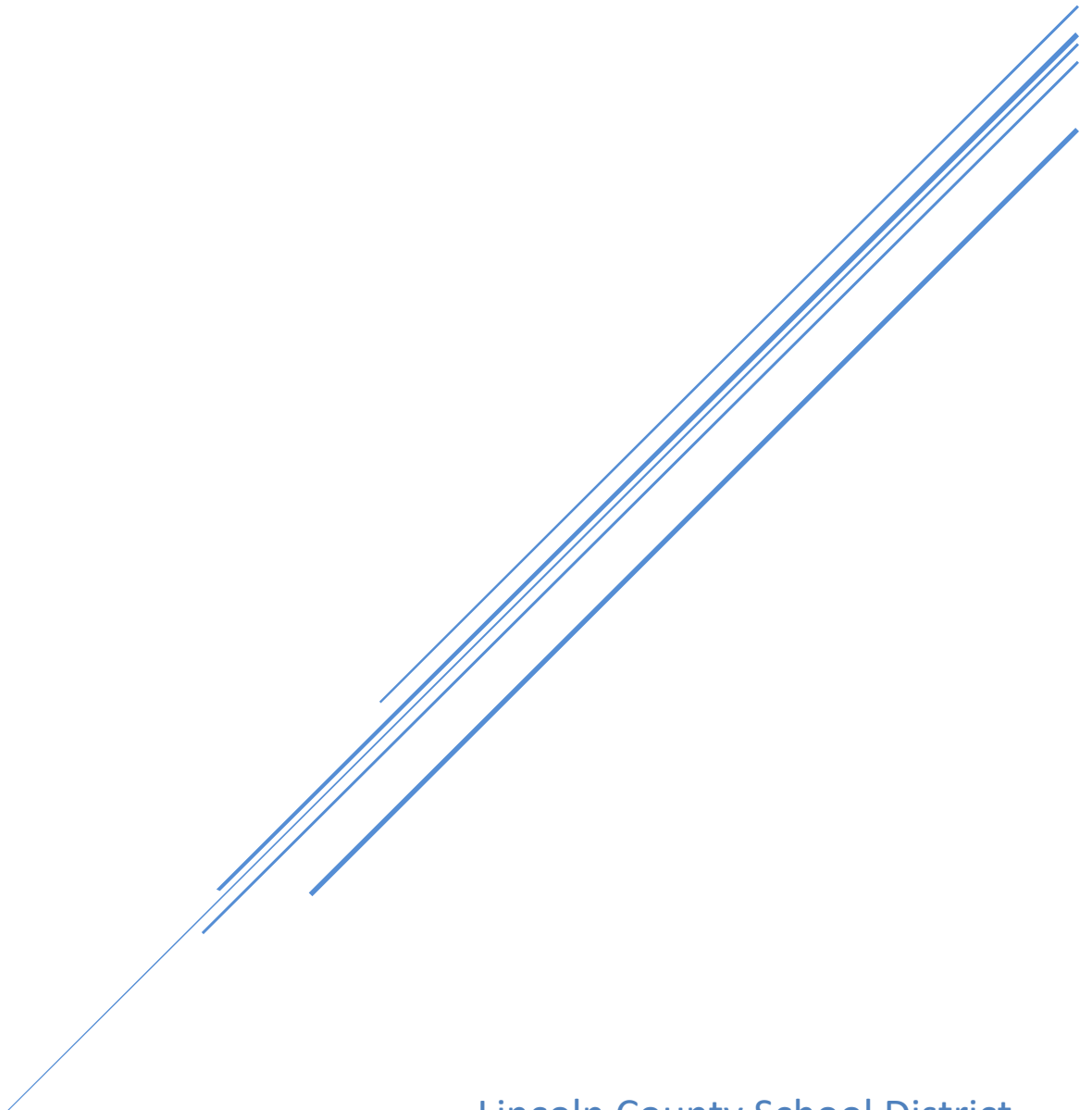


SECTION 504 PROCEDURE MANUAL LCSD



Lincoln County School District
2023

LINCOLN COUNTY SCHOOL DISTRICT
Policies and Procedures
Section 504 of the Rehabilitation Act of 1973 (Section 504)
Title II of the Americans with Disabilities Act of 1990 (Title II)
January 2023

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I. OVERVIEW OF NONDISCRIMINATION ON THE BASIS OF DISABILITY UNDER SECTION 504 AND TITLE II OF THE ADA

These procedures are designed to assure compliance by the Lincoln County School District (LCSD) with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II).

Section 504 and Title II prohibit discrimination on the basis of disability in programs and activities that receive federal financial assistance, including the Lincoln County School District (“LCSD”). Section 504 and Title II prohibit the LCSD from denying a qualified person with a disability the opportunity to participate in or benefit from the LCSD’s aids, benefits, or services, and prohibits the LCSD from affording a qualified person with a disability an opportunity to participate in or benefit from aids, benefits, or services that is not equal to that afforded to others. Section 504 and Title II require the LCSD to provide an appropriate education to students with disabilities by providing regular or special education and disability-related aids and services designed to meet the educational needs of students with disabilities as adequately as the needs of students who do not have disabilities.

To implement the requirements of Section and Title II, and their implementing regulations at 34 CFR Part 104 and 28 CFR Part 35, respectively, the LCSD ensures that:

- LCSD will provide all regular and special education and related aids and services to each student with a disability necessary to provide a student with a free appropriate public education (FAPE).
- LCSD will implement all provisions contained in each student’s Section 504 plan, individualized education program (IEP), or other education or behavioral plan for students with disabilities, unless a placement decision with the procedural requirements of Section 504 is made and that particular aid or service is no longer necessary or appropriate; and
- LCSD will promptly and effectively notify relevant LCSD administrators and staff of a student’s Section 504 plan, IEP, or other education plan so that all regular and special education and related aids and services identified in the plans can be implemented in a timely manner.

