

WESTERN HEIGHTS PUBLIC SCHOOLS
POLICY STATEMENT
SECTION 504 OF THE REHABILITATION ACT OF 1973

It is the policy of the Western Heights Public Schools/Board of Education to provide a free and appropriate public education to each student with a disability within its jurisdiction, regardless of the nature or severity of the disability.

It is the intent of the district to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated and provided with appropriate educational services. Students may be considered to be disabled under the provisions of this policy even though they do not require services pursuant to the Individuals with Disabilities Education Act (IDEA).

Due process rights of students with disabilities and their parents under Section 504 will be enforced.

SECTION 504 OF THE REHABILITATION ACT OF 1973

No otherwise qualified individual with a disability in the United States... shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance..."(29 U.S.C. § 794)

DEFINITIONS

individual with a disability: "any individual who (i) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment." (29 U.S.C. § 706(8))

physical or mental impairment: "(A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or (B) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities." (34 Code of Federal Regulations (CFR) Part 104.3)

major life activities: "...functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working." (34 CFR 104.3)

has a record of such impairment: ..."has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities."

is regarded as having an impairment: "... (A) has a physical or mental impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such a limitation; (B) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such an impairment; or (C) has none of the impairments defined in... this section but is treated by a recipient as having such an impairment."

COMPARISON OF SPECIAL EDUCATION AND SECTION 504

The Individuals with Disabilities Education Act (IDEA), or Public Law 101-476, is a federal funding statute which mandates a free appropriate public education (FAPE) for children who qualify as disabled under one or more of the thirteen specified disability categories. Each categorical definition states that the condition must "adversely affect a child's educational performance." "Special education" is defined as "specially designed instruction... to meet the unique needs of a child with a disability." (34 CFR 300.17)

Eligibility is established by a multidisciplinary team evaluation process. Qualified students are provided with an Individualized Education Program (IEP) which outlines the child's special education program.

Section 504 of the Rehabilitation Act of 1973 (Section 504) is a broad civil rights law which protects the rights of individuals with disabilities in programs and activities that receive Federal Financial assistance. Individuals must meet the definition of "individual with a disability" as listed above and it must be determined that the disability substantially limits one or more of the student's major life activities as defined previously. Eligibility is established through documentation of the disability and identification of the major life activities that are affected. Qualified students are provided with a written plan to outline the specific educational modifications/accommodations that are necessary.

All individuals who are disabled under IDEA are also considered to be protected under Section 504. However, all individuals who have been determined to be disabled under Section 504 may not be disabled under IDEA. Examples of potential 504 conditions of disability not typically covered under IDEA are: communicable diseases (HIV, tuberculosis), medical conditions (asthma, allergies, diabetes, heart disease, cancer, Tourette Syndrome), temporary medical conditions due to illness or accident, Attention Deficit Hyperactivity Disorder (ADD/ADHD), behavioral difficulties, drug/alcohol addiction, etc. However, some students with these conditions may be so significantly impaired that they qualify for special education services under one of the established categories (such as Other Health Impairment, Specific Learning Disability, Serious Emotional Disturbance, etc.).

Both programs require periodic reevaluation, and specific procedural safeguards are to be afforded to parents or guardians.

PROCEDURES FOR SECTION 504 IMPLEMENTATION: WESTERN HEIGHTS SCHOOLS

The following procedures are to be followed when considering eligibility for Section 504 accommodations within the Western Heights Schools:

1. Thoroughly review all available records to determine that the student has not previously been identified as having a disability.
2. Follow procedures as outlined in the Western Heights Schools *Student Intervention Plan* to document any classroom interventions/modifications that have been previously implemented.
- 3a. If documentation exists that leads the team to suspect that the child meets the definition of an "individual with a disability" under Section 504, proceed with completion of a 504 Student Accommodation Plan.
- 3b. If no such documentation exists, or if the team determines that further testing is necessary to rule out the existence of a disability as defined in IDEA, proceed with completion of SDE Form 4, Multidisciplinary Evaluation Plan & Team Summary. If the child qualifies for services under IDEA, a 504 plan is not necessary. If the child does not qualify under IDEA, the team may proceed with consideration of 504 accommodations if the results of the comprehensive multidisciplinary evaluation substantiate such consideration.

NOTE: Procedural Safeguards will be afforded to parents and guardians of students with disabilities under Section 504 by means of the same provisions as in IDEA. Provide parents with a copy of *Parents' Rights in Special Education* upon initiation of the Section 504 procedures.

Every 504 Plan should be reviewed at least annually (on or before the anniversary date of the written plan). Reevaluations will be conducted every three years or more frequently if conditions warrant.

If a student is determined to no longer qualify for 504 accommodations, this should be noted on the 504 form and the necessary documentation should be attached.

Refer to the IDEA/504 Flow Chart included within this policy.

It is the intent of Western Heights Public Schools to provide equal opportunities without regard to race, creed, national origin, color, religion, age, gender, qualified handicap, veteran or marital status or any other status recognized by law in its educational programs and activities. This includes, but is not limited to, admissions, educational services, financial aid, and employment. Inquiries concerning application of this policy may be referred to the Assistant Superintendent, 8401 S.W. 44th, Oklahoma City, OK 73179.

Rehabilitation Act of 1973, as Amended (29 U.S.C. § 791 *et seq.*)*

*Includes revisions under the Rehabilitation Amendments of 1992 (P.L. 102-569).

