

STUDENT DISABILITIES PURSUANT TO SECTION 504

The Board of Education recognizes its responsibility to identify, evaluate and provide a free appropriate public education for students who require special services or programs within the intent of Section 504 of the Rehabilitation Act of 1973.

The Board of Education recognizes that a student is disabled pursuant to 29 U.S.C. or Section 504 if he or she:

1. Has a short or long term physical or mental impairment which substantially limits one or more of such person's major life activities such as learning, self-care, walking, seeing, hearing, speaking, breathing, working and performing manual tasks.
2. Has a record of such impairment, or
3. Is regarded as having such impairment.

Students who have physical or mental conditions that limit their ability to access and participate in the education program are entitled to rights (protection) under Section 504 even though they may not fall into Individuals with Disabilities Education Act (IDEA) categories and may not be covered by that law.

The Board of Education recognizes that Section 504 is not an aspect of special education; rather it is a responsibility of the comprehensive general public education system. As such, building administrators and the Superintendent are responsible for its implementation within the District.

The enabling regulations of 504 as set out in 34 CFR Part 104 provide parent/guardians and/or students with the following rights:

1. Parents/guardians must be informed annually by the School District of their rights under Section 504 and Old Tappan Board of Education policy. 34 CFR 104.32
2. A regular education student has a right to an evaluation prior to an initial 504 placement and any subsequent significant change in placement. 34 CFR 104.35
3. Testing and other evaluation procedures shall conform with the requirements of 34 CFR 104.35 as to validation, administration, areas of evaluation, etc. The District shall consider information from a variety of sources including aptitude and achievement test, teacher recommendations, physical condition, social and cultural background, adaptive behavior, medical reports, student grades, progress reports, parent/guardian observations, functional assessments. 34 CFR 104.35
4. The 504 eligible student has the right to an appropriate education designed to meet his/her individual educational needs as adequately as the needs of non-disabled students are met. 34 CFR 104.33
5. The 504 eligible student has a right to facilities, services and activities that are comparable to those provided for non-disabled students. 34 CFR 104.34

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6. The 504 eligible student has a right to be educated with non-handicapped students, to the maximum extent appropriate, utilizing supplementary aides and services. 34 CFR 104.34
7. Placement and services decisions must be made by the 504 Committee. This committee must include persons knowledgeable about the following: the meaning of the evaluation data, the placement options and legal requirements for least restrictive environment and comparable facilities. 34 CFR 104.35
8. If eligible under 504, the child has a right to periodic re-evaluations. At a minimum, a re-evaluation shall be conducted every three years. 34 CFR 104.35
9. Parents/guardians should be provided with notice prior to any action by the District in regard to identification, evaluation or placement of the child. 34 CFR 104.36
10. A complaint regarding the identification, evaluation or classification, or educational program of an educationally handicapped student shall be governed by the due process rules.
11. Parents/guardians have a right to examine relevant records. 34 CFR 104.36
12. Parents/guardians have a right to an impartial hearing with respect to the District's actions regarding their child's identification, evaluation or educational placement with opportunity for parent/guardian participation in the hearing and representation by an attorney. 34 CFR 104.36
13. If a parent/guardian disagrees with the decision of the impartial hearing officer, the parent/guardian has a right to a review of that decision by a court of competent jurisdiction. 34 CFR 104.36
14. On 504 matters other than the child's identification, evaluation and placement, parents/guardians have a right to file a complaint with the District's 504 coordinator or designee, who will investigate all allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution. The complaint must be put in writing and will be responded to within 30 days of receipt.
15. Dual Eligibility: Many students will be eligible for educational services under both 504 and the Individuals with Disabilities Education Act (IDEA). Students who are eligible under IDEA have many specific rights that are not available to students who are eligible solely under 504. A Parental Rights Handbook is available through the District's Special Education Department and sets out the rights assured by IDEA. It is the purpose of this notice to set out the rights assured by 504 to those disabled student who do not qualify under IDEA.
16. By fulfilling responsibilities under the IDEA law and state law, a District is also meeting the standards of the Section 504 regulations.

Legal References: 29 U.S.C. 794 Nondiscrimination under federal grants and programs
34 C.F.R. 104.3 et seq.
29 U.S.C. Sec. 706 (8) Individuals with handicaps.

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<u>Cross References:</u>	*1120	Board of Education meetings
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	*5141.3	Health examinations and immunizations
	5145.5	Equal educational opportunity
	*5114	Suspension and expulsion
	*5120	Assessment of individual needs
	*5125	Student records
	*5131	Conduct/discipline
	*6121	Nondiscrimination/affirmative action
	*6145	Extracurricular activities
	*6151	Class size
	*6164.2	Guidance services
	*6171.1	Remedial instruction
	*9322	Public and executive sessions

*Indicates policy is included in the Critical Policy Reference Manual.

Key Words

Section 504, Rehabilitation Act of 1973, Disabled, Student Records, Records, Student Records

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