A. Introduction to Section 504

Section 504 of the Rehabilitation Act of 1973 (Section 504) is a civil rights law that prohibits discrimination/harassment on the basis of disability in any program or activity receiving federal financial assistance. Public school districts are among the entities that must comply with the nondiscrimination requirements of Section 504. The LCSD has specific responsibilities related to the provision of a “free appropriate public education” (FAPE) to school age individuals with disabilities under Section 504 and the Individuals with Disabilities Education Act (IDEA). Section 504 is enforced by the United States Office for Civil Rights (OCR).

B. Introduction to Title II of the ADA

The Americans with Disabilities Act (ADA) of 1990 is a civil rights law that also prohibits discrimination on the basis of disability. Title II protects individuals with disabilities from discrimination in public schools. The ADA was amended by the Americans with Disabilities Act Amendments Act (ADAAA) in 2008 and went into effect in January 2009. The intent of the ADAAA was to emphasize a broader application of the definition of disability under the ADA and Section 504, in order to supersede court decisions that had resulted in too narrow an interpretation of disability. The new law also eliminated the consideration of the ameliorative effects of mitigating measures when determining whether a student has a disability, though

they remain relevant when evaluating students' needs for accommodations/services. The expanded definition of disability means more students may be eligible for Section 504 nondiscrimination protections whether or not they current need Section 504 plan accommodations/services. Title II of the ADA is enforced by the United States Office for Civil Rights (OCR).

II. KEY DEFINITIONS

Following are some key definitions under Section 504 related to the procedures described in this document. Additional terms are defined in the **GLOSSARY** at the end of the document.

- A. **Accommodation:** A change in the educational setting, instructional strategies, materials, and/or supplementary/related aids and services that does not significantly alter the content of the curriculum or level of expectation for a student’s performance, but which allows the student to access the general education curriculum.
- B. **Appropriate education:** Education programs for students with disabilities must be designed to meet their individual needs to the same extent that the needs of nondisabled students are met. An appropriate education may include regular or special education and related aids and services to accommodate the unique needs of individuals with disabilities. An appropriate education will include evaluation, placement and due process procedures, as well as education of each student with a disability with nondisabled students to the extent appropriate to the needs of the student with a disability. One way to ensure that programs meet the needs of students with disabilities may occur through the development of an Individualized Education Program (IEP). In addition, students with disabilities may not be excluded on the basis of disability and must be provided an opportunity to participate in nonacademic or extracurricular activities equal to that provided to students without disabilities.
- C. **Educational placement:** The general education classroom with the use of supplementary/related aids and services.
- D. **Individual with a disability:**
- Section 504:**
- Has a physical or mental impairment which substantially limits or or more major life activities;
 - Has a record of such an impairment; or
 - Is regarded as having such an impairment
- Individuals with Disabilities Education Act (IDEA); Nevada Administrative Code (NAC):** Has an intellectual disability, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to as “emotional disturbance”), an orthopedic impairment, autism, traumatic brain injury, other health impairment, a specific learning disability, deaf-blindness, multiple disabilities, or a developmental delay, and who, by reason thereof, needs special education and related services.
- E. **Major life activities:** Functions such as bending, breathing, caring for one’s self, communicating, concentrating, eating, hearing, learning, lifting, performing manual tasks, reading, seeing, sleeping, standing, speaking, thinking, walking, and working. Major life activities may also include, but are not limited to: functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
- F. **Modification:** Strategies/supports that significantly alter the curriculum/grade level/Nevada academic content standards by which student performance is measured.

G. **Physical or mental impairment:**

- 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; genito-urinary; hemic and lymphatic; skin; and endocrine; or
- Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness.

An impairment that is **episodic** or in **remission** is a disability if it would substantially limit a major life activity when active.

A student with a **temporary impairment** is protected from discrimination under Section 504 if the temporary impairment is a physical or mental impairment that substantially limits one or more of the major life activities.

H. **Qualified disabled person (other than a student):** Individual with a disability who is an employee or other individual, including, but not limited to parents, guardians, family, and the public, who is entitled to access to LCSD programs or activities, whether or not their child is disabled.

I. **Qualified disabled person (with respect to public preschool, elementary, secondary, or adult education services):** Individual with a disability between the ages of 3 through 21.

J. **Record of such an impairment:**

- A history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.
- A student with a record of impairment is entitled to protections from discrimination on the basis of disability.
- The "record of" prong cannot serve as the basis for FAPE. The LCSD has no duty to refer, evaluate or place students who are protected from discrimination under the "record of" prong. The only duty as to these students is to not discriminate against them on the basis of the history of an impairment.

K. **Regarded as having an impairment:**

- Individual who has been subjected to discrimination because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.
- This prong of the definition also entitles a student to protection from discrimination and assures the student access to educational opportunities afforded others. An example might be a student who is scarred from an accident or injury, who has no limitations, but is "regarded as" being impaired and is protected from discrimination under Section 504.
- The "regarded as" prong cannot serve as the basis for FAPE. The LCSD has no duty to refer, evaluate or place students who are protected from discrimination under the "regarded as" prong. The only duty as to these students is to not discriminate against them on the basis of the incorrect perception that the child has a disability.

