

## ACCOMMODATION OF STUDENTS WITH DISABILITIES (Section 504 and ADA Procedures)

The purpose of this procedure is to assist district personnel in complying with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Americans with Disabilities Act (ADA). In general, students with disabilities who qualify under Section 504 also qualify under the ADA, and this procedure is designed to identify those students in need of accommodation and provide them necessary accommodations.

### Definitions

*504 Evaluation:* A process where the 504 team determines whether a student has a disability and needs a 504 plan in accordance with Section 504. A 504 evaluation must draw on information from a variety of sources in the area or areas of concern. An evaluation must be conducted before the 504 team makes an educational placement or makes a significant change in the placement of a student. Evaluation may be based on existing information and observation or may include more formal assessment, including the administration of tests and other specialized evaluation instruments.

*504 Plan or Accommodation Plan:* A written document developed by the 504 team specifying the accommodations necessary to provide a free and appropriate public education to a student with disabilities in accordance with law.

*504 Team:* A multidisciplinary group consisting of two or more persons who have knowledge of the student, the meaning of the evaluation data and the placement options. This group could include school employees, necessary professionals, the parent/guardian, or others who have knowledge of the student. The 504 team decides eligibility, the accommodations necessary to provide a student with disabilities a free and appropriate public education, and the placement of the student.

*Accommodations:* Modifications and related aids, benefits and services that will allow a student with disabilities an equal opportunity to participate in the district's programs.

*Major Life Activities:* Include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. Major life activities also include the operation of major bodily functions including, but not limited to, the functions of the immune and reproductive systems; normal cell growth; digestive, bowel, bladder, neurological, brain, respiratory, circulatory and endocrine systems; and other major bodily functions.

*Parent/Guardian:* For the purposes of this procedure and related forms, a biological parent, guardian or person acting as a parent in the absence of a biological parent or guardian. A student who is 18 and otherwise competent assumes the rights of the parent.

*Students with Disabilities*: For the purposes of this procedure, students who have a physical or mental impairment that substantially limits one or more major life activities.

*Substantially Limited*: Unable to perform a major life activity that the average person in the general population can perform, or significantly restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner or duration under which the average person in the general population can perform that same major life activity. In determining whether a student is substantially limited in a major life activity:

1. The district will interpret "substantially limited" broadly, in favor of expansive coverage.
2. Determinations about whether a disability that is episodic or currently in remission would substantially limit a major life activity will be made as if the disability were currently active.
3. Except for ordinary glasses and contacts, the district will not consider the ameliorative effects of mitigating measures such as medications, assistive technology, auxiliary aids, prosthetics, hearing aids, cochlear implants, mobility devices or oxygen therapy when determining whether a disability substantially limits a major life activity.

## **General**

The district seeks to identify and evaluate students who may have disabilities, as defined by Section 504 and the ADA. The district will provide students with disabilities a free and appropriate public education as required by law. No qualified student with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any district program, including nonacademic services and extracurricular activities.

This procedure will not be applied to students with disabilities who are eligible for services under the Individuals with Disabilities Education Act (IDEA). Those students will receive services in accordance with the IDEA, regulations interpreting the IDEA, the Missouri State Plan, and district policies and procedures implementing the IDEA.

## **Compliance Officer**

The district's compliance officer designated in policy AC is also the district's 504 and ADA compliance officer.

## **Identification**

The district will take measures to identify and locate every student with disabilities and take steps to notify the students and their parents/guardians of the district's obligations to provide the student education and accommodations, if necessary.

District staff will contact the district's compliance officer or designee immediately when:

1. Due to a student's medical condition or impairment, a parent/guardian asks for a change of schedule, change of facilities or other accommodation that is not routinely provided to students.
2. A parent/guardian notifies the district that a student has a medical condition or impairment that could require accommodation.
3. Based on a student's medical condition or impairment, a teacher, nurse or other employee recommends an accommodation that may be necessary for the student to participate in the district's programs.

## **Evaluation**

The district will conduct a 504 evaluation of any student who needs or may need accommodation due to a disability before making an educational placement or making a significant change in the placement of the student.

Once notified and provided information that a student may have a physical or mental impairment that could qualify as a disability, the compliance officer will organize a 504 team. The compliance officer or designee will contact the parent/guardian and the classroom teacher(s) for additional information for the 504 team to consider and will provide the parent/guardian and/or student a copy of the procedural safeguards (IGB-AF1) and notice of evaluation. The compliance officer or designee will obtain written consent for any additional formal assessment. If the parent/guardian refuses to consent, the district may request a due process hearing as described below.

The 504 team will meet to examine the existing information and determine whether additional information or testing is necessary and, if so, what information should be obtained before making a decision. The compliance officer or designee will assist the 504 team in obtaining additional information. The compliance officer or designee is responsible for ensuring that:

1. Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer.

FILE: IGB-AP1  
Critical

2. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
3. Tests are selected and administered so as to best ensure that when a test is administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflect the student's aptitude, achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual or speaking skills (except where those skills are the factors that the test purports to measure).

### **Eligibility**

The 504 team will decide if the student is eligible for accommodations under the law. To be eligible as a student with a disability, the student must have a physical or mental impairment that substantially limits one or more major life activities. Not all students with medical impairments are eligible as disabled under the law. In interpreting evaluation data, determining eligibility, and making placement decisions, the 504 team shall:

1. Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background and adaptive behavior.
2. Ensure that information obtained from all such sources is documented and carefully considered.
3. Make a placement decision that complies with the law.

