

## **EDUCATIONAL SERVICES FOR STUDENTS UNDER SECTION 504 AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT**

The technology center recognizes its Responsibilities to students who are or may be qualified persons with disabilities under Section 504 of the Rehabilitation Act of 1973 ("Section 504") and Title II of the Americans with Disabilities Act ("Title II"). In an effort to ensure that technology center employees understand and implement the requirements of Section 504 and Title II, the board of education adopts the following policy.

### **Qualified Individual with a Disability**

All qualified persons with disabilities within the jurisdiction of the technology center are entitled to a free appropriate public education ("FAPE"), regardless of the nature or severity of the person's disability. Section 504 and Title II define a person with a disability as any person who (a) has a physical or mental impairment that substantially limits one or more major life activities, (b) has a record of such an impairment or (c) is regarded as having such an impairment. The definition of disability shall be construed in favor of broad coverage of individuals, to the maximum extent permitted by Section 504 and Title II.

The term "physical or mental impairment" means (a) 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 (b) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The phrase "physical or mental impairment" includes, but is not limited to, such contagious and noncontagious diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism. The following are excluded from the term "physical or mental impairment:" (a) an individual who currently engages in the illegal use of drugs; (b) homosexuality and bisexuality; (c) transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders; (d) compulsive gambling, kleptomania, or pyromania; and (e) psychoactive substance use disorders resulting from current illegal use of drugs.

The term "major life activities" includes, but is not limited to, functions such as caring for one's self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. A "major life activity" also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. Also, an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

**Mitigating Measures**

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as:

1. medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
2. use of assistive technology;
3. reasonable accommodations or auxiliary aids or services; or
4. learned behavioral or adaptive neurological modifications.

The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

For purposes of this policy, a "qualified person with a disability" is a person with a disability who is (a) of an age during which it is mandatory under Oklahoma law to provide such services to persons with disabilities; (b) of an age during which persons without disabilities are provided such services; or (c) a person for whom a state is required to provide a FAPE under the Individuals with Disabilities Education Act.

**Appropriate Education**

An appropriate education may comprise education in cooperation with a sending school, which may offer education in regular classes, education in regular classes with the use of related aids and services, or special education and related services in separate classrooms for all or portions of the school day or education at the technology center. Special education may include specially designed instruction in classrooms, at home, or in private or public institutions and may be accompanied by related services such as speech therapy, occupational and physical therapy, psychological counseling and medical diagnostic services necessary to the child's education. While the technology center may not be involved in many of these education opportunities, it may be a provider of specially selected options.

An appropriate education in the sending school will include:

1. Regular or special education and related aids and services designed to meet the individual education needs of students with disabilities as adequately as the needs of nondisabled students are met;
2. The education of each student with a disability with nondisabled students, to the maximum extent appropriate to the needs of the student with a disability
3. Evaluation and placement procedures established to guard against misclassification or inappropriate placement of students, and a periodic reevaluation of students who have been provided special education or related services; and

4. Establishment of due process procedures that enable parents and guardians to receive required notices, review their child's records and challenge identification, evaluation and placement decisions, and that provide for an impartial hearing with the opportunity for participation by parents and representation by counsel, and a review procedure.

The technology center will work, as appropriate, with the sending school to design education programs for student with disabilities to meet their individual needs to the same extent that the needs of nondisabled students are met. The technology center will provide the quality of education services to students with disabilities that equals the quality of services provided to nondisabled students. The technology center will provide teachers for students with disabilities who are trained in the instruction of individuals with disabilities. The technology center will provide comparable facilities for students with disabilities and make appropriate materials and equipment available. The technology center will not exclude students with disabilities from participating in nonacademic services and extracurricular activities on the basis of disability. The technology center will provide persons with disabilities an opportunity to participate in nonacademic services that is equal to that provided to persons without disabilities. These services may include transportation, health services, recreational activities, special interest groups or clubs sponsored by the technology center, and referrals to agencies that provide assistance to persons with disabilities and employment of students.