L. **Related aids and services:** Related aids and services means any service that a student with a disability needs to participate in and/or benefit from the LCSD's education program. If a

student is unable to participate in or benefit from the LCSD's education program without a specific related aid or service, the aid or service is a necessary related aid or service for the student. Related aids and services include but are not limited to:

- School health services
- Counseling services
- Environmental, instructional, and/or behavioral accommodations
- Transportation services
- Provision of a modified schedule, grading system, and/or curriculum

M. **Substantial limitation:** A major life activity is substantially limited when a person is unable to perform a major life activity that the average student of the same grade or age, or as compared to most students of the same grade or age, can perform. The determination of whether an impairment substantially limits a major life activity is made without regard to the ameliorative effects of mitigation measures such as:

- Medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
- Use of assistive technology;
- Reasonable accommodations, auxiliary aids or services; or
- Learned behavioral or adaptive neurological modifications.

III. SECTION 504 PROCEDURES

The following procedures implement the provisions of Section 504. The district is required by law to follow these procedures to provide a free appropriate public education to all students with disabilities who are protected from discrimination under Section. If the student is also eligible for special education and related services under the IDEA and the Nevada Administrative Code (NAC), the procedures required by the IDEA and Nevada Administrative Code are followed rather than these procedures.

A. Eligibility

An LCSD student who is protected from discrimination under Section 504 is one who is between the ages of 3 through 21 and who:

1. Has a physical or mental impairment that substantially limits one or more major lifeactivities;
2. Has a record of such an impairment; or
3. Is regarded as having such an impairment.

Determinations about eligibility and accommodations are made on an individual basis.

B. Referral, Evaluation and Eligibility Determination; Reevaluation

The LCSD conducts an evaluation of each student with a disability in its jurisdiction who needs or is believed to need special education or related services. An evaluation will be conducted prior to taking any action with respect to the initial and any subsequent significant change in the student's educational placement.

The LCSD interprets evaluation data and makes educational placement decisions for each student with a disability in a manner that draws upon information from a variety of sources, ensures that the information from all sources is documented and carefully considered, and ensures that the educational placement decisions are made by a group of persons with knowledge of the student, the meaning of the student's evaluation data, and the educational placement options.

If the LCSD or the parent proposes a modification of the student's Section 504 Accommodation Plan, the LCSD must conduct an evaluation prior to taking action to modify the student's plan if the proposed modification would constitute a significant change in the student's educational placement. Additionally, each student with a disability must be reevaluated on a periodic basis. In LCSD, the periodic reevaluation is conducted every three years or sooner if circumstances warrant.

See specific referral, evaluation and eligibility determination procedures at pages 13-16. See Reevaluation procedures at page 17.

C. Section 504 Accommodation Plans and Implementation of Educational Placement Decisions

The LCSD provides the regular or special education and related aids and services that meet the individual educational needs of each student with a disability in its jurisdiction. A Section 504 Accommodation Plan is developed for a student who currently has a physical or mental impairment that substantially limits one or more major life activities. The plan explains how the student's educational needs will be met.

The LCSD ensures that students with disabilities are placed in the regular education environment unless the LCSD can demonstrate that education in the regular environment with the use of supplementary aids and

services cannot be achieved satisfactorily. The LCSD also ensures the timely and proper implementation of educational placement decisions for each student as described in the student's Section 504 Plan.

If the LCSD or the parent proposes a modification of the student's Section 504 Accommodation Plan to add, eliminate, or modify services, the LCSD must conduct an evaluation (if the proposed modification would constitute a significant change in placement) and convene a Section 504 meeting for the purpose of determining whether such modifications should be made. Any modifications must be reflected in the student's Section 504 Accommodation Plan, and the plan must be timely and properly implemented.

See specific procedures at pages 18-20.

