

INSTRUCTION

EDUCATION OF STUDENTS WITH DISABILITIES UNDER SECTION 504

Section 504 Compliance

It is the policy of the Omak School District to provide a free and appropriate public education to each student with a disability in its jurisdiction, regardless of the nature or severity of the student's disability.

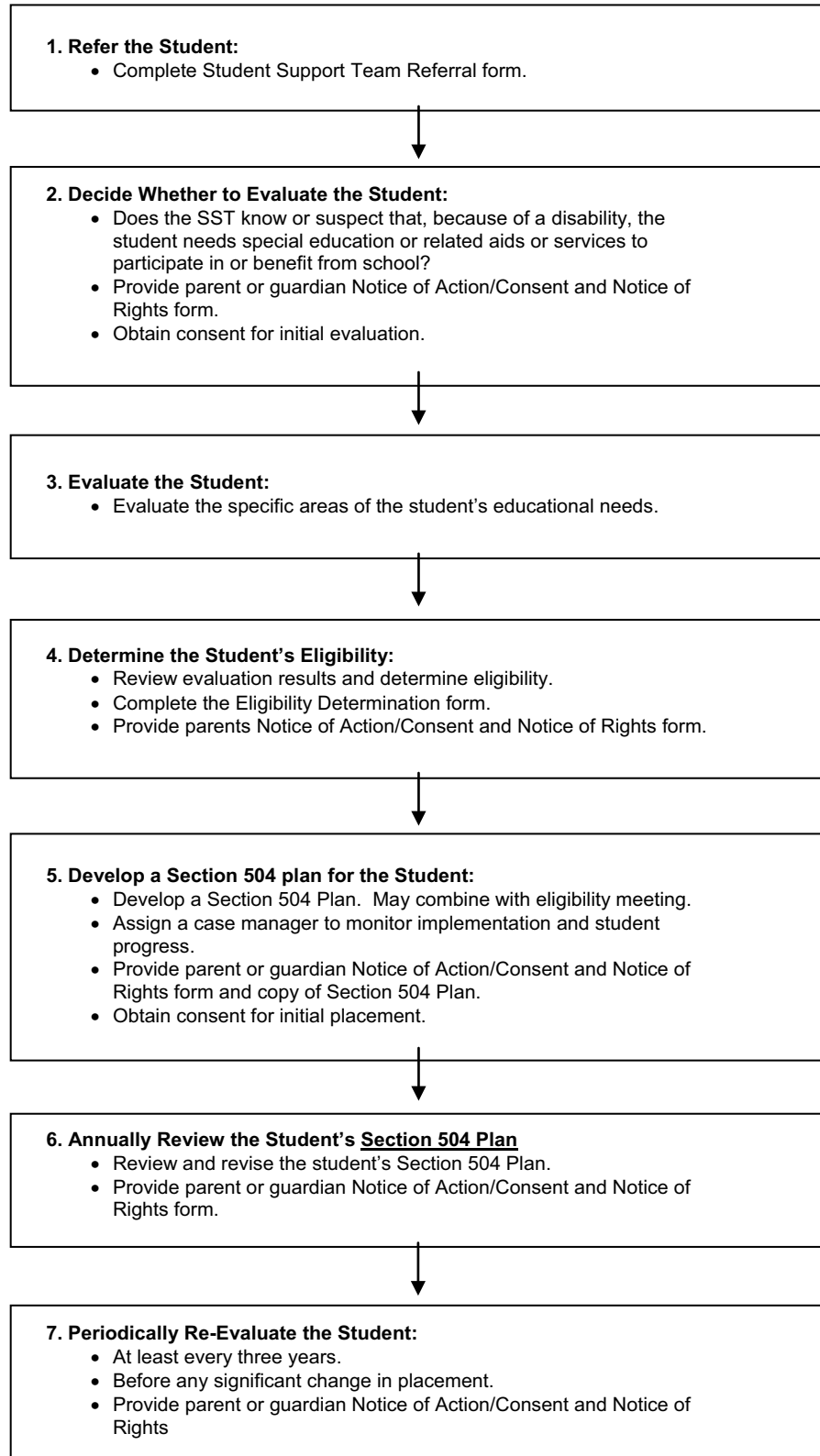
It is the intent of the District to ensure that students who are disabled under Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services, and that the parents or guardians of such students are provided notice of their procedural due process rights.

Cross Reference: Board Policy 2161 Education of Students with Disabilities  
3210 Nondiscrimination

Legal References: WAC 392-168-120 Definition—Hatch Amendment  
42 USC 12101-12213 Americans with Disabilities Act of 1990  
34 CFR 104.1-104.61 Section 504 of the Rehabilitation Act of 1973  
34 CFR 99.1-99.67 Family Educational Rights and Privacy Act

Adoption Date: 07/21/98  
Revised: 04/27/04

### Section 504 Process Flow Chart



### **Section 504 Process**

#### **1. Refer Student to the Student Support Team (SST)**

Any person (e.g. a parent, guardian, school staff, or persons outside the school) can refer a student for evaluation under Section 504. A concerned person should refer a student for evaluation if the person knows or suspects that, due to a physical or mental impairment, the student needs special education or related aids or services to participate in or benefit from the district's education program. Referral can be made via an SST referral form.