#### **Educational Setting**

The technology center will place students with and without disabilities in the same setting, to the maximum extent appropriate to the educational needs of the students with disabilities. The technology center shall place students in the regular education environment unless the technology center demonstrates that the education of the student in the regular education environment with the use of supplementary aids and services cannot be achieved satisfactorily. Students with disabilities will participate with nondisabled students in both academic and nonacademic services, including meals, to the maximum extent appropriate to their individual needs and the program in which they are enrolled.

As necessary, the technology center, in cooperation with the sending school and as related to the program in which the student is enrolled, will provide specific supplementary aids and services for students with disabilities to ensure an appropriate education setting. Supplementary aids may include, but are not limited to, interpreters for students who are deaf, readers for students who are blind, and equipment to make physical accommodations for students with mobility impairments.

#### **Evaluation and Placement**

The district shall annually undertake to identify and locate every qualified child with a disability residing in the district's jurisdiction who is not receiving a public education and take appropriate steps to notify children with disabilities and their parents or guardians of the district's duties under Section 504 and Title II.

Examples of situations in which school personnel may reasonably conclude that a student needs or is believed to need special education or related aids and services includes (a) when a teacher, based on

observation of or work with the student, expresses a view that an evaluation is needed, or (2) when the parent of a student has requested an evaluation.

The technology center will work cooperatively with the sending district to make evaluation and placement decisions in accordance with appropriate procedures required by law.

**Section 504/Title II Plan**

When the sending school's multidisciplinary group determines that a student is eligible for educational services under Section 504 and Title II, it should work closely with the technology center to prepare a plan documenting how the technology center will participate to provide FAPE for that student. Any plan for a student will identify the educational services, related services and supplementary aids and services needed to meet the student's individual educational needs, the person(s) responsible for implementing each component of the plan, the starting and ending dates for each component and a date, no less than annually, on which the sending school will review the plan.

The technology center will provide appropriate education and related aids and services free of charge to students with disabilities and their parents or guardians, except for fees equally imposed on nondisabled persons or their parents or guardians.

**Procedural Safeguards**

The technology center will employ procedural safeguards regarding the identification, evaluation or educational placement of persons who, because of disability, need or are believed to need special instruction or related services. Technology center personnel will rely on sending schools to notify parents or guardians of any evaluation or placement actions and will allow parents or guardians to examine the student's records maintained by the technology center. The technology center relies on sending schools to provide parents or guardians with a copy of its Section 504 of the Rehabilitation Act of 1973/Title II of the Americans with Disabilities Act Information and Procedural Safeguards form annually at the student's Section 504 plan meeting and when the sending school (a) seeks parent or guardian consent for Section 504 evaluation or reevaluation, (b) receives a complaint from the parent or guardian alleging failure to comply with Section 504 or Title II requirements, (c) receives a request from the parent or guardian for a copy of the Procedural Safeguards form, and (d) takes any action with respect to the identification, evaluation, or educational placement of the student.

The technology center will participate in, as appropriate and consistent with its obligations to the student, an impartial hearing by an objective, neutral hearing officer that will allow parents or guardians to challenge identification, evaluation and placement procedures and decisions. If parents or guardians disagree with the technology center's decisions, they will be afforded an impartial hearing, with an opportunity for their participation and for representation by counsel. The technology center will participate fully in any impartial administrative review procedure by an objective, neutral review officer to parents or guardians who want to challenge the hearing decision. If the parent or guardian wants to

challenge the administrative review decision, he or she may file an action in state or federal court. The technology center will defer, as appropriate, to the legal obligations of the sending school.

**Retaliation**

The technology center prohibits retaliation, intimidation, threats, or coercion of any person for opposing discrimination or for participating in the technology center's discrimination complaint process or making a complaint, testifying, assisting, appealing, or participating in any other discrimination complaint proceeding or hearing. The technology center will take steps to prevent the alleged perpetrator or anyone else at the technology center from retaliating against the alleged victim or any person who acts to oppose discrimination or participates in the complaint process. These steps include notifying students and employees that they are protected from retaliation, making sure that victims know how to report future problems and making follow-up inquiries to see if there have been any new incidents. If retaliation occurs, the technology center will take strong responsive action. Persons with complaints or concerns about the application of this policy should contact:

Kiamichi Technology Centers  
Attention: Superintendent  
1004 Highway 2 North  
Wilburton, OK 74578