D. Disciplinary Exclusion of Students with Disabilities from Educational Programs

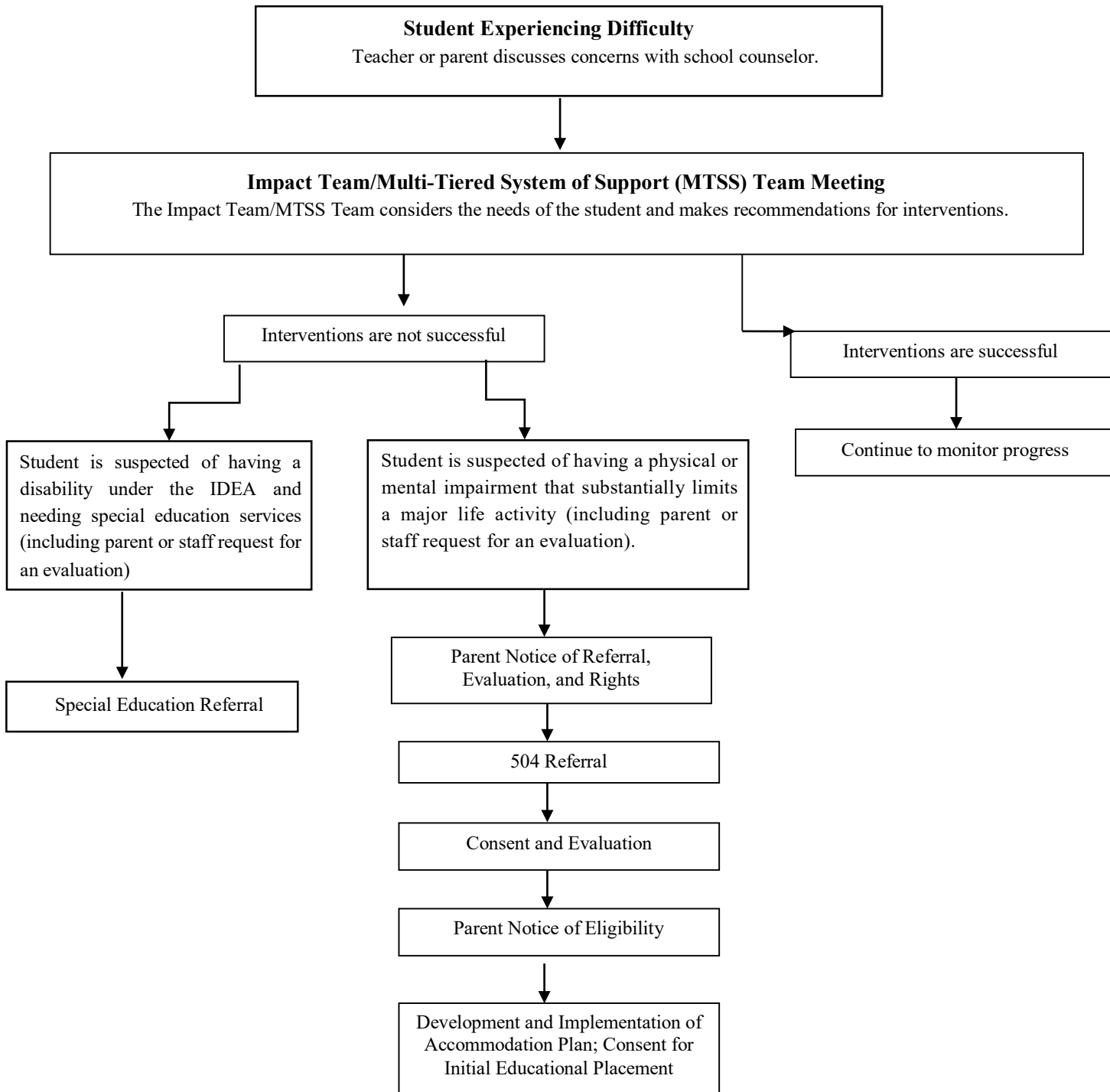
The LCSD treats the imposition of discipline that significantly changes the educational placement of any student with a disability as a placement decision subject to the evaluation and procedural safeguards requirements described above. Disciplinary exclusion of students with disabilities from educational programs may include excluding such students from specific school campuses or parts of campuses, or specific school programs or activities (e.g., non-academic and extracurricular services and activities), as well as excluding such students from school for all or part of a school day. See specific procedures at page 21.

E. Procedural Safeguards for Parents and Guardians

The LCSD implements, with respect to any action it takes regarding the identification, evaluation, or educational placement of students who, because of disability, need or are believed to need special education or related services, a system of procedural safeguards that includes notice, an opportunity for the parents or guardian of the student to examine relevant records, an impartial hearing with opportunity for participation by the parents or guardian and representation by counsel, and a review procedure. In addition, a parent has the right to file a local grievance. "Any action" includes decisions to refuse to identify or evaluate a student, and decisions to deny, implement, or significantly change a student's educational placement. The procedural safeguards are explained in the **Section 504 Parent/Student Rights in Identification, Evaluation, and Placement** form, which is given to parents at various junctures.

See specific procedures at pages 22-25.

SECTION 504 PROCEDURAL CHART



Although this chart presents a typical flow of procedures, the need for certain accommodations (i.e. to address physical impairments) may be addressed without using the school team process

SECTION 504 PROCEDURAL STEPS

<i>STEP</i>	<i>WHAT HAPPENS?</i>	<i>WHEN?</i>	<i>WHY?</i>
1. General Education Interventions	<ul style="list-style-type: none"> Intervention strategies implemented and reviewed in a timely manner 	<ul style="list-style-type: none"> Ongoing, as appropriate 	<ul style="list-style-type: none"> To increase student success
2. Referral	<ul style="list-style-type: none"> Referral initiated Notice of referral and proposed evaluation given to parents Consent for evaluation obtained Section 504 Parent/Student Rights given to parents 	<ul style="list-style-type: none"> When additional support is needed, but student is not suspected of having a disability and needing special education under IDEA 	<ul style="list-style-type: none"> To initiate the process for determining if a student has disability under Section 504
3. Evaluation/Reevaluation	<ul style="list-style-type: none"> Evaluation information gathered and/or student tested Existence and nature of a disability determined 	<ul style="list-style-type: none"> After student is referred Reevaluation every 3 years thereafter, or prior to significant change in educational placement 	<ul style="list-style-type: none"> To provide information to the campus Section 504 Committee for determining eligibility and making educational decisions
4. Section 504 Accommodation Plan Meeting	<ul style="list-style-type: none"> Notice of Section 504 Meeting given to parents Educational program and accommodations developed in Section 504 Accommodation Plan Copy of plan provided to parents 	<ul style="list-style-type: none"> After student is evaluated 	<ul style="list-style-type: none"> To implement services that meet the individual needs of the student
5. Section 504 Accommodation Plan Review	<ul style="list-style-type: none"> Educational accommodations/progress reviewed Accommodation changes made or reevaluation requested, as necessary 	<ul style="list-style-type: none"> Annually Prior to any significant change in educational placement 	<ul style="list-style-type: none"> To ensure that the Section 504 Accommodation Plan continues to meet the student's needs

A COMPARISON AND CONTRAST OF IDEA AND SECTION 504

The following is a comparison of Section 504 of the Rehabilitation Act of 1973 and the Individuals with Disabilities Education Act (IDEA) of 2004.