#### **2. Decide Whether to Evaluate the Student under Section 504**

The SST reviews the referral, the student's file, and consults with teachers, parent or guardian, the student (if appropriate), and others who have relevant information. The SST decides whether to evaluate the student under Section 504.

If the SST knows or suspects that the student is eligible as a disabled student under the IDEA, is an English language learner, or has other needs, the SST refers the student for evaluation under those processes.

If the SST knows or suspects that the student is eligible as a disabled student under Section 504, the SST provides the parents Notice of Action/Consent and Notice of Rights and refers the student for evaluation. The parent or guardian must provide consent prior to an initial evaluation.

If the referral information indicates that the student is not eligible as a disabled student under Section 504, the SST provides the parents Notice of Action/Consent and Notice of Rights.

#### **3. Evaluate the Student under Section 504**

After the parent or guardian has been notified of the decision to evaluate (and has consented if the evaluation is an initial evaluation), qualified persons evaluate the specific areas of the student's educational needs. The parent or guardian may also choose to have the student independently evaluated, at their own expense.

#### **4. Determine the Student's Eligibility under Section 504**

After the student has been evaluated, the student's Section 504 Team reviews the evaluation data and decides if the student is eligible as a disabled student under Section 504. At that time, the Section 504 Team fills out the Section 504 Eligibility Determination Form. The Section 504 Team must include persons knowledgeable about the student, the student's evaluation data, and placement options. In making its eligibility decision, the Section 504 Team must consider information from a variety of sources, including any relevant information submitted by the parent or guardian. The student is eligible as a disabled student under Section 504 if the student has a physical or mental impairment that substantially limits a major life activity.

If the Section 504 Team determines that the student is eligible as a disabled student under Section 504, the Section 504 Team gives the parent or Notice of Action/Consent and Notice of Rights and the Team meets to develop a Section 504 Plan for the student.

If the Section 504 Team determines that the student is not eligible as a disabled student under Section 504, the Section 504 Team gives the parent or guardian Notice of Action/Consent and Notice of Rights.

**5. Develop a Section 504 Plan for the Student**

After a student is determined eligible under Section 504, the student's Section 504 Team meets to develop a Section 504 Plan for the student. The Section 504 Plan can be developed at the same time that eligibility is established. The Section 504 Plan describes what educational or related aids or services the student needs to receive a free appropriate public education. The Section 504 Team provides the parent or Notice of Action/Consent and Notice of Rights and a copy of the student's Section 504 Plan. The parent or guardian must provide consent prior to an initial placement.

**6. Annually Review the Student's Section 504 Plan**

A student's Section 504 Team meets annually to review the student's Section 504 Plan to ensure that it is meeting the student's needs. If the Section 504 Team decides that the student's Section 504 Plan needs to be revised, the Section 504 Team provides the parent or guardian Notice of Action/Consent and Notice of Rights and a copy of the student's revised Section 504 Plan.

