

SECTION 504 POLICY

It is the responsibility of this district to identify, evaluate, and provide appropriate educational services to students in need of special services or programs in order that such students may receive the required free appropriate public education (FAPE) pursuant to the provisions of Section 504 of the Rehabilitation Act of 1973.

For the purposes of this policy, a student who may need special services or programs pursuant to Section 504 is one who has a physical or mental impairment that substantially limits the student's ability to participate in or benefit from the district's educational programs. The district will provide such students with a regular or special education in the least restrictive environment with related aids and services designed to meet the individual educational needs of students with disabilities as adequately as the needs of non-disabled students are met.

Students may be eligible for services under the provisions of Section 504 even though they do not require services pursuant to the Individuals with Disabilities Education Act (IDEA). Students who are identified as individuals with exceptional needs, according to IDEA criteria, are not addressed under this policy. The needs of such students are provided for under the Special Education Policy (IDEA) - 670.

Each qualified person within the district who is eligible to receive regular or special education or related aids or services, regardless of the nature or severity of the condition necessitating such programs or services, shall receive a free appropriate education in the district. For the purposes of this policy, the provision of an appropriate education is the provision of regular or special education and related aids and services that are designed to meet individual educational needs of students with disabilities as adequately as the needs of non-disabled students are met.

IDENTIFICATION AND REFERRAL PROCEDURES

Any student who needs or is believed to need special education or related aids and services not available through existing programs in order to receive a free appropriate public education (FAPE) may be referred by a parent, teacher, or other certificated school employee to the 504 Team for identification and evaluation of the student's individual educational needs.

The 504 Team will be composed of persons knowledgeable about the student, the meaning of evaluation data, and the placement options. Each building principal will monitor the composition of the 504 Team to ensure that qualified personnel participate.

The 504 Team will 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 504 Team will inform the parents or guardian of this decision and of his/her procedural rights.

EVALUATION

Evaluation of the student and formulation of a plan of services will be carried out by the 504 Team according to the following procedures:

1. The 504 Team will evaluate the nature of the student's disability and the impact of the disability upon the student's ability to participate in or benefit from the district's educational programs. 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. The 504 Team shall consider all relevant information on the student to determine whether he or she is disabled under Section 504. Information may include reports from physicians, observations from parents, teachers, and/or school personnel, results of standardized aptitude and achievement tests, comprehensive assessments conducted by this district's professional staff and other relevant evaluation material, as appropriate. The information will also include consideration of the student's behavior.

In order to ensure that the 504 Team's interpretation of evaluation data and placement decision is consistent with federal law, the 504 Team shall:

1. Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;
2. Document that the information obtained from all sources is carefully considered;
3. Ensure that the 504 Team's placement decision is made by a group of persons, including persons knowledgeable about the student, the meaning of the evaluation data, and the placement options; and
4. Ensure that the placement decision provides appropriate academic and nonacademic settings.

No final determination of whether the student will or will not be identified as a disabled individual within the meaning of Section 504 will be made by the 504 Team without first inviting the parent or guardian of the student to participate in a meeting concerning such determination.

A final decision will be made by the 504 Team in writing, and the parents or guardian of the student, shall be notified of the Section 504 procedural safeguards available to him/her, including the right to an impartial hearing and review.

WRITTEN PLAN FOR SERVICES

For a student who has been identified as disabled within the meaning of Section 504 and in need of special education or related aids and services, the 504 Team shall be responsible for determining

what is needed. In making such determination, the 504 Team shall consider all available relevant information, drawing upon a variety of sources, as set forth in the Evaluation section of this policy.

The parents or guardian shall be invited to participate in 504 Team meetings where services for the student will be determined and shall be given an opportunity to examine all relevant records.

The 504 Team will develop a written plan describing the disability and the special education or related aids and services needed. The plan will specify how the regular or special education and related aids and services will be provided and by whom.

The team may also determine that no special education or related aids and services are appropriate. If so, the record of the 504 Team proceedings will reflect the identification of the student as a disabled person and the basis for the decision that no special services are presently needed.

A disabled student shall be placed in the regular educational environment of the district, with the use of the supplementary aids and services unless the district demonstrates that such placement cannot be achieved satisfactorily. The disabled student shall be educated with those who are not disabled to the maximum extent appropriate to the individual needs of the student.

The 504 Team shall notify the parent or guardian in writing of its final decision concerning the services to be provided.

All teachers of students with disabilities shall be provided with information in sufficient detail to address the individual needs of each student with a disability.

EXTRACURRICULAR ACTIVITIES

Students with disabilities will be afforded an equal opportunity for participation in extracurricular activities and nonacademic services to the maximum extent appropriate. Should a student choose to participate in an activity, the 504 team will determine whether supplementary aids and services (accommodations) are necessary for participation. In the event a student cannot participate in an activity even with supplementary aids and services (accommodations), the district may deny the student's participation in the activity.

REVIEW OF THE STUDENT'S PROGRESS

The 504 Team will monitor the progress of the disabled student and the effectiveness of the student's education plan annually to determine whether special education or related aids and services are appropriate and necessary, and that the disabled student's needs are being met as adequately as the needs of non-disabled students.

Prior to any subsequent significant change in placement, a comprehensive reevaluation of the student's needs will be conducted.

PROCEDURAL SAFEGUARDS

Parents or guardians shall be notified in writing of all 504 Team decisions concerning the identification, evaluation, or educational placement of students made under this policy.

The parents or guardian shall be notified that they may examine relevant records.

As to such decisions by the 504 Team, the parents or guardian shall have the right to an impartial hearing with the opportunity for participation by the parents or guardian and their counsel.

The request for a hearing shall be made in writing and addressed to:

Mountain Home School District No. 193
Attention: Section 504 Compliance Officer
470 North 3rd East
Mountain Home, Idaho 83647
Phone: (208)-587-2580 FAX: (208)-587-9896

Section 504 Compliance Officer: _____

The hearing will be held in accordance with district policy.



LEGAL REFERENCE:

Section 504 of the Rehabilitation Act of 1973

34 CFR Part 104

Americans with Disabilities Act Amendment Act (ADAAA), 28 CFR Part 35

ADOPTED: June 21, 2016

Revised: June 21, 2022