

PROGRAMS FOR STUDENTS WITH DISABILITIES

As an expression of its commitment to provide a Free Appropriate Public Education (FAPE) for students with disabilities in accordance with Federal and State laws, rules and regulations, the Board does hereby resolve to implement the following.

1. Child Identification

Ongoing efforts are made to identify, locate and evaluate children below 22 years of age who reside within the District and have a confirmed or suspected disability in accordance with all federal regulations and state standards. This includes children for whom the District is the district of residence who are being held or have been court ordered to juvenile detention centers or children who have been committed to community correctional facilities. Additional efforts are made to identify, locate and evaluate all parentally-placed school children who reside outside of the state, attend a private school within the District and have a confirmed or suspected disability.

2. Procedure Safeguards

The child with a disability and his/her parent(s) are provided with safeguards, as required by law, throughout the identification, evaluation and placement process and the provision of a FAPE to the child.

3. Multi-Factored Evaluation

The District provides a multi-factored evaluation for children with disabilities by ensuring that children are assessed in their native language or other mode of communication. Tests are used for their validated purposes. Children are evaluated in all areas related to their suspected disability. Testing is conducted by a multidisciplinary team. Testing materials and procedures are not racially or culturally biased. Tests are administered by trained personnel qualified in accordance with all federal regulations and state standards and in conformance with the instructions provided by the producer. Medical evaluation, when required as part of the multi-factored evaluation, is provided at no cost to the parent(s) by a licensed physician designated by the Superintendent/designee when other no-cost resources are not available.

4. Individualized Education Program

An Individualized Education Program (IEP) is developed for each child with a disability who needs special education. The IEP is designed to meet the unique educational needs of the child and developed in a planning conference. The parent(s) of the child are strongly encouraged to participate in the planning conference. The IEP is reviewed and revised as often as necessary, but at least annually.

5. Least Restrictive Environment

The education of children with disabilities occurs in the least restrictive environment. Special education programs and services are appropriate and designed to meet the unique needs of each child with a disability. To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who do not have disabilities. Special classes, separate schooling or other removal of children with disabilities from the regular educational environment occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

6. Confidentiality of Data

The confidentiality of personally identifiable data relating to children with disabilities and their parents and families is protected at collection, storage, disclosure and destruction. One official of the District is assigned the responsibility for protecting the confidentiality of personally identifiable data. The District follows all federal regulations and state standards related to the confidentiality of data.

7. Due Process

The District utilizes procedures that allow differences of opinion to be aired and resolved between parent(s) or agencies and the District. The procedures provide for utilization of case conferences, administrative reviews, impartial due process hearings, state-level appeals and appeals to the courts that involve the District's proposal or refusal to initiate or change the identification, evaluation or educational placement of the child or the provision of a FAPE to the child. Furthermore, the rights of children with disabilities are protected when the parents cannot be identified or located, when the child is a ward of the state or when the child is without a formally declared legal representative.

8. Surrogate Parent

Whenever the parent(s) of a child with a disability are not known or cannot be located, when the child is a ward of the state or when parents have otherwise lost legal decision-making abilities, the child's rights are protected through the assignment of an individual (who is not an employee of the state education agency, local education agency or other organization involved in the education or care of the child) who serves as the child's surrogate parent.

9. Testing Programs

Students with disabilities must participate in local and statewide testing programs. Individual exemptions, accommodations and participation in an alternate assessment are determined only during an IEP conference.

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 a 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 public 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 for 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 obligation to identify, evaluate and place students under Section 504 and to provide a FAPE are separate and distinct from its additional obligation to ensure 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 of 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 major 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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