COMPONENT	IDEA	SECTION 504
What is the general purpose of the statute?	The IDEA is an education act to provide federal financial assistance to state and local education agencies to guarantee special education and related services to eligible students with disabilities.	Section 504 is a civil rights act to prohibit discrimination on the basis of disability in programs and activities, public and private, that receive federal financial assistance.
Who is protected?	Children ages 3-21 in K-12 education who are determined by an eligibility team to be eligible within one or more specific disability categories and who need special education and related services. Categories include developmental delay, autism, deafness, deaf-blindness, hearing impairments, intellectual disabilities, multiple disabilities, orthopedic impairments, other health impairments, serious emotional disturbance, specific learning disabilities, speech or language impairments, traumatic brain injury, and visual impairments.	Any person who (1) has a physical or mental impairment that substantially limits one or more major life activities, (2) has a record of such impairment or (3) is regarded as having such an impairment. Major life activities include walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, and performing manual tasks.
What are the evaluation and placement procedures?	A comprehensive evaluation is required. An eligibility team is required and parental consent is required before evaluation. IDEA requires that reevaluations be conducted at least every 3 years. For evaluation and placement decisions, IDEA requires that more than one single procedure or information source be used; that information from all sources be documented and carefully considered; that the eligibility decision be made by a group of persons who know about the student, the evaluation data, and placement options; and that the placement decision serves the student in the least restrictive environment.	Unlike IDEA, Section 504 requires only notice, not consent, for evaluation, but LCSD requires consent. Like IDEA, evaluation and placement procedures under Section 504 require that information be obtained from a variety of sources regarding the area of concern; that all data are documented and considered; and that decisions are made by a group of persons knowledgeable about the student, the evaluation data, and placement options. Section 504 requires that students be educated with their nondisabled peers to the maximum extent appropriate.
What are the provisions for a free appropriate public education (FAPE)?	IDEA requires that local education agencies offer a FAPE to eligible students with disabilities. A FAPE is defined to mean special education and related services. Special education means "specially designed instruction at no cost to the parents, to meet the unique needs of the child with a disability ..." Related services are provided if required to assist students to benefit from specially designed instruction. IDEA requires the development of an Individualized Education Program (IEP) document with specific content and required participants at an IEP meeting.	Section 504 requires that school districts provide a free appropriate public education (FAPE) to qualified students in their jurisdictions who have a physical or mental impairment that substantially limits one or more major life activities, regardless of the nature or severity of the disability. Under Section 504, FAPE means providing regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met. Students can receive related services under Section 504 even if they are not provided any special education. Section 504 requires development of a plan.
Is funding provided to implement services?	Yes. IDEA provides federal funds under Parts B and C to assist states and local education agencies in meeting IDEA requirements to serve infants, toddlers and youth with disabilities.	No. State and local jurisdictions have responsibility. IDEA funds may not be used to serve children found eligible only under Section 504.

<p>What procedural safeguards are available to parents?</p>	<p>IDEA requires prior written notice to parents regarding proposals or refusals to initiate or change identification, evaluation, educational placement, and the provision of a FAPE. Written consent is required to conduct an evaluation and for the initial provision of special education and related services.</p>	<p>Section 504 requires notice to parents regarding identification, evaluation and/or educational placements. Written notice is recommended by OCR and required by LCSD. LCSD also requires written consent to conduct an evaluation and to provide an initial educational placement.</p>
<p>What due process procedures are available to parents?</p>	<p>IDEA delineates specific requirements for local education agencies to provide impartial hearings for parents who disagree with the district's proposals or refusals regarding the student's identification, evaluation, educational placement, or provision of a FAPE.</p>	<p>Section 504 requires local education agencies to provide impartial hearings for parents who disagree with the identification, evaluation, or educational placement of a student. It requires that parents have an opportunity to participate in the hearing process and to be represented by counsel. Beyond this, due process details are left to the discretion of the local education agency.</p>

This information is based on a chart provided by the Mid-Atlantic ADA Center, adapted from a document created by the Disability Rights Education Defense Fund (DREDF).

IV. REFERRAL PROCESS

Student Referral

A referral to the Impact Team/Multi-Tiered System of Support (MTSS) Team may occur when someone has a concern regarding a student's progress in school, including concerns about behavior. The Impact Team/MTSS Team may be able to implement various general education interventions that will result in student success and there may be no further need for a Section 504 referral or a referral for special education services under the IDEA.

Any student who is a struggling learner, or who because of a suspected disability needs or is believed to need special education or related aids and services, may be referred by a teacher, parent/guardian, or community agency to the building level Impact Team/MTSS Team. Referral to the Impact Team/MTSS Team is not intended to deny or delay any necessary referral for special education under the IDEA, or for services under Section 504. If at any time it appears likely a student needs services under Section 504 or needs special education services under IDEA, a direct referral will be made.

Procedures for Section 504 Referral

The following procedures are used to make a Section 504 referral for an evaluation and eligibility determination:

1. A student is referred to the campus 504 Coordinator¹ for consideration of Section 504 eligibility. The referring person completes a **Section 504 Referral** form.
2. The campus 504 Coordinator reviews the referral information including: any intervention strategies used with the student, the suspected impairment, and how the suspected impairment substantially limits the student's major life activity at school or at a school activity. Any available documentation which may be useful in determining the eligibility of the referred student should be attached to the written referral. The data can include aptitude and achievement tests, teacher recommendations, physical and health information, adaptive behavior data, discipline information, parent input, medical evaluation/diagnosis, prior IDEA evaluations, grade and progress reports, and any other relevant information. The documentation must include the **Student Profile/Record Review** form.
3. The campus 504 Coordinator meets with appropriate school representatives regarding the referral. A determination is made regarding the need for any further evaluation.
4. Parents are provided with a **Parent Notice of Section 504 Referral and Consent for Initial Evaluation** form explaining why their child is or is not being referred. Parents are also provided with a copy of the **Section 504 Parent/Student Rights in Identification, Evaluation and Placement** form.

