

POLICY

2015

7621

Students

SUBJECT: SECTION 504 OF THE REHABILITATION ACT OF 1973

The Board of Education shall ensure that no student is discriminated against in programs or activities receiving federal financial assistance. Individuals protected by Section 504 of the Rehabilitation of 1973 are those individuals who have a physical or mental impairment which substantially limits one or more major life activities.

The Section 504 Committee shall identify, evaluate, refer, place, provide adaptations for and review all eligible students with disabilities. Students with disabilities pursuant to Section 504 shall be provided a free appropriate public education. The Superintendent shall ensure that students with disabilities and their parents are notified annually of the Board of Education's responsibilities under Section 504.

Complaints regarding Section 504 regulations shall be filed in writing with the Section 504 Compliance Coordinator. Within ten school days of receiving a complaint, a hearing will be held and a recommendation will be made to the Superintendent.

Prohibition Against Disability-Based Discrimination in Accelerated Programs

The practice of denying, on the basis of disability, a qualified student with a disability the opportunity to participate in an accelerated program violates both Section 504 and Title II. A school district may not impose or apply eligibility criteria that screens out or tends to screen out a student with a disability from fully and equally enjoying any service, program, or activity, unless such criteria can be shown to be necessary.

It is also unlawful to deny a student with a disability admission to an accelerated class or program solely because of his/her need for special education or related aids or services (i.e., related services, supplementary aids and services, program modification and supports for school personnel) or because the student has an Individualized Education Program (IEP) or a plan under Section 504.

Schools may employ appropriate eligibility requirements or criteria in determining whether to admit students, including students with disabilities, into accelerated classes or programs. Additionally, nothing in Section 504 or Title II requires schools to admit into accelerated classes or programs students with disabilities who would not otherwise be qualified for these classes or programs.

Americans with Disabilities Act, 42 USC Section 12101 et seq.
Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.
28 CFR Part 35
34 CFR Parts 104 and 300

Adopted: 1/12/99
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