

## ADMINISTRATIVE PROCEDURE

JAB

### STUDENTS NONDISCRIMINATION ON THE BASIS OF HANDICAP ~~DISABILITY~~—SECTION 504

~~JUNE 6, 2016~~  
December 15, 2025

The person who filed the complaint on the School District may appeal the Coordinator's determination to the Superintendent by so notifying the Superintendent in writing within ten (10) calendar days of the Coordinator's determination. The Superintendent may conduct additional investigation of the facts and circumstances surrounding the complaint. The Superintendent shall affirm or reverse the Coordinator's decision and, if warranted, implement the Coordinator's proposed resolution or a modification thereof. The Superintendent's decision shall be final.

#### RULE 1 — DEFINITIONS

A student is considered ~~handicapped~~ a **student with a disability** if he or she has a physical or mental impairment which substantially limits one or more major life activity, has a record of such an impairment, or is regarded as having such an impairment.

A student is considered qualified if he or she is of an age during which non-handicapped ~~disabled~~ students are provided such services, if it is mandatory under state law to provide such services to non-handicapped ~~disabled~~ students, or if the School District is required to provide a free appropriate public education to the student under IDEA.

#### RULE 2 — EDUCATION OF QUALIFIED HANDICAPPED STUDENTS **WITH A DISABILITY**

The School District will provide qualified ~~handicapped~~ students **with a disability** with regular and special education and related aids and services that are designed to meet their educational needs as adequately as the needs of non-handicapped ~~disabled~~ students are met in accordance with the procedural safeguards required by law and this Procedure.

If a qualified ~~handicapped~~ student **with a disability** needs, or is believed to need, regular or special education and related aids and services, the School District will implement the evaluation procedures of Rule 3, unless otherwise mutually agreed to by the School District and parent(s)/guardian or adult student, before taking any action with respect to the initial placement of the student in a regular or special education program and any subsequent significant change in placement.

Qualified ~~handicapped~~ students **with a disability** will be integrated with non-handicapped ~~disabled~~ students in academic, nonacademic, and extracurricular settings to the maximum extent appropriate to their needs. To this end, qualified ~~handicapped~~ students **with a disability** will be placed in the regular education environment unless such placement cannot be achieved satisfactorily with the use of supplementary aids and services. When qualified ~~handicapped~~ students **with a disability** are placed in segregated facilities, those facilities and the services and activities provided therein will be comparable to those provided in the regular education environment.

### **RULE 3 — EVALUATION PROCEDURES**

**(a) Initiation** — Parent(s)/guardian, School District staff, adult students, and other appropriate persons may make a referral to the School District for initiation of the procedures set forth below. Upon referral, and prior to the initiation of the procedures set forth below, the School District shall receive written permission from the parent(s)/guardian or adult student to conduct an evaluation.

**(b) Evaluation** — The School District will appoint persons to a 504 Committee, which Committee will include at least one person knowledgeable about the student, to evaluate the student and/or to review and consider available diagnostic, medical, and other pertinent evaluative information submitted by the parent(s)/guardian, adult student, and/or submitted by the School District's staff and the School District's designated nonemployee evaluators.

The School District will invite the parent(s)/guardian or adult student to be participants of the 504 Committee and shall inform them by advance written notice of the dates and times of Committee meetings.

The 504 Committee, in evaluating the student, will draw upon information from a variety of sources including, but not limited to, parent(s)/guardian or adult student input and recommendations, aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. The 504 Committee and School District appointed evaluators, including nonemployee evaluators, may administer tests and other evaluation materials to determine the nature and extent of the student's need for regular education with related aids or services or special education and related aids or services, provided: (1) the tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer; (2) the tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single, general intelligence quotient; and (3) the tests are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level, or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

**(c) Eligibility and Placement** — The 504 Committee will, considering all evaluative information and other input, determine whether the student is qualified and ~~handicapped~~ **disabled** within the meaning of federal law, Board Policy, and this Administrative Procedure. If the Committee determines that the student is qualified and ~~handicapped~~ **disabled**, it will next consider whether regular education with the use of supplementary aids and services or special education and related aids or services are necessary to meet the student's educational needs as adequately as the needs of non-~~handicapped~~ **disabled** students and, if so, the nature and extent to which regular education with the use of supplementary aids and services or special education and

related aids or services are necessary. The Committee will bear in mind that qualified handicapped students with a disability must be placed in the regular education environment unless it is demonstrated that such a placement cannot be achieved satisfactorily with the use of supplementary aids and services.

#### **RULE 4 — REEVALUATION**

A 504 Committee shall periodically reevaluate qualified handicapped students with a disability in accordance with federal law. Such a reevaluation shall occur before any significant change in the student's placement.

#### **RULE 5 — NOTICE OF PROCEDURAL SAFEGUARDS**

The parent/guardian or adult student will be provided written notice of their rights under Board Policy and this Administrative Procedure. The procedural rights include: the right to file a complaint with the School District appointed 504 Coordinator over an alleged violation of Section 504, Board Policy, and this Procedure; the right to have an evaluation by the 504 Committee; the right to be informed of any proposed action, or refusal to take action, relating to the 504 Committee's eligibility and/or placement decisions; the right to examine all relevant school records; the right to receive all information in the parent(s)/guardian and student's native language and primary mode of communication; the right to a reevaluation periodically or before any significant change in placement; the right to an impartial hearing if there is disagreement with the 504 Committee's proposed action or refusal to take action regarding the eligibility and/or placement of the student; the right to be represented by counsel in the impartial hearing process; the right to appeal the hearing officer's decision.

#### **RULE 6 — DUE PROCESS HEARING**

A parent(s)/guardian or adult student wishing to contest the 504 Committee's determinations may request an impartial hearing at which the parent(s)/guardian or adult student and their counsel may participate. The parent(s)/guardian or adult student's request for an impartial hearing shall be in writing and shall specifically identify the areas of disagreement with the 504 Committee's report, as well as the reasons for the disagreement. A request for an impartial hearing must be made within twenty-five (25) calendar days following the date on which the report was issued.

The Superintendent of Schools, or his/her designee, upon receipt of a complete and timely request for an impartial hearing, shall appoint an impartial hearing officer to take evidence and to issue a decision regarding the 504 Committee's action, or refusal to take action, regarding the eligibility and/or placement of the student. The impartial hearing officer shall be chosen by the District from those individuals who are identified as hearing officers by the Michigan Department of Education's Office of Administrative Law, who are willing to serve under this policy and who are not District employees. The impartial hearing officer shall not have any authority to consider any other matter without the parties' consent.

#### **RULE 7 — HEARING RIGHTS AND RESPONSIBILITIES**

At an impartial hearing conducted pursuant to federal law, Board Policy, and this Administrative Procedure, the School District and parent(s)/guardian or adult student have the following rights: (1) to be represented by counsel or other individuals knowledgeable with respect to the problems of handicapped students with disabilities; (2) to present evidence and confront and cross-examine witnesses; (3) to prohibit the introduction of evidence or the direct testimony of witnesses who have not been disclosed to that party not less than five (5) calendar days before the hearing; (4) to obtain a written or electronic verbatim recording of the hearing at the expense of the party requesting it (this provision may be waived by the School District based upon financial hardship).

The parent/guardians or adult student may have the hearing private or open to the public and the student who is the subject of the hearing may be present.

The hearing officer shall issue a written decision. The hearing officer's decision shall be promptly mailed or delivered to the School District and the parent(s)/guardian or adult student.

The parent(s)/guardian or School District may appeal the hearing officer's decision to a court of competent jurisdiction within the time and in the manner permitted by law.

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