

Students

IDENTIFICATION AND EDUCATION UNDER SECTION 504

Purpose

The intent of the District is to ensure that students who are handicapped within the meaning of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with the required appropriate education, i.e., regular or special education.

Identification and Referral Procedures

1. Students who, because of handicap, need or are believed to need special education or related services in order to receive a free appropriate public education may be referred by a parent/guardian, teacher, other certificated school employee, or community agency to the Student Study Team (SST) for identification and review of the student's individual education needs.
2. The SST will 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. The school site principal will monitor the composition of the SST to ensure that qualified personnel participate.
3. The SST will promptly consider the referral and, based upon a review of the student's existing records, including academic, social and behavioral records, make a decision as to whether an evaluation under this procedure is appropriate. If a request for evaluation is denied, the SST will inform the parents/guardians of this decision and of procedural rights.

Evaluation

Evaluation of the student and formulation of a plan of services will be carried out by the SST according to the following procedures.

1. The SST will evaluate the nature of the student's handicap and the impact of the handicap upon the student's education. This evaluation will include consideration of any behaviors that interfere with regular participation of a student who otherwise meets the criteria (such as age) for participation in the educational program and/or activities.
2. No final determination of whether the student will or will not be identified as a handicapped individual within the meaning of Section 504 will be made by the SST without first inviting the parents/guardians of the student to participate in a meeting concerning such determination.

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

Evaluation: (continued)

3. A final decision will be made by the SST in writing and the parents/guardians of the student shall be notified of the Section 504 procedural safeguards available to them, including the right to an impartial hearing and review, as described in Procedural Safeguards.

Plan For Services

1. For students who have been identified as handicapped within the meaning of Section 504 and in need of special services, the SST shall be responsible for determining what special services are needed to ensure that the student receives a free appropriate education.
2. In making this determination, the SST shall consider all available relevant information, drawing upon a variety of sources including but not limited to comprehensive assessments conducted by the District's professional staff.
3. The parents/guardians shall be invited to participate in SST meetings where services for the student will be determined, and shall be given an opportunity to examine in advance all relevant records.
4. The SST will develop a written plan describing the handicap and the special education or related services needed. The plan will specify how the services will be provided, and by whom.
5. The team may also determine that no special services are appropriate. If so, the record of the SST proceedings will reflect the identification of the student as a handicapped person and state the basis for the decision that no special services are presently needed.
6. In all cases, a handicapped student requiring special services shall be placed in the regular educational environment of the District unless the District demonstrates that such placement cannot be achieved satisfactorily. Handicapped students shall be educated with those who are not handicapped to the maximum extent appropriate to the individual need of the student.
7. The Student Study Team shall notify the parents/guardians in writing of its final decision concerning the services to be provided.
8. If a plan for providing related services is developed, all school personnel who work with the student shall be informed of the plan.

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)Review of Student's Progress

The Student Study Team will monitor the progress of the handicapped student and the effectiveness of the plan annually. This review will be used to determine whether special services are appropriate and necessary; to assure that the agreed to services are appropriate and necessary; and to assure these services are being provided as needed so that the handicapped student's needs are met as adequately as the needs of nonhandicapped students. Prior to any subsequent change in placement, a comprehensive reevaluation of the student's needs will be conducted.

Procedural Safeguards

1. The parents/guardians shall be notified in writing of all District decisions concerning the identification, evaluation, or educational placement of students made under this policy.
2. As to such District decisions, parents/guardians shall have the right to an impartial hearing ("Section 504 due process hearing"), with opportunity for participation by the parents/guardians and their counsel.
3. In the notification of any District decision concerning identification, evaluation or placement, the parents/guardians will be advised of (a) the date on or before which they must file a request for Section 504 due process hearing, which date will not be less than 30 days after the notice of the right to file, (b) the title of the person with whom they shall make any such request and his or her address and phone number, (c) the procedures the District will utilize to conduct the hearing, and (d) the fact that reimbursement for attorney's fees is available only as authorized by law.
4. The District shall maintain a list of hearing officers who are qualified and willing to conduct Section 504 hearings. The District will designate a hearing officer from the list in each case for which a hearing has been requested.
5. Each hearing officer on the District list must be impartial, i.e., not employed or under contract with the District in any capacity other than that of a hearing officer.
6. In instances where a state fair hearing has been held under the IDEA concerning issues relevant to the Section 504 proceeding, the Section 504 Hearing Officer shall, at the request of either party, accept into the record as evidence copies of the transcript of testimony and documents submitted in the state fair hearing. The Hearing Officer shall then provide opportunity for the submission of additional evidence by the parties that is relevant to a determination of the issues under Section 504. The Section 504 Hearing Officer's jurisdiction shall be limited to Section 504 issues and shall not extend to a determination of eligibility for special education or special education assessment or placement under the IDEA.

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

Procedural Safeguards (continued)

7. The Section 504 Hearing Officer shall render a decision de novo pursuant to the legal standards set forth in Section 504, 34 Code of Federal Regulations, Part 104, and court decisions interpreting those provisions. The parents/guardians shall be notified in writing of the decision. Either party may seek review of the decision of the Section 504 Hearing Officer by a federal court of competent jurisdiction.
8. The parties shall abide by the decision of the Section 504 Hearing Officer unless the decision is appealed to a federal court of competent jurisdiction and the decision is stayed by the court.