Adopted: 05-03-93

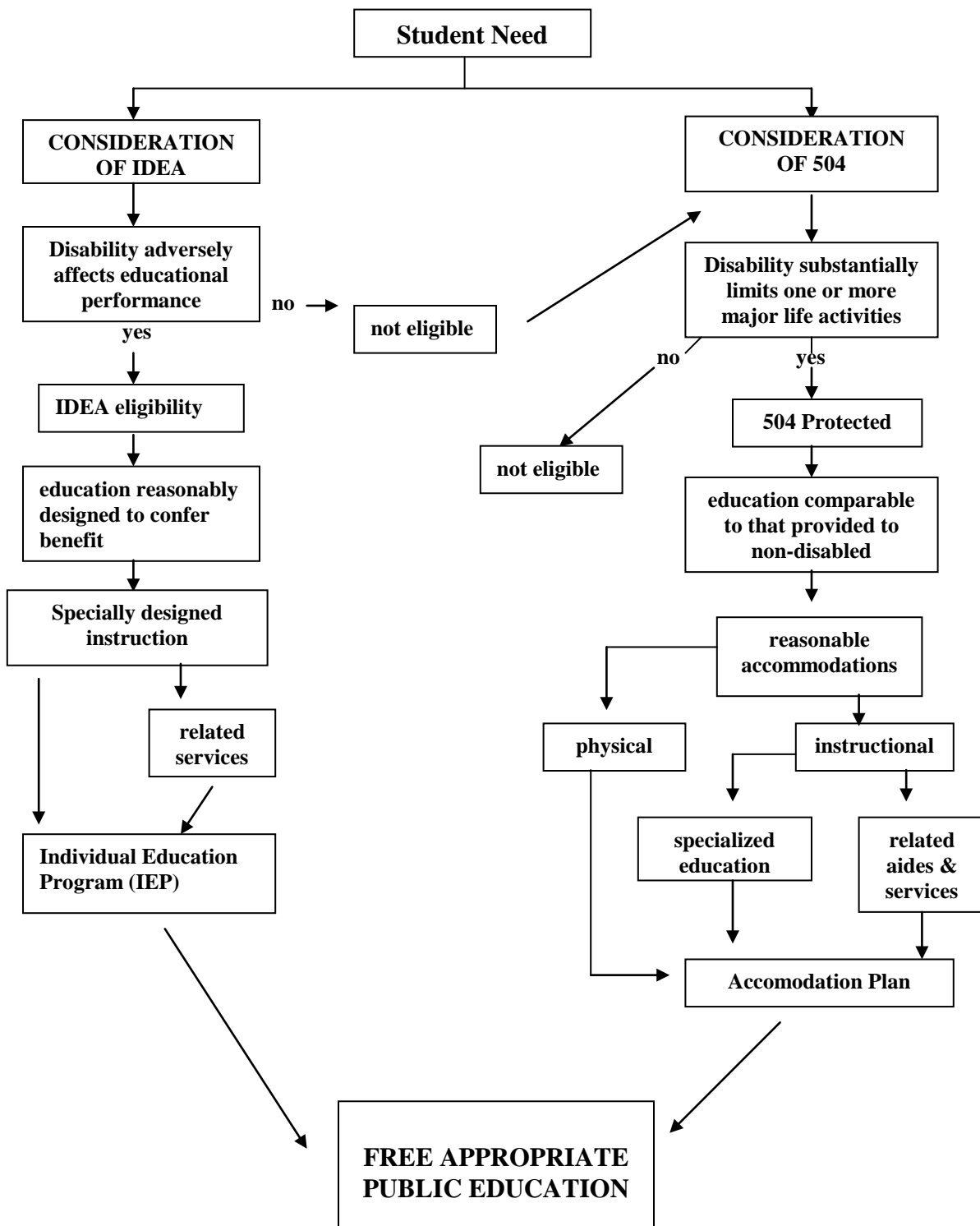
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WESTERN HEIGHTS PUBLIC SCHOOLS IDEA/504 FLOW CHART



WESTERN HEIGHTS PUBLIC SCHOOLS
SECTION 504 OF THE REHABILITATION ACT OF 1973
STUDENT ACCOMMODATION PLAN

Student's Name _____ Date of Birth _____

School _____ Grade _____ Meeting Date _____

Complete this section for determination of initial eligibility for 504 services:

Describe the nature of the concern: _____

Describe the sources/basis for the determination of a disability: _____

Describe the major life activity/activities which is/are affected: _____

This student does ___ does not ___ qualify for services under Section 504 of the Rehabilitation Act of 1973.

Administrator: _____ Qualified Examiner: _____

Regular Teacher: _____ Special Education Teacher: _____

Other: _____ Other: _____

Describe the reasonable accommodations which are necessary for this student with a disability to receive an appropriate educational program:

Administrator: _____ Parent*: _____

Regular Teacher: _____ Parent*: _____

Other: _____ Other: _____

*I have received a copy of *Parents' Rights in Special Education* as part of this process. (Parent initials:) _____

Annual Review Date: _____ Annual Review Date: _____

If a student is determined to no longer qualify for 504 accommodations, it should be noted on this form and the necessary documentation should be attached.

Section 504 of the Rehabilitation Act of 1973: "No otherwise qualified individual with a disability in the United States... shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance..."(29 U.S.C. § 794)

Distribution: Student Cumulative File (CONFIDENTIAL); Parents; Special Services Office