

**Policy IDHDB: Section 504 Procedures (Students)**

**Status:** DRAFT

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**SECTION 504 PROCEDURES (STUDENTS)**

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against persons with a handicap in any program receiving federal financial assistance. No discrimination against any person with a disability will knowingly be permitted in any of the programs and practices of the school system. To ensure the district's compliance with Section 504 as it applies to students with handicaps, the following procedures have been adopted.

1. If a student claims that he/she has been subjected to discrimination on the basis of a handicapping condition, in violation of Section 504 of the Rehabilitation Act of 1973, or if the district has reason to believe that a student has a handicap which substantially limits the student's ability to learn (and the student is ineligible for services under IDEA), the district shall convene a team of people who are knowledgeable of the student's educational needs to review and consider all pertinent information related to the suspected handicap. This meeting shall be convened within ten (10) days after the district receives a written statement describing the specific discriminatory conduct or the district becomes aware of the student's handicap affecting the student's ability to learn.
  2. The team described in paragraph 1 above shall determine whether the student is handicapped under Section 504 and whether that handicap substantially limits the major life function of learning. If such a determination is made, the team must further determine what accommodations are required on behalf of the district to allow the student an equal opportunity to participate in school and school-related activities. If the student's parents disagree with the district's conclusion and recommendations, the parents shall be informed of their right to ask for an impartial hearing to decide the matter. Hearing requests shall be made in writing to the superintendent giving specific reasons describing the discriminatory actions by the district and why the district's accommodations are not appropriate.
  3. An impartial hearing shall be held within ten (10) days of receipt of the written request. The district shall obtain as a hearing officer an individual who is not an employee of the district and who is knowledgeable of Section 504. The parent and student may take part in the hearing and have an attorney represent them at their own expense. The district also may be represented by counsel.
  4. The hearing officer shall conduct the hearing so as to give the parents an opportunity to present evidence supporting their claim that their child has been subjected to discriminatory treatment in violation of Section 504. The district shall be given the opportunity to present evidence supporting its position with respect to the student. A tape recording of the hearing will be made by the district, a copy of which will be provided the parents.
  5. The hearing officer shall make a decision within ten (10) days after the conclusion of the hearing. The decision shall be given in writing to the district's 504 coordinator and the parents.
  6. If either party is aggrieved by the action of the Hearing Officer, an appeal may be taken to the board of trustees of the district at its next regularly scheduled meeting. The board, in its discretion, may allow a statement to be made by the parents and a representative of the district. The decision of the board shall be final.
  7. The district shall publish its policy of nondiscrimination on the basis of handicap and shall inform parents of their rights under Section 504, including the right to examine records relevant to their child, the right to an impartial hearing with representation by legal counsel at their expense, and the district's review procedure.
  8. The Section 504 Coordinator for the district may be contacted at phone number 228-283-3000.
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