¹ The LCSD campus 504 Coordinator is the school principal or designee.

V. EVALUATION AND ELIGIBILITY DETERMINATION

An individual evaluation of the referred student will be completed by the school Section 504 Committee before any action is taken with respect to the initial and any subsequent significant change in the student's placement.

The evaluation will consist of gathering information from a variety of sources as needed to assist in the determination of eligibility for services under Section 504. Information may include: grade reports, disciplinary record/referrals, test results, school health information, medical evaluations/diagnoses, parent input, teacher and administrator input, and any IC Team recommendations.

The district will accept independent or outside evaluations and consider them with other relevant school information. A diagnosis by a physician or psychiatrist does not constitute identification of a disability under Section 504. Such information needs to be considered by the Section 504 Committee to determine whether it substantiates a physical or mental impairment that substantially affects a major life activity at school or at a school activity. Under Section 504, parents do not have a right to demand specific evaluations, although they may use dispute resolution processes (grievance, hearing, OCR complaint) to disagree with the district's evaluation. Parents have the right to pursue specific evaluations on their own but the district does not have to pay for them unless ordered to do so by an enforcement authority.

The Office for Civil Rights (OCR) does not require medical evaluations to confirm mental or physical impairments. However, if the district requires them, the district is obligated to pay for them. Parents may provide copies of reports regarding their child's health condition.

The fact that a student may have a physical or mental impairment does not automatically mean that the student has a disability under Section 504. Decisions regarding eligibility under Section 504 are based on the following considerations:

1. **Impairment** - The Section 504 Committee identifies the mental or physical impairment. A physical or mental impairment refers to 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, genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities.
2. **Major Life Activity** - The Section 504 Committee identifies the affected major life activity. 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 "major bodily functions," such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
3. **Substantial Limitation** - The Section 504 Committee considers the degree to which the impairment limits the major life activity. An impairment need not prevent, or significantly or severely restrict performance of a major life activity to be "substantially limiting." An individual's ability to perform a major life activity is compared to "most people in the general population," often using a common-sense analysis without scientific or medical evidence.

Positive effects of mitigating measures (except for ordinary eyeglasses and contact lenses) are ignored in determining whether an impairment is substantially limiting. Ordinary eyeglasses and contact lenses are lenses "intended to fully correct visual acuity or eliminate refractive error."

Examples of mitigating measures include medication, medical equipment and devices, prosthetics, hearing aids, cochlear implants and other implantable hearing devices, low vision devices, mobility devices, oxygen therapy, use of assistive technology, reasonable accommodations and auxiliary aids or services, behavioral or neurological modifications, and surgical interventions that do not permanently eliminate an impairment.

For example, a student whose mental impairment is controlled when medicated may have an impairment that substantially limits his concentration or behavior when the student is not taking medication. Because the "mitigating measure" (e.g., the medication) cannot be taken into account when determining whether the student is eligible for services under Section 504, the student would be entitled to services, although the accommodation plan may be limited in scope to addressing the effects of the impairment when the student is not medicated.

An impairment that is "episodic" or "in remission" is a disability if it would substantially limit a major life activity when active. Examples of impairments that are episodic or in remission include epilepsy, hypertension, multiple sclerosis, asthma, diabetes, major depression, bipolar disorder, schizophrenia, and cancer.

The student need not have an impairment limiting "learning" to qualify under Section 504. However, the student must have an impairment which causes substantial limitation to a major life activity. The student may have an impairment which requires accommodations to stay in school or to attend school. When a student's impairment does not cause a substantial limitation on a major life activity, then the student is not eligible for services under Section 504.

Once the team determines that the student is eligible or non-eligible for services under Section 504, the parents are notified. Written notice includes a copy of the Parent/Student Rights to inform parents of their right to appeal their child's identification, evaluation, and placement decisions.

Procedures for Evaluation and Eligibility

The campus 504 Coordinator assures that the following items have been completed:

1. Parents are provided with the **Parent Notice of Section 504 Referral and Consent for Initial Evaluation** form and the Section 504 **Parent/Student Rights in Identification, Evaluation and Placement** form.
2. All required forms, including the **Section 504 Referral** form, are completed. Parent consent for the initial evaluation is obtained at the bottom of the **Parent Notice of Section 504 Referral and Consent for Initial Evaluation** form.
3. Evaluation data about the student's educational functioning is gathered from a variety of sources.
4. A Section 504 eligibility meeting is scheduled. Parents are notified of the meeting and invited to attend through the **Section 504 Meeting Notification** form.
5. Persons knowledgeable about the student and the evaluations meet and make the determination of eligibility. The **Determination of Section 504 Eligibility** form is completed which reflects the decision

about whether the student is eligible for services under Section 504.

6. Parents are provided with a copy of the eligibility form and a copy of the **Parent Notice of 504 Eligibility** form and a copy of the **Parent/Student Rights** form. If parents are not in attendance, these forms are sent to the parents.

VI. REEVALUATION

Section 504 requires a “periodic” reevaluation of students. In LCSD, a reevaluation will occur every three years or more often, as needed, prior to a significant change in educational placement, or as otherwise determined by the Section 504 Committee.

