

PROGRAMS FOR STUDENTS WITH DISABILITIES

Section 504 Identification Evaluation And Placement

The District is the recipient of federal funds and therefore must be in compliance with all laws and regulations which deal with individuals with disabilities.

Accordingly:

1. Section 504 requires the District to evaluate students who, because of disability, need or are believed to need special education or related services before taking any action with respect to the initial placement, and to provide a free appropriate education (FAPE) to eligible students regardless of the nature or severity of their disability. In addition, the District's obligation to provide a FAPE is not limited to providing aids and services that are "reasonable" and that cost is not a basis for denying a service deemed necessary to provide a FAPE.
2. The determination of whether a student has a physical or mental impairment that substantially limits a major life activity must be made on the basis of an individual inquiry. The Section 504 regulatory provision at 34 CFR 104.3(j)(2)(i) defines a physical or mental impairment as 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, including speech organs; 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 and specific learning disabilities. The regulatory provision does not set forth an exhaustive list of specific diseases and conditions that may constitute physical or mental impairments because of the difficulty of ensuring the comprehensiveness of such a list.

Major life activities, as defined in the Section 504 and the ADAAA, include, but are not limited to, caring for oneself; performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. Major bodily functions include, but are not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. This list is not exhaustive.

3. The parent/guardian has a right to "periodic reevaluations" of a student with a disability. This right also applies to any subsequent change in placement, such as may result from a proposed disciplinary sanction that consecutively or, in the aggregate, totals more than 10 school days.

4. An evaluation is required by the Section 504 regulation in order to make an eligibility determination. Such evaluation will be conducted at no cost to the parent/guardian. When evaluating a student to determine eligibility under Section 504, the District will not limit its assessment only to whether the mental or physical impairment substantially limits the major life activity of learning, as a student may be eligible for a Section 504 plan if the student does not require educational services but does require modifications to District policies or health services in order to participate in District programs and activities.
5. The District's obligations to identify, evaluate and place students under Section 504 and to provide a FAFE are separate and distinct from its additional obligation to ensure students with disabilities have an equal opportunity to participate in non-academic and extracurricular activities, as well as to ensure that students with disabilities participate with their nondisabled peers to the maximum extent appropriate to their needs and that its facilities are accessible to and usable by individuals with disabilities.
6. When evaluating any student pursuant to Section 504, the following procedures will be followed:
 - A. The evaluation will be conducted by the District at no cost to the parent/guardian.
 - B. The interpretation of the evaluation data and any placement decision for the student will be made by a group of persons knowledgeable about the student, the meaning of the evaluation data and the placement options, including the student's parent/guardian (the 504 Team).
 - C. The 504 Team will determine whether the student is eligible to receive services as a student with a disability under Section 504, i.e., has a physical or mental impairment that substantially limits one or more life activities.
 - D. In evaluating the student to determine if he/she has a physical or mental impairment that substantially limits one or more major life activities, the 504 Team:
 - 1) will consider whether any particular mental or physical impairment substantially limits one or more major life activities, not solely learning or the ability to function in the school setting;
 - 2) will not take into account mitigating measures, such as medication being taken by the student, or related aids and services or modifications already being provided to the student by the District and
 - 3) will recognize that, if the student has an impairment that is episodic in nature or in remission, he/she is eligible if the impairment, when active, substantially limits one or more major life activities.

- E. If the student is determined to have a physical or mental impairment that substantially limits one or more major life activities, he/she is entitled to a free appropriate public education (FAPE), which means the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of the student as adequately as the needs of nondisabled persons are met. The District's obligation to provide a FAPE is not limited to providing related aids and services that are "reasonable."
- F. If the 504 Team determines the student is eligible for services, the 504 Team will develop a plan to ensure that the student is provided with a FAPE. The 504 Team will document its decisions.
- G. The District will inform the student's parents/guardians that they have rights afforded them through Section 504's procedural safeguards with respect to any actions regarding the identification, evaluation and placement of the student, including notice, an opportunity to examine relevant records and the right to an impartial hearing, not solely rights afforded only when a student is found ineligible as a student with a disability.

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