team determines, using measurable data, the accommodations are not effective, then such information will be forwarded to the 504 coordinator. The 504 Coordinator will convene the 504 team and accommodations will be adjusted, using the measurable data.

The 504 Team will meet to comprehensively reevaluate each student's 504 eligibility and accommodations no less frequently than every two years.

## **PROCEDURAL SAFEGUARDS**

The parents/guardian shall be notified in writing of all 504 Team decisions concerning the identification, evaluation, or educational placement of students made under this policy.

The parents/guardian shall be notified that they may examine relevant records pertaining to decisions by the 504 Team. The parents/guardian shall have the right to an impartial hearing, with the opportunity for participation by the parents/guardian and their counsel.

The request for a hearing shall be made in writing and addressed to:

Superintendent  
McCall-Donnelly School District  
120 Idaho Street  
McCall, Idaho 83638  
Phone: (208) 634-2161  
Fax: (208) 634-4075

The hearing will be held in accordance with District policy.

Legal Reference: 29 U.S.C. § 794      Rehabilitation Act of 1973, Section 504  
34 C.F.R. 104.36      Procedural safeguards

### **Policy History:**

Adopted:      First Reading:      November 2011  
                    Second Reading:      December 2011