

District: Webster County School District
Section: I - Instructional Program
Policy Code: IDDHB - Section 504 Procedures (Students)

SECTION 504 PROCEDURES (STUDENTS)

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against persons with a disability in any program receiving federal financial assistance. No discrimination against any person with a disability will knowingly be permitted in any of the programs and practices of the school system. To ensure the district's compliance with Section 504 as it applies to students with disabilities, the following procedures have been adopted.

1. If the district has reason to believe that a student has a disability that substantially limits a major life activity, the district shall conduct an evaluation of the student to determine whether the student, because of the disability, needs or is believed to need special education or related services. Regarding evaluation procedures, the WCSD will ensure that: (i) Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer; (ii) Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; (iii) Tests are selected and administered so as best 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). (iv) Students who have been provided special education and related services are periodically reevaluated. A reevaluation procedure consistent with the Individuals with Disabilities Education Act (IDEA) is one means of meeting this requirement.

The district shall convene a team of people, including persons knowledgeable about the child, the meaning of evaluation data, and the placement options. The team shall consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. Regarding placement procedures, the WCSD will also ensure that information obtained from all such sources is documented and carefully considered (e.g., evaluation data). This meeting shall be convened within ten (10) days after the district becomes aware of the student's disability.

2. The team of people who are knowledgeable of the student's educational needs shall determine whether the student has a disability under Section 504 and whether that disability substantially limits a major life activity. If such a determination is made, the team must further determine (b) Appropriate Education. (1) For the purpose of this subpart, the provision of an appropriate education is the provision of regular or special education and related aids and services that (i) are designed to meet individual educational needs of disabled persons as adequately as the needs of non-disabled persons are met and (ii) are based upon adherence to procedures that satisfy the requirements of 34 C.F.R. 104.34, 104.35 and 104.36. If the student's parents disagree with the district's conclusion and recommendations, the parents shall be informed of their right to ask for an impartial hearing to decide the matter. Hearing requests shall be made in writing to the superintendent stating why the district's accommodations are not appropriate.

3. An impartial hearing shall be held within ten (10) days of receipt of the written request. The district shall obtain as a hearing officer an individual who is not an employee of the district

and who is knowledgeable of Section 504. The parent and student may take part in the hearing and have an attorney represent them at their own expense. The district also may be represented by counsel.

4. Both parties (the parents and/or their representative and a representative of the district) shall be given the opportunity to present evidence. A tape recording of the hearing will be made by the district, a copy of which will be given to the parents.
5. The hearing officer shall make a decision within ten (10) days after the conclusion of the hearing. The decision shall be given in writing to the district's 504 coordinator and the parents.
6. If either party is aggrieved by the action of the Hearing Officer, an appeal may be taken to the board of trustees of the district at its next regularly scheduled meeting. The board, in its discretion, may allow a statement to be made by the parents and a representative of the district. The decision of the board shall be final.
7. The district shall publish its policy of nondiscrimination on the basis of disability and shall inform parents of their rights under Section 504, including the right to examine records relevant to their child, the right to an impartial hearing with representation by legal counsel at their expense, and the district's review procedure.
8. The Section 504 Coordinator for the district may be contacted at phone number 662-258-2854 Ext. 12.

LEGAL REF.: Section 504 of the Rehabilitation Act of 1973

CROSS REF.: Policies IB - Instructional Goals

IDDF - Special Education Programs

JAA - Equal Educational Opportunities

Last Review Date: 06/19/2017

Review History:[1/1/1900][1/1/1901]

Procedural Safeguards Section 504 of the Rehabilitation Act of 1973

Section 504 is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive Federal financial assistance from the U. S. Department of Education (ED). Section 504 provides: "No otherwise qualified individual with a disability in the United States shall, solely by reason of his/her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance."

The Office for Civil Rights (OCR) enforces Section 504 in programs and activities that receive Federal financial assistance from ED. Recipients of the Federal financial assistance include public school districts, institutions of higher education, and other state and local education agencies. The regulations implementing Section 504 in the context of education institutions appear at 34 C. F. R. Part 104.

The Section 504 regulations require a school district to provide a "free appropriate public education" (FAPE) to each qualified student with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability. Under Section 504, FAPE consists

of the provision of regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of non-disabled students were met.

It is the intent of the Webster County School District that parents of student who may have a disability under Section 504 be informed of their rights. A person with a disability is defined as a person who has a physical or mental impairment which substantially limits one or more major life activities, excepting disabilities that are transitory (6-months duration or less) and minor. Major life activities include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

You have the right to:

1. Have your child take part in, receive benefits from, public education programs without discrimination because of his/her disability.
2. Have the District advise you of your rights under federal law.
3. Receive notice with respect to identification, evaluation, or placement of your child.
4. Have your child receive a free, appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have the District make reasonable accommodations in the educational program and placement to allow your child an equal opportunity to participate in school and school - related activities.
5. Have your child educated in facilities and receive services comparable to those provided to students without disabilities.
6. Have your child receive special education and related services if he/she is found to be eligible under state or federal special education law or if he/she requires specialized services under Section 504.
7. Have evaluation, planning and placement decisions made based upon a variety of information sources and by persons who know your child, the evaluation data and placement/program activities offered by the District.
8. Examine all of your child's educational records and obtain copies of those records at a reasonable cost, unless the fee would effectively deny you access to the records. You also have the right to request an explanation and interpretation of your child's records. Should you disagree with the records maintained by the district for your child because you believe them to be inaccurate, misleading or otherwise in violation of the privacy rights of your child, you may request that they be amended. If the District refuses your request, you have the right to a hearing.
9. Request a meeting with the 504 Compliance Officer to review any concern over the actions of the District with respect to the identification, evaluation, educational programs, or placement of your child. This meeting is not required by law, but frequently can resolve concerns.
10. Request a mediation and/or an impartial hearing related to any decision or action regarding your child's identification, evaluation, educational program or placement. You and your student may take part in the hearing before an impartial hearing office and have an attorney represent you. Under certain circumstances, you may be entitled to an award of reasonable attorney fees.
11. Appeal the decision of the hearing to a court of competent jurisdiction.

Adopted Date:

11/14/2016

Approved/Revised Date: 3/19/2018