

SECTION 504 PROCEDURES-STUDENTS

The School District recognizes its responsibility to children who are or may be “individuals with disabilities” under Section 504 of the Rehabilitation Act of 1973 (“Section 504”) and to “children with disabilities” under the Individuals with Disabilities Education Act (the “IDEA”). The School District also recognizes that Section 504 potentially encompasses a larger segment of the student population than the IDEA due to 504’s broad definition of the term “disability”. To ensure that all School District employees know what to do when they suspect that a student’s difficulties in the regular education environment are the result of a disability, the School District adopts the following definitions and procedures.

For purposes of Section 504, and **“individual with a disability”** is a person who (a) has a physical or mental impairment, which substantially limits one or more major life activities, (b) has a record or history of such an impairment or (c) is treated by others as having such an impairment. For purposes of entitlement to a “free appropriate public education” under Section 504 for students in preschool, elementary and secondary school settings, only the (a) portion of this definition is relevant. A **“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, genitor-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 types of **“major life activities”** referred to include caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, working and learning. A **“qualified individual with a disability”** is an individual with a disability who is (a) of an age during which non-disabled persons are provided educational services or (b) of an age during which Oklahoma law or the IDEA requires educational services for disabled persons.

The School District must provide every student who is a “qualified individual with a disability” a free appropriate public education. A “free” education means the provision of educational and related services without cost to children with disabilities or their parents except those fees that are charged to all students. An “appropriate” education means the provision of regular or special education and related services that are designed to meet the individual educational needs of children with disabilities.

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The District administrators, counselors, teachers and students’ parents and/or guardians may refer students to the Section 504 Coordinator for evaluation under this plan. The referral shall be in writing on the form provided for such referrals. Referrals may be considered when a student:

- Is homeless
- Is being considered for suspension
- Is being retained
- Does not appear to benefit from the instructional program
- Is having serious health problems
- Is frequently absent for health reasons
- Is on medication at school
- Appears to have a substance abuse problem
- Is diagnosed as having ADD/ ADHD
- Is a constant disruption in class
- Has a pattern of disciplinary actions for behavior problems, or
- In any other circumstances when an administrator, counselor, teacher, or parent/guardian believes that a referral is appropriate

The Director of Special Services shall be designated as the Section 504 Coordinator. Upon receipt of a referral, the Section 504 Coordinator shall convene a multidisciplinary Section 504 Committee of knowledgeable persons to conduct an appropriate evaluation and determine the child’s eligibility under Section 504. The evaluation may

include, but not be limited to, formal and informal test instruments, aptitude and achievement tests, teacher's recommendations and reports, physical and/or medical reports, student grades, report cards, progress reports, parent observations, discipline records, attendance records, and counselor reports. The Committee should keep in mind that the evaluation should consider specific areas of educational needs and learning disabilities. No independent evaluation is required for the evaluation of a referred student under this plan, and the District shall not be required to pay for any independent evaluation of the referred student. The student's parents/guardians may submit information to the Committee for its consideration. If the team determines that a child is a "qualified individual with a disability" under Section 504, it will prepare an accommodation plan to provide a free appropriate public education to the student in the least restrictive environment. The plan will address the child's area(s) of disability, and will include any modifications, supplementary aids and services to be provided, the person(s) responsible for implementing each component of the plan, the starting and ending dates for each component and a date on which to review the plan.

The School District must educate children with disabilities and provide them nonacademic and extracurricular services and activities with non-disabled children to the maximum extent appropriate to the needs of the child with a disability. The term "**extracurricular services and activities**" includes meals, recess, counseling, physical recreational athletics, transportation, health services, recreational activities and school-sponsored special interest groups or clubs. The team may determine that a child with a disability cannot receive a free appropriate public education just through modifications in the regular education environment. However, the team can remove a child with a disability from the regular education environment only after notice to the parent and only if it can demonstrate that the child cannot be educated satisfactorily in the regular education environment using supplementary aids and services. For example, the team may determine that regular classroom placement is inappropriate to the needs of a child with a disability because the child is a danger to him or herself or others or because the child is unduly disruptive in the regular classroom environment and because the danger or disruption cannot be adequately minimized by using supplementary aids and services. In all cases, the team will thoroughly document the reason(s) for the removal of a child with a disability from the regular education environment. The child's parent or guardian has the right to notice of the child's proposed placement in special education (and to other significant changes in his or her placement) and to request an administrative due process hearing to contest the proposed placement (of significant change in placement).

The Section 504 Coordinator may request information from teachers, counselors, parents/guardians and others throughout the school year as needed for monitoring the student's progress and the accommodation plan. The Coordinator shall document such reviews and the student's progress. The Coordinator shall review the Accommodation Plan at the beginning of each school year to determine if modifications need to be developed and implemented. If modifications are to be developed, the Coordinator shall notify the student's parents/guardians. Prior to any significant change in the student's placement, a review shall be conducted by the 504 committee.

Whenever the School District takes action to consider the identification, evaluation or educational placement of children who need or are believed to need special instruction or related services, it will provide the child's parents with written notice of the applicable Section 504 procedural safeguards. The School District will provide the parents with this notice each time it schedules a meeting to discuss the child's eligibility for services, evaluation or educational program and placement under Section 504, upon each parent request for such notice and when the parent request an administrative due process hearing regarding a Section 504 issue.

The Section 504 Coordinator shall be responsible for maintaining all records concerning referrals, evaluations, placements, appeals, reviews and modifications under this plan. Parents/guardians shall have the right to examine the relevant records of their child.