Procedures for Reevaluation

The campus 504 Coordinator assures that the following items have been completed:

1. The campus 504 Coordinator notifies the appropriate school personnel regarding the need for a Section 504 reevaluation.
2. Parents are provided with the **Notice of Section 504 Reevaluation** form and the Section 504 **Parent/Student Rights in Identification, Evaluation and Placement** form.
3. Appropriate and updated information is obtained.
4. The campus 504 Coordinator schedules a meeting with people knowledgeable about the student to review current data and information. Parents are invited to attend using the **Section 504 Meeting Notification** form. The Section 504 Committee reviews and evaluates relevant sources of information and makes whatever placement decision is indicated under the circumstances and considering the information collected.
5. The **Determination of Section 504 Eligibility** form is completed which reflects the decision about whether the student continues to be eligible for services under Section 504.
6. Parents are provided with a copy of the eligibility form and a copy of the **Parent Notice of 504 Eligibility** form and a copy of the **Parent/Student Rights** form. If parents are not in attendance, these forms are sent to the parents.
7. The **Section 504 Accommodation Plan** is updated, as necessary based on individual needs and circumstances.

VII. SECTION 504 ACCOMMODATION PLAN

If it is determined that the student has a physical or mental impairment that substantially limits one or more major life activities, the school's Section 504 Committee develops a **Section 504 Accommodation Plan** designed to meet the individual educational needs of the student as determined through the evaluation process. The plan includes modifications to the general education classroom so that the student has an equal opportunity to participate in the school's programs. The plan outlines the specific modifications and adjustments that will be made to meet individual student's needs. Although Section 504 does not mandate parents' participation in the accommodation plan, parents are invited to participate.

Developing a Section 504 Accommodation Plan

The campus Section 504 Coordinator assures that the following items have been completed:

1. A meeting is scheduled to develop the **Section 504 Accommodation Plan**.
2. The **Section 504 Meeting Notification** form is sent to the parents with appropriate boxes checked.
3. Persons who are knowledgeable about the student, evaluation data, and/or placement options, are notified and invited to attend.
4. The **Section 504 Accommodation Plan** meeting is held. All referral and evaluation information is reviewed. Persons knowledgeable about the student and the evaluations must attend the meeting.
5. A **Section 504 Accommodation Plan** is developed.
6. Before implementing the initial **Section 504 Accommodation Plan**, obtain parent consent for initial placement on the first page of the **Section 504 Accommodation Plan**. If the Section 504 Accommodation is being revised in a subsequent meeting, check the box for "Not applicable. This is not the student's initial Section 504 placement."
7. A plan manager is appointed to assure that the plan is implemented and monitored for success.
8. The plan manager assures that the appropriate school staff members and parents are provided with a copy of the **Section 504 Accommodation Plan**. A copy of the plan is placed in the student's cumulative school file as well as the campus Section 504 file.

Modification of the Section 504 Accommodation Plan

If the LCSD or the parent proposes a modification of the student's **Section 504 Accommodation Plan** to add, eliminate, or modify services, the LCSD must conduct an evaluation and convene a Section 504 meeting for the purpose of determining whether such modifications should be made. Any modifications must be reflected in the student's **Section 504 Accommodation Plan**, and the plan must be timely and properly implemented.

Implementation of the 504 Accommodation Plan

The plan manager ensures the timely and proper implementation of the **Section 504 Accommodation Plan**. The plan manager assures that the **Section 504 Accommodation Plan** is reviewed and updated at least annually as needed, to determine effectiveness of accommodations. Evaluation notes are documented on page 2 of the **Section 504 Accommodation Plan**. Significant changes to the plan require reevaluation prior to implementation.

Considerations in Developing a Section 504 Accommodation Plan

1. **General Curriculum.** A Section 504 Accommodation Plan may include accommodations in instructional delivery and in student production. All students, including Section 504 students, are responsible for content and benchmarks which are assigned in the content area. Students needing a specialized curriculum or content are generally eligible for special education and are served through IDEA.
2. **Assessment.** There are no exclusions from state or district assessments for Section 504 students. Accommodations where necessary can be identified using the student accommodation plan. A Section 504 Accommodation Form for the Nevada Proficiency Examination Program (current school year) is completed and attached to the plan. Accommodations which alter the test results or invalidate the test are prohibited. Only students who routinely receive accommodations in accordance with their accommodation plan are allowed accommodations on state or district assessments.
3. **Placement.** The least restrictive environment for Section 504 students is in the general educational environment with accommodations. A Section 504 student's program will generally be a combination of general education with related aids and services to meet the student's needs.
4. **Accommodations.** Section 504 plans should be written to indicate only what the student needs in order to participate in and benefit from the district's program. Refer to **Examples of Student Accommodations** form.
5. **Grades.** Section 504 students may be provided modified grading, if appropriate.
6. **Transition Plans.** Section 504 students who need transition services should be provided a transition plan.
7. **Athletic Participation.** Section 504 students must be provided an equal opportunity to participate in athletic programs.
8. **Achievement Awards.** Section 504 students should be included in consideration for awards and honors as students without disabilities are.
9. **Medications.** For Section 504 students, the administration of medication may be a necessary service. Such services should be identified in a student's Section 504 Accommodation Plan if needed. If the student does not need assistance in taking or accessing medications, then there is no need to address the matter in the student's plan. The student can access his/her medication like other students in accordance with district policies and procedures. The use of medication is a parental decision. Educators cannot make a medical diagnosis, recommend a particular medication, or require parents to make medical appointments regarding their children.
10. **Behavior Intervention Plans.** School staff members are encouraged to develop behavior intervention plans for students who are in need of positive behavioral supports and are protected under Section 504. When a student's behavior impedes his/her learning or that of others, a behavior intervention plan should be developed which identifies appropriate strategies including positive behavior interventions and supports to address the behavior. All school officials and employees who have authority to discipline a student must be aware of the accommodations that are in place in the student's Section 504 Accommodation Plan. Failure to discipline a student in accordance

with the behavior management plan constitutes a failure to properly implement the Section 504 Accommodation Plan.

