

## **STUDENTS**

### **Individuals with Disabilities – Section 504 Compliance**

The Okemos Public Schools shall comply with Section 504 of the Rehabilitation Act of 1973, which prohibits disability-based discrimination and requires public schools to provide eligible students with disabilities a free appropriate public education. A student is an “eligible student with a disability” if he or she has a physical or mental impairment that substantially limits a major life activity. A free appropriate public education includes regular or special education and related aids and services that (a) are designed to meet the individual needs of students with disabilities as adequately as the needs of nondisabled students are met and (b) are based upon adherence to section 504's procedural safeguards. An evaluation process must be followed to determine a student’s eligibility for Section 504 services.

Section 504, defines a person with a disability as any person who: a) has a physical or mental impairment which substantially limits one or more major life activities; b) has a record of such impairment; or c) is regarded as having such an impairment. A major life activity, as defined in the regulations, includes functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating. A major life activity also includes 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. The determination about whether a student is an eligible student with a disability under section 504 will be made by a group of persons, including persons knowledgeable about the student, the meaning of evaluation data, and placement options. The group will draw upon information from a variety of sources, including, but not limited to, aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior.

The District shall not discriminate against any person having a disability, a record of having a disability, or who is otherwise regarded as having a disability.

- The District shall undertake to identify and locate every qualified person with a disability residing in its boundaries who is not receiving a public education and to take appropriate steps to notify their parents or guardians of the District’s section 504 obligations.
- The District shall provide for the education of each student with a disability with persons who are not disabled to the maximum extent appropriate to the needs of the student with a disability. The District shall also provide nonacademic and extracurricular services and activities in such a manner to afford students with disabilities an equal opportunity for participation in those services. Students with disabilities shall be allowed to participate with

nondisabled students to the maximum extent appropriate to the needs of the student with a disability in all nonacademic and extracurricular services and activities.

- The board directs the superintendent of schools to implement, with respect to actions regarding the identification, evaluation, or educational placement of persons who, because of disability, need or are believed to need special education or related services, a system of procedural safeguards that includes notice, an opportunity for the parents or guardian of the person to examine relevant records, an impartial hearing with opportunity for participation by the person's parents or guardian and representation by counsel, and a review procedure.
- The board directs the superintendent of schools to establish grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging violations of section 504. The grievance procedures may not be implemented in such a manner to limit a party's right to a due process hearing or to limit a party's right to file a complaint with the United States Department of Education, Office for Civil Rights.

The superintendent of schools shall designate a Section 504 Coordinator to manage the district's efforts to comply with this policy, its regulations and Section 504, as amended by the Americans with Disabilities Act Amendments Act of 2008.

Legal Reference:

Section 504 - Rehabilitation Act of 1973; 34 CFR 104  
29 USC 794

See Also: Board Policy 1329: Accessibility of School Facilities  
5122.3: Individuals with Disabilities-IDEA

POLICY

Adopted: 12-13-10

Amended: 06-10-13

Reviewed:

Regulations - Section 504 Compliance

The district's policy for compliance with Section 504 of the Rehabilitation Act, which is a civil rights law which ensures non-discrimination on the basis of a disability and access to a free appropriate public education for eligible students with disabilities, will be addressed through the following procedures.

1. The District will undertake to identify and locate those children in its jurisdiction who may be eligible students under section 504 and will notify the parents of those children of the District's section 504 obligations.
  - 1.1. A student or potential student who is believed to be in need of special education or related services may be referred for an evaluation by a parent, school personnel, community agency, or by self referral. Referral forms may be obtained from the school principal or the District's Section 504 coordinator.
  - 1.2. The District will seek parental consent to evaluate any student who, because of disability, it believes needs special education or related services.
  - 1.3. Upon referral for evaluation, the student's existing records, including academic, social, medical, and behavioral records, will be reviewed to determine whether an evaluation is appropriate.
2. In conducting an evaluation, the District will assess a student in all areas of suspected disability and will draw upon a variety of sources to determine if the student is an eligible student with a disability and, if so, to determine the student's placement.
  - 2.1 The district's evaluation procedures will comply with Section 504 and will ensure that:
    - a. 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.
    - b. 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 measure of intellectual ability.
    - c. Tests are selected and administered so as best to ensure that when a test is administered, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure.

- 2.2. The evaluation shall provide relevant information so a group of persons, including persons knowledgeable about the child, the meaning of evaluation data, and the placement options (the “504 team”) can determine: a) whether the student is 504 eligible; b) whether the student needs instructional special education or related instructional services including accommodations, adaptations, or modifications to district rules or policies; and c) the regular or special education or related services needed by an eligible student. In determining whether a student is eligible under section 504, the 504 team will consider whether the student has a physical or mental impairment that substantially limits any major life activity and will not limit its assessment to whether the impairment substantially limits the major life activity of learning.
- 2.3 Any determination of whether the student is a qualified disabled student will be communicated to the student’s parent/guardian along with their procedural safeguards.
- 2.4 Following the completion of an evaluation, the district will convene a 504 team meeting to review the evaluation results to determine (1) whether the student is an eligible student with a disability; (2) if the student is an eligible student with a disability, whether the student needs special education, related services, accommodations, or modifications; and (3) if so, the nature of the special education, related services, accommodations, or modifications. The student’s parent/guardian will be given notice of the meeting, an invitation to participate, and a copy of the procedural safeguards.
- 2.5 A re-evaluation of any student who is determined to be "disabled" under Section 504 will be conducted prior to any significant change in placement.
3. The student’s Section 504 Team will determine the placement, services, accommodations, and/or modifications needed by the student as required by Section 504.
  - 3.1 In interpreting evaluation data and in making educational decisions, the district shall:
    - a. Draw upon information from a variety of sources including, but not limited to, aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, medical data, and adaptive behavior.
    - b. Ensure that all evaluation data is documented and carefully considered.

- c. Ensure that all decisions are made by a group of persons (as described in Section 504), including persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.
    - d. Ensure that the student is educated with non-disabled students to the maximum extent appropriate to meet the student's individual needs.
4. With respect to actions regarding the identification, evaluation, educational placement of a person who needs or is believed to need special education or related services, the District adopts and will implement accommodations within the provisions and definitions for eligible disabled students under Section 504, the following procedural safeguards shall be afforded:
  - 4.1. Notice of any action regarding the identification, evaluation, or educational placement of the student must be given to the parent/guardian in writing within ten (10) school days of the proposed action.
  - 4.2. An opportunity must be provided for the student's parent/guardian to examine the student's education records.
  - 4.3. If there is disagreement about the district's decision, the student's parent/guardian will have the right to an impartial hearing with the opportunity for participation by the student's parent/guardian and representation by counsel.
    - a. A parent may demand an impartial hearing by submitting a written request to the District's section 504 coordinator no later than 10 school days after receiving notice of any action regarding a student's identification, evaluation, or educational placement. The request must identify the disagreement and the basis for disagreement.
    - b. The district will designate an impartial hearing officer who shall render a decision in writing to the district and the student's parent/guardian. A district employee may not be appointed to act as the impartial hearing officer.
    - c. Every reasonable effort will be made to adhere to the following guidelines:
      - Within thirty (30) school days of request, the hearing will be scheduled.
      - Within forty-five (45) school days of request, the hearing officer will render a decision.
      - The parties may mutually agree to different timelines as appropriate.

- d. Either party may appeal the decision rendered by the hearing officer to a court of competent jurisdiction.