When making a determination, the 504 team will consider the effect the impairment has on the student's performance in comparison with children at the same age or grade in the general population. The 504 team will not consider mitigating measures except for ordinary eyeglasses or contacts.

Once the 504 team determines whether the student is eligible, the district will notify the parents/guardians of the decision in writing and will document the reasons for the decision. If the 504 team determines that the student has a disability as defined in law, the 504 team will determine educational placement.

### **Educational Placement**

The 504 team will decide the educational placement necessary to provide a free and appropriate public education. The accommodations or services determined necessary by the 504 team and the details regarding those accommodations will be recorded in the 504 plan, provided to the

parents/guardians in writing and maintained by the district. Information regarding the 504 plan will be provided to all district staff as necessary to ensure that the accommodations are provided to the student. Accommodations will include, but are not limited to, the following:

1. *Academic Setting:* Students with disabilities must be educated to the maximum extent appropriate in the regular education environment with students who do not have disabilities unless it is demonstrated by the district that an appropriate education cannot be achieved in the regular environment with the use of supplementary aids and services. This may require modifications to desks, seating arrangements, methods of communication or flexibility to leave the room.
2. *Nonacademic Setting:* Students with disabilities will have the same opportunity to participate in nonacademic activities and services (including meals, recess periods, counseling opportunities and other services) as students without disabilities and will participate in those activities and services with students without disabilities to the maximum extent appropriate.
3. *Facilities Accommodation:* The district must provide facilities to students with disabilities that are comparable to the facilities provided to students without disabilities. Students must have access to restroom facilities, cafeterias, playgrounds and classrooms. When the 504 team places a student in a setting other than the regular educational environment, it must take into account the proximity of the alternate setting to the student's home.
4. *Transportation:* Students with disabilities will be provided appropriate transportation at a cost that is no greater than the cost of transportation provided to students without disabilities.

### **Extracurricular and Nonacademic Services**

The district shall provide nonacademic and extracurricular services and activities in such a manner as is necessary to afford students with disabilities an equal opportunity for participation in such services and activities. These services may include, but are not limited to: personal, academic or vocational counseling; athletics; transportation; health services; recreational activities, special interest groups or clubs; referrals to agencies; and employment of students, including employment by the district or assistance in outside employment. Students with disabilities may participate in physical education and athletic activities to the same extent as students without disabilities. The district may offer students with disabilities physical education and athletic activities that are separate or different from those offered to students without disabilities when necessary; however, no qualified student with a disability will be denied the opportunity to compete for teams or to participate in courses that are not separate or different.

### **Preschool, Summer School and Adult Education**

The district will not exclude qualified students with disabilities from preschool, summer school or adult education and will take into account the needs of the students in determining the aids, benefits or services to be provided.

### **Re-Evaluation**

A student with disabilities receiving accommodations under this procedure will be re-evaluated minimally every three years and before making any significant change in placement. The compliance officer will provide the parent/guardian and/or student a copy of the procedural safeguards at the time of the re-evaluation. The scope and extent of the re-evaluation will be determined by the 504 team.

### **Access to Records**

Parents/Guardians will have an opportunity to examine all relevant records, including personally identifiable education records, in accordance with law and as outlined in Board policy and district administrative procedures.

### **Parental Involvement**

The district will involve parents/guardians throughout the accommodation process. The compliance officer or designee will provide notice to parents/guardians before conducting an initial evaluation of a student. The parents/guardians will be invited to participate in the eligibility determination meeting and any meeting during which their child's program is designed and placement is determined, but their participation is not required.

### **Disciplining Students with Disabilities**

Students with disabilities will be disciplined in accordance with policy JGE and the accompanying procedures.

### **Grievance Procedures**

All complaints alleging discrimination, violation of law or failure to follow district policies or procedures regarding the education or accommodation of students with disabilities will be made to the compliance officer and will be investigated immediately. The district will use the grievance procedure outlined in policy AC. Complaints may be made at any time to the U.S. Department of Education, Office for Civil Rights.

### **Impartial Due Process Hearing**

In the event the parent/guardian or district wishes to contest an action with regard to the identification, evaluation or placement of a student with a disability under law, either party may initiate a due process hearing. The district may do so by notifying the parent/guardian in writing. The parent/guardian may do so by notifying the district's compliance officer in writing. The request for a due process hearing must be made within 30 days of the action the parent/guardian or district wishes to contest and include a detailed statement as to the nature of the dispute. Both parties will have the opportunity to participate in the hearing and be represented by counsel.

The district will immediately secure the services of an impartial hearing officer. The hearing officer will set a date for the hearing and may request additional clarification from either party as to the nature of the dispute. The hearing officer has the authority and the responsibility to create reasonable rules governing the hearing to ensure that relevant information is presented, but that a decision is made as expeditiously as possible. The hearing officer will provide each party a copy of the written decision within 15 calendar days after completion of the hearing. The decision is binding on both parties unless determined otherwise by a court of competent jurisdiction.

\* \* \* \* \*

***Note: The reader is encouraged to review policies and/or forms for related information in this administrative area.***

Implemented: October 17, 2018

Revised:

Boonville R-I School District, Boonville, Missouri