

EDUCATIONAL PHILOSOPHY

Series 100

Policy Title: Section 504 Plan

Code Number: AR103(c)

The Board of Education is committed to maintaining an environment for its students and employees that is free of discrimination against persons with a disability. The Sioux City Community School District will provide access to appropriate educational services to students who are eligible under Section 504. The Equity Director shall serve as the Section 504 Coordinator.

I. Requirements of Section 504 of the Rehabilitation Act of 1973

Section 504 prevents exclusion of participation in, denial of benefits of, and discrimination under any program or activity that receives Federal financial assistance on the basis of an eligible disability.

1. Eligible employees and students and/or the student's parents or legal custodians shall be notified of their rights under Section 504.

II. Procedures for Providing Student Services Under Section 504

- A. A concern is expressed by a parent, nurse, teacher, counselor, or any other responsible party.

First Adoption: August 9, 1994

Revision Adoption: February 11, 1997/April 14, 1998/March 17, 2008

Legal Reference: Section 504 of the Rehabilitation Act, 29 U.S.C. §701 et seq.; 34 C.F.R., Part 104

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- B. Principal or designee schedules an ad hoc committee/team meeting which will include the principal, the parent or legal custodian, and at least one teacher, counselor, or nurse. The committee may include the student (if age appropriate) and others, to the extent reasonable, who have knowledge of the student and are invited by the parent or principal.
- C. The committee/team will meet to review all applicable student records and identify the areas of strengths and concerns and will determine whether the student has an impairment, a record of an impairment, or is regarded as having an impairment of a major life activity. "Major life activities" include functions such as caring for one's self, performing manual tasks, talking, seeing, hearing, speaking, breathing, learning, and working.
- D. An accommodation plan will be written and a District employee will be responsible for each accommodation listed. This plan will be reviewed annually and revised as appropriate.

III. Rights In Employment and Education

A. Eligible Employee Rights

- 1. To be free from discrimination based on a disability, in employment.
- 2. Notification of rights pursuant to Section 504.
- 3. Reasonable accommodations to a known physical or mental limitation unless such accommodation would impose an undue hardship on the District.
- 4. To work in readily accessible and usable facilities.
- 5. To examine all relevant personnel records relating to decisions regarding your accommodations and obtain copies of such records for a reasonable fee.

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B. Eligible Student and Parent/Legal Custodian Rights

1. Notification of rights under Section 504, including notice with respect to identification, evaluation or placement of your child;
2. Receipt of a free appropriate public education A “free appropriate public education” for purposes of Section 504 is the provision of regular or special education and related aids and services that are designed to meet individual educational needs of disabled persons as adequately as the needs of non-disabled persons are met.
3. Placement in the regular educational environment unless it is demonstrated by the District that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily.
4. Participation in nonacademic and extracurricular services and activities to the maximum extent appropriate to the needs of the student in such manner as is necessary to provide the student an equal opportunity in such services and activities.
5. Comparable facilities, services and activities if the District provides separate facilities identified as being for disabled persons.
6. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, the evaluation data and placement options;
7. Have transportation provided to and from an alternative placement setting at no greater cost than would be incurred if the student were placed in the neighborhood school;

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8. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement; and obtain copies of such records for a reasonable fee.

IV. Investigation of All Section 504 Complaints

1. If an employee believes that he or she is being discriminated against, the employee is encouraged to bring the concern to the attention of the employee's supervisor. If the employee feels that contact with the supervisor would be inappropriate, if the situation is not satisfactorily resolved by the supervisor, or if the employee simply feels more comfortable speaking with someone other than the supervisor, the employee should contact the Section 504 compliance coordinator for the District. A parent/legal custodian or student should bring any concern regarding Section 504 compliance to the attention of the building principal, counselor or teacher. If the parent or student is uncomfortable with such contact, they should contact the Section 504 compliance coordinator.
2. Following receipt of a report or concern, District personnel will fully investigate and will notify the employee, student and/or parent or legal custodian of the results of the investigation. Investigations will be conducted with full recognition of the rights of all parties involved. Reasonable steps will be taken by the District to ensure confidentiality of the investigation and report. Students and/or their parents or legal custodians who disagree with an evaluation or placement decision shall have a opportunity for an impartial hearing with opportunity for participation by the person's parents or legal custodian and representation by counsel and a review procedure.
3. If the investigation substantiates the validity of noncompliance with Section 504, the District will take reasonably appropriate and necessary steps to ensure compliance.
4. There will be no retaliation against or adverse treatment of any individual who uses this procedure to resolve a concern.

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