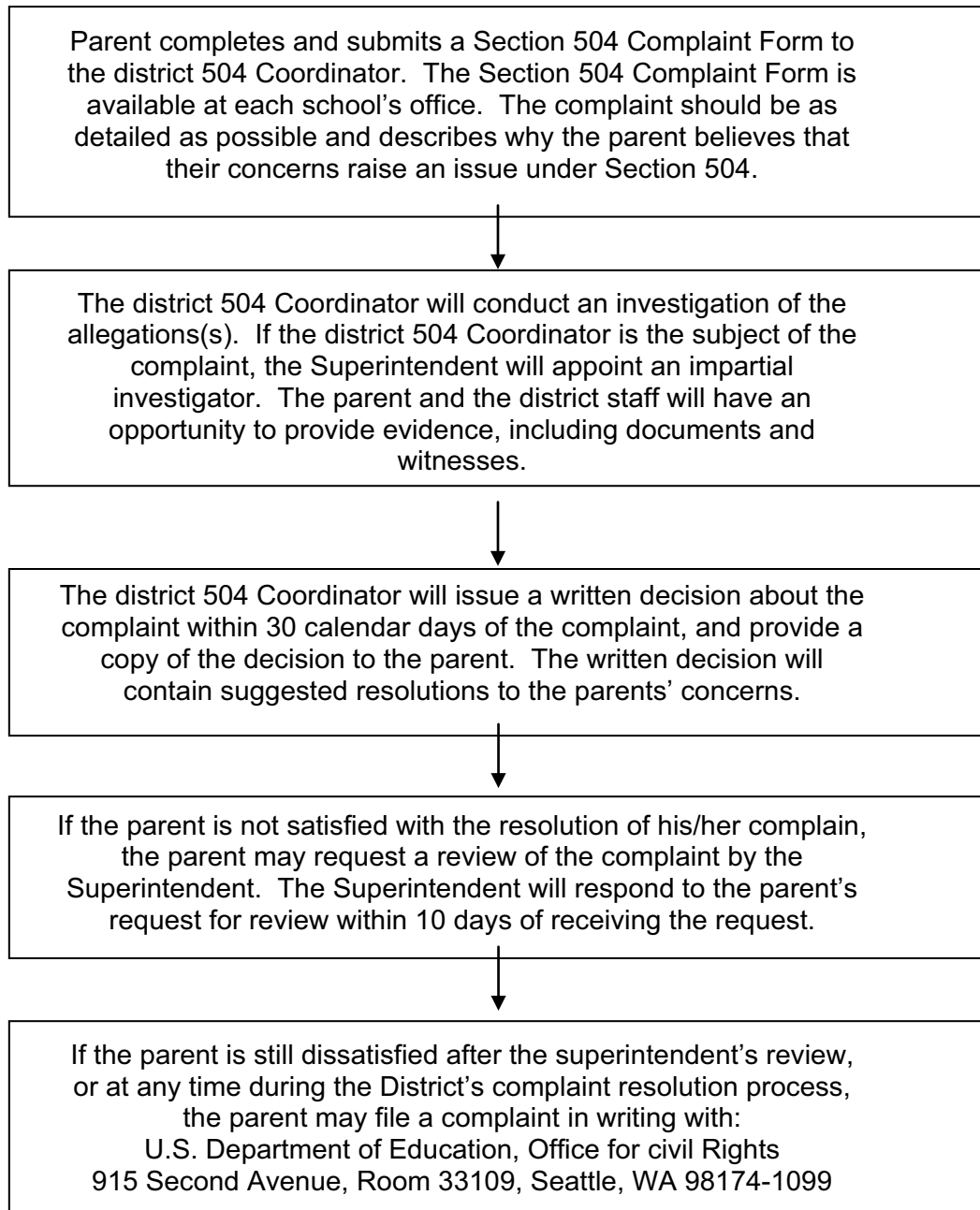
**7. Periodically Re-evaluate the Student**

A student's Section 504 Team periodically re-evaluates the student to determine continued eligibility and if the student's educational needs have changed. Before a re-evaluation, the Section 504 Team provides the parent or guardian Notice of Action/Consent and Notice of Rights. Re-evaluations must occur at least every three years and before any significant change in a student's placement. Significant changes in placement include initiating or discontinuing a service, significantly increasing or decreasing the amount of a service, and certain disciplinary removals from school (e.g. long-term suspensions and expulsions).

**Complaint Procedure**

**Working with Parent Concerns and Complaints under  
Section 504 of the Rehabilitation Act of 1973**

The best solutions to parent concerns often occur at the school level. Therefore, the District encourages parents to attempt to resolve concerns by working with the building principal, building 504 Coordinator, and other appropriate staff to reach a joint resolution of the issue. However, if a parent is unable to resolve the issue at the building level, a parent may file a formal complaint under section 504 through the following process:



Procedural Requirements

The District shall ensure compliance with the requirements of Section 504 by doing the following:

1. Provide written assurance of non-discrimination whenever the District receives federal money.
2. Designate an employee to coordinate the Section 504 compliance activities. The Section 504 Coordinator for the District is the Director of Special Services.
3. Provide grievance procedures to resolve complaints of discrimination; students, parents or employees are entitled to file grievances.
4. Provide notice to students, parents, employees, unions, and professional organizations of nondiscrimination in admission or access to, or treatment or employment in, its programs or activities. Notice shall also specify the Section 504 coordinator for the district. Notice shall also be included in the student/parent handbooks.
5. Annually identify and locate all Section 504 qualified disabled children in the District's geographic area who are not receiving a public education.
6. Annually notify disabled persons and their parents or guardians of the District's responsibilities under Section 504.
7. Establish and implement procedural safeguards to be provided to parents or guardians with respect to actions regarding the identification, evaluation, or educational placement of persons who, because of disability, need or are believed to need special instruction or related services, that include:
  - A. Notice of their rights;
  - B. An opportunity to examine relevant records;
  - C. An impartial hearing may be initiated by either the parents/guardian or the school district, with opportunity for participation by the student's parents or guardians. The student/parent is entitled to have representation by legal counsel; and
  - D. A review procedure.

Appropriate Funding

The District recognizes that the regular education funding of the District is the funding source for serving students who are qualified as disabled under Section 504 only. However, if students are dual identified as Section 504 and IDEA eligible, state and federal special education funds can be used. The District shall not use money appropriated by the IDEA to serve students found disabled under Section 504 but not the IDEA. The District may use the IDEA money to evaluate a student if the District believes that the student may also be eligible under the IDEA.