

## **Fremont County Joint School District No. 215**

### **INSTRUCTION**

**2410**

#### Section 504 of the Rehabilitation Act of 1973

It is the intent of the District to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services. For those students who need or are believed to need special instruction and/or related services under Section 504 of the Rehabilitation Act of 1973, the District establishes and shall implement the following system of procedural safeguards. The safeguards shall cover students' identification, evaluation, and educational placement. This system shall include: notice, an opportunity for the student's parent or legal guardian to review relevant records, an impartial hearing with opportunity for participation by the student's parent or legal guardian, representation by counsel and a review procedure.

#### **Identification and Referral**

1. A parent, teacher, or other school employee may refer any student who needs or is believed to need special education or related services not available through existing programs to the respective schools Multi-disciplinary team (MDT) for evaluation of the student's individual education needs.
2. The MDT will be composed of persons knowledgeable about the student's school history and individual needs, the meaning of evaluation data, and the placement options. The building principal shall chair the MDT meetings. In the absence of the building principal, a temporary designee shall be appointed by the building principal.
3. Each building principal will monitor the composition of the MDT to ensure that qualified personnel participate and to ensure the parents/legal guardian is given an opportunity to participate as a member of the MDT in which eligibility decisions are made.
4. The MDT will consider the referral and based upon a review of the student's academic, social, and behavioral records, will make a decision as to whether an evaluation under this procedure is appropriate.
5. If a request for evaluation by the parents/legal guardian is denied, the MDT will inform the parents/legal guardian of this decision and of their procedural rights.

#### **Evaluation**

Evaluation of the student and formulation of a plan of services will be carried out by the MDT using the following procedures:

1. The MDT shall obtain parental/legal guardian written consent for initial evaluation and when considering making a significant change in a student's placement.
2. The MDT will evaluate the nature of the student's disability and the impact 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 for participation in the educational program and/or activities.

3. The MDT shall consider all relevant information on the student to determine whether he or she is disabled under Section 504. Information may include but not be limited to reports from physicians, observations from parents, teachers, and/or school personnel, results of standardized aptitude and achievement tests, comprehensive assessments conducted by the District's professional staff and other relevant evaluation material, as appropriate. The information will also include consideration of the student's behavior.
4. In order to ensure that the MDT's interpretation of evaluation data and placement decision is consistent with federal law, the MDT shall:
  - a. Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical/medical condition, social or cultural background, and a adaptive behavior;
  - b. Ensure that the MDT also considers the following in determining whether a student meets eligibility under Section 504:
    - i. An impairment that substantially limits one major life activity (e.g., sleeping, breathing, learning, reading, communication, diabetes, asthma, major bodily functions, etc.) need not limit other major life activities in order to be considered a disability; the meaning of substantially limits, effective January 1, 2009, is meant to be less restrictive than significant or severe;
    - ii. An impairment that is episodic or in remission is still considered a disability if it would substantially limit a major life activity when active;
    - iii. The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures (e.g., medication, medical supports, equipment or appliances; low-vision devices; prosthetics; hearing aides, co-cochlear implants; mobility devices; or oxygen therapy equipment and supplies, etc.);
    - iv. The use of assistive technology, reasonable accommodations, auxiliary aides or services; learned behavioral or adaptive neurological modifications will not preclude a student from meeting the criteria for a disability.
  - c. Document that the information obtained from all sources is carefully considered;
  - d. Ensure that the MDT 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

- e. Ensure that the placement decision provides appropriate academic and nonacademic settings;
5. The parents/legal guardian of the student must be invited to participate in a meeting concerning the final determination regarding identification of the student as a disabled individual within the meaning of Section 504.
6. A final decision will be made by the MDT in writing, and the parents/legal guardian of the student shall be notified of the Section 504 procedural safeguards available to them, including the right to an impartial hearing and review.

### **Written Plan for Services**

1. The MDT shall be responsible for determining the services required by a student who has been identified as disabled within the meaning of Section 504. In making such determination, the MDT shall consider all available relevant information, drawing upon a variety of sources, as set forth in the Evaluation section of this policy.
2. The parents/legal guardian shall be invited to participate in MDT meetings where services for the student will be determined, and shall be given an opportunity to examine all relevant records.
3. The MDT will develop a written plan describing the disability and the special education or related aids and services needed. The plan will specify how the regular or special education and related aids and services will be provided, and by whom.
4. A disabled student shall be educated with those who are not disabled and placed in the regular educational environment, with the use of the supplementary aids and services, unless the MDT demonstrates that such placement cannot be achieved satisfactorily.
5. All teachers and substitute teachers of students with disabilities shall be provided with information in sufficient detail to address the individual needs of each student with a disability.
6. Ensure Section 504 Plans are put in writing;
7. As needed, ensure Medical Management plans are attached and referred to in the student's Section 504 plan (e.g., Diabetes Medical Management Plans, School Asthma Action Plans, Medication Management Plans, etc.);
8. Ordinary eyeglasses or contact lenses are excluded from the mitigating provision.
9. The team may also determine that no special education or related aids and services are appropriate. If so, the record of the MDT proceedings will reflect the identification of the student as a disabled person and the basis for the decision that no special services or related aids or services are presently needed.

10. The MDT shall notify the parents/legal guardian in writing of its final decision concerning the services to be provided.

### **Review of the Student's Progress**

1. The MDT will review the progress of the disabled student and the effectiveness of the student's Section 504/education plan at least annually to determine whether 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.
2. The parents/legal guardian shall be notified that they may examine relevant records.
3. A request for an impartial hearing shall be made in writing and addressed to:

Section 504 Compliance Officer/Director of Special Services  
Fremont #215 Special Services  
947 West 1<sup>st</sup> North  
St. Anthony, ID 83445

4. A requested hearing will be held in accordance with District Policy 2410P, Section 504 of the Rehabilitation Act of 1973 ("Section 504").

Cross Reference:	4120	Uniform Grievance Procedure
Legal References:	29 U.S.C. § 794	Section 504 of the Rehabilitation Act of 1973 - Nondiscrimination under Federal Grants and Programs
	34 C.F.R. § 104.36	Preschool, Elementary, and Secondary Education - Procedural Safeguards

### Policy History:

Adopted on: May 16, 2013

Revised on: November 8, 2018, May 21, 2020