

This policy was updated to further clarify a district's nondiscrimination obligations under Section 504. Language was added to address the Americans with Disabilities Amendment Act's provisions regarding not considering mitigating measures in the evaluation process, but subsequently considering mitigating measures in determining whether a student with a disability under Section 504 needs any specific educational services in order to receive a free appropriate public education.

The Soda Springs School District No. 150 will not discriminate against any student who:

1. Has a physical or mental impairment that substantially limits one or more major life activities;
2. Has a record of an impairment; or
3. Is regarded as having an impairment.

The School District will identify, locate, evaluate, and provide appropriate educational services to students with disabilities who are determined to need regular or special education and related aids and services designed to meet individual educational needs as adequately as the needs of nondisabled students are met. 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 a major life activity. Such identified services constitute a free appropriate public education (FAPE) pursuant to the provisions of Section 504 of the Rehabilitation Act of 1973 (Section 504).

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 district policy and under state and federal laws and regulations (*see Policy No. 670, Special Education (IDEA)*).

SECTION 504 IDENTIFICATION AND REFERRAL PROCESS

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 FAPE may be referred by a parent/guardian, 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 is appropriate. If a request for evaluation is denied, the 504 team will inform the parent/guardian of this decision and of his/her procedural rights.

EVALUATION PROCESS

An evaluation is the initial step in determining whether and to what extent regular education or special education and related aids and services are necessary to meet the individual educational needs of students with disabilities as adequately as the needs of nondisabled students are met. An evaluation of a student and formulation of a 504 plan for educational services will be carried out by the 504 team according to the following procedures:

1. An initial (preplacement) evaluation will occur within a reasonable period of time only after receiving parent/guardian written consent.
2. 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.
3. 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/guardians, 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.
4. The 504 team will not consider mitigating measures when determining whether a student's condition substantially limits a major life activity. Ordinary eyeglasses and contact lenses are not considered mitigating measures.

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/guardian of the student to participate in a meeting concerning such determination.

The determination of whether an impairment exists, and whether it substantially limits a student's major life activity will be made on an individualized basis. A final decision will be made by the 504 team in writing, which shall be provided to the parent/guardian of the student, along with notifying the parent/guardian of the Section 504 procedural safeguards available to him/her, including the right to an impartial hearing and review.

A periodic reevaluation of a student with a disability will occur. A reevaluation procedure consistent with the IDEA is one means of meeting this requirement. A proposal to subject a student on a 504 plan to a significant change in placement (including certain disciplinary removals) triggers the obligation to reevaluate.

504 PLAN FOR SERVICES

For a student who has been identified as disabled within the meaning of Section 504 the 504 team shall be responsible for determining what, if any, educational services are 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 504 team will also consider any mitigating measures that may be used by a student in determining whether a 504 plan is needed.*

The parent/guardian *shall be invited to participate in 504 team meetings where services for the student will be determined and will be allowed the opportunity to provide input.* The parent/guardian will be given an opportunity to examine all relevant records.

The 504 team will develop a *written* plan which will set forth the special education or related aids and services needed. The plan will specify how the special education and related aids and services will be provided.

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 student determined to have a disability under Section 504, but who is not in need of additional educational services will not be discriminated against, and will have all procedural safeguards available to a student on a 504 plan.*

A disabled student shall be placed in the regular educational environment of the district, with the use of the supplementary aids and services *as determined appropriate by the 504 team*, 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/guardian in writing of its final decision concerning the services to be provided.

All teachers of students with disabilities, and other staff members as appropriate, shall be provided with information in sufficient detail to address the individual needs of each student with a disability.

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 periodically to determine whether the regular education, 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 are met.

Prior to any subsequent significant change in placement, a comprehensive reevaluation of the student's needs will be conducted by the 504 team.

DISCIPLINE

When disciplining a student determined to have a disability pursuant to Section 504, Policy No. 546 will apply.

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 qualified 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.

PROCEDURAL SAFEGUARDS

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

Parents/guardians shall be notified that they may examine relevant education records of their child.

Parents/guardians shall have the right to **request** an impartial hearing and **be represented by legal counsel regarding any decision related to the identification, evaluation or educational placement of their child.**

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

Shari Goode
Soda Springs School District No. 150
60 East 4th South
Soda Springs, ID 83276
Phone: (208) 547-4426
Fax: (208) 547-2617
Email: goodshar@sodaschools.org

The hearing will be held in accordance with *Policy No. 671P1, Section 504: Hearing Procedures*.



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: April 20, 2011

AMENDED: May 21, 2014, January 25, 2017