

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against persons with a handicap in any program receiving Federal financial assistance. No discrimination against any person with a disability will knowingly be permitted in any of the programs and practices of the school system. Under this policy, a student with a disability is one who (a) has a physical or mental impairment that substantially limits one or more major life activities; (b) has a record of such an impairment; or (c) is regarded as having such an impairment (34 C.F.R. Section 104.3). Students may be disabled under Section 504 and this policy even though they do not require services pursuant to the Individuals with Disabilities Education Act (IDEA), In accordance with Section 504 and the American with Disabilities Amendment Act of 2008 (Amendments Act) the following is a non-exhaustive list of examples of one or more major life activities.

The list of one or more major life activities under Section 504 includes, but is not limited to, the activities listed below.

- caring for oneself
- bending
- performing manual tasks
- speaking
- seeing
- breathing
- hearing
- learning
- eating
- reading
- sleeping
- concentrating
- walking
- thinking
- standing
- communicating
- lifting
- working

Major bodily functions are also major life activities under the law, and these major bodily functions include functions of the bowel, bladder, and brain; normal cell growth; and the immune, endocrine (for example, thyroid, pituitary, and pancreas), respiratory, reproductive, circulatory, digestive, and neurological systems.

To ensure the District's compliance with Section 504 as it applies to students with handicaps, the following procedures have been adopted.

1. If a student claims that he/she has been subjected to discrimination on the basis of a handicapping condition, in violation of Section 504 of the Rehabilitation Act of 1973, or if the District has reason to believe that a student has a handicap which substantially limits one or more major life activities of a student the District shall convene a team of people who are knowledgeable of the student's educational needs to review and consider all pertinent information related to the suspected handicap. This meeting shall be convened within ten (10) working days after the District receives a written statement describing the specific discriminatory conduct or the District becomes aware of the student's handicap affecting the student's ability to learn.

2. Section 504 Identification and Referral Process:

The Multidisciplinary 504 Team described in paragraph 1. above shall determine whether the student is handicapped under Section 504 and whether that handicap substantially limits one or more major life activities. If such a determination is made, the team must further determine what accommodations, if any, are required to allow the student an equal opportunity to participate in school and school-related activities. If the student's parents disagree with the District's conclusion and recommendations, the parents shall be informed of their right to ask for an impartial hearing to decide the matter. Hearing requests shall be made in writing to the superintendent giving specific reasons describing the discriminatory actions by the District and why the District's accommodations are not appropriate.

3. The District shall publish its policy of nondiscrimination on the basis of handicap and shall inform parents of their rights under Section 504, including the right to examine records relevant to their child, the right to an impartial hearing with representation by counsel and the District's review procedure.
4. Each school has a Team in place to review all 504 requests. Parents should contact the principal of their respective schools if their child has a handicap which substantially limits-one or more major life activities of a student.

Grievance Procedures

1. An impartial hearing shall be held within ten (10) days of receipt of the written request. The District shall obtain as a hearing officer an individual who is not an employee of the District and who is knowledgeable of Section 504. The parent and student may take part in the hearing and have an attorney represent them at their own expense. The District also may be represented by counsel.
 - NOTE: The District could obtain the services of the Section 504 Coordinator of an adjacent school district to conduct the hearing.
2. The hearing officer shall conduct the hearing so as to give the parents an opportunity to present evidence supporting their claim that their child has been subjected to discriminatory treatment in violation of Section 504. The District shall be given the opportunity to present evidence supporting its position with respect to the student. A tape recording of the hearing will be made by the District, a copy of which will be provided the parents.
 - NOTE: The impartial hearing can be informal with the hearing officer controlling the flow of information from each party. For example, the hearing officer could ask the parties to make statements and present their evidence without resorting to attorneys conducting direct examination, cross examination, opening statements, closing arguments, etc.
3. The hearing officer shall make a decision within ten (10) days after the conclusion of the hearing. The decision shall be given in writing to the District's 504 coordinator and the parents.
4. If either parents or the District is aggrieved by the decision of the hearing officer, the aggrieved party may request that the Superintendent of the district review the decision. Such review shall take place within ten (10) days of the request for a review.
5. The Superintendent may overrule, modify or uphold the hearing officer's decision. The review committee shall make its decision within ten (10) days of beginning deliberations on the matter and shall provide a written response to both parties.
6. If either party is aggrieved by the action of the Superintendent, an appeal may be taken to the Board of Education of the District at its next regularly scheduled meeting. The board, in its discretion, may allow a statement to be made by the parents and a representative of the District.