Components of the 504 Accommodation Plan

The Section 504 Accommodation Plan outlines the specific modifications and adjustments that will be made to meet the needs of the student. It lists specific adjustments to the learning environment and accommodations to the curriculum, and any other services the student may need. It also indicates who is responsible for implementing and evaluating the effectiveness of the plan.

The Section 504 Accommodation Plan includes the following components:

1. **Student Information, date of meeting, school/grade, plan manager, student's date of birth and ID number.**
2. **Review Date:** Identify the projected review date of the plan. Aspects of the student's disability may change, teachers and schedules change from year to year, therefore an annual review is a best practice. The site level Section 504 plan manager will monitor timelines and schedule review with personnel and parents. Adjustments can be made to the plan at any time.
3. **Type of Plan:** Initial or Review
4. **Physical or Mental Impairment:** Briefly describe the nature of the student's disability.
5. **Major Life Activity:** Briefly identify which major life activity is substantially limited.
6. **Educational Needs:** Identify the educational needs caused by the limitation.
7. **Participants:** Identify the participants in the development of the plan.
8. **Consent for Initial Placement:** Parents must indicate whether they consent to the student's initial Section 504 placement. If this is not the initial Section 504 Accommodation Plan, check the box for "Not applicable. This is not the student's initial Section 504 placement."
9. **Services/Accommodations:** Describe the accommodations the student needs. Accommodations may include specialized instruction or equipment, school nurse services, related aids and services, supplemental aids or services, classroom modifications or schedule modifications, modifications to grading criteria or timelines, testing accommodations, or accessibility accommodations.
10. **Person(s) Responsible:** Identify the person or persons responsible for implementation and evaluation of the plan.

Modification to the student's Section 504 Accommodation Plan must follow the same procedures outlined above.

VIII. DISCIPLINE OF SECTION 504 STUDENTS

Suspension and expulsion of students with disabilities have been treated similarly under IDEA and Section 504. Under both IDEA and Section 504, a student with a disability may not be subject to a suspension or expulsion for more than 10 consecutive school days for misconduct that is a manifestation of the student's disability. A series of short term (10 days or less) suspensions that add to more than 10 school days in a school year and result in a pattern of exclusion also require a manifestation determination. If a student's misconduct is not a manifestation of the student's disability, the district may discipline the student as it would a student without a disability. Unlike IDEA, Section 504 does not impose an obligation to provide continuing services for properly suspended students.

1. A significant change in placement occurs when a disciplinary action by the district results in the exclusion of a disabled student from his/her educational program for more than 10 consecutive school days in a school year. A series of disciplinary actions that are each 10 days or less may also result in a significant change in placement if the disciplinary actions create a pattern of exclusion from the student's education program.
2. Prior to implementing a disciplinary exclusion from school that will constitute a significant change in the student's placement, the district will take the following steps:
 - a. The district will first determine whether the disabled student's behavior that violated the district rules, policies, or codes of conduct, was disability-related (the "manifestation determination").
 - b. If it is determined that the student's conduct was a manifestation of the student's disability, the evaluation team must continue the evaluation, following the requirements for evaluation and placement described below, to determine whether the student's current educational program and related services are appropriate. If the district determines that the student's placement and related services are not appropriate, the district will develop additional related services or a new placement.
 - c. If it is determined that the disabled student's behavior was not disability-related, the district may take the same disciplinary action as for similarly situated non-disabled students.

Procedures for Manifestation Determination

1. The campus 504 Coordinator is contacted regarding the possibility of a disciplinary change in placement by the school counselor or school administrator.
2. The campus 504 Coordinator convenes a manifestation determination meeting. Current student data is gathered, including most current evaluation data, discipline reports, behavior checklists, teacher observations, anecdotal evidence, incident reports, police reports, attendance, etc.
3. The manifestation determination meeting is scheduled. Parents or guardians are notified of the meeting and invited to attend. Persons knowledgeable about the student are required to meet regarding the student misconduct. The team reviews the misconduct information, the evaluation data and current placement information and makes the determination of whether or not the misconduct is a manifestation of the student's disability. The information is summarized on the **Section 504 Manifestation Determination Summary** form.
4. The campus 504 Coordinator provides a copy of the **Section 504 Manifestation Determination Summary** form to the parents. A copy is placed in the student file.

IX. GRIEVANCE PROCEDURES

Grievance Procedures

1. Problems and complaints of alleged disability-based discrimination and/or harassment brought by students, district employees, parents/guardians, other member of the community, or applicants for employment may be resolved in an informal manner and at the most immediate level in the school district organization.
2. Nothing in these procedures shall be construed as limiting the right of any individual having a grievance to discuss the matter informally with any appropriate member of the administration and have the grievance addressed without recourse to this procedure. Nothing in these procedures will be construed as limiting the right of any individual having a grievance to initiate informal and formal procedures concurrently.

When a person or persons wish to register a complaint alleging that disability-based discrimination and/or harassment has occurred, the following grievance procedure shall be implemented:

Level I

A complaint may be presented orally and informally to the person or persons immediately involved. If the complainant does not wish to present the complaint informally, the complainant may present a formal written complaint (**Notice of Section 504 Grievance** form) to the building principal. A complainant may file a formal grievance to request an investigation without first addressing the dispute informally through the accused party or building principal. An impartial investigator (who may be the building principal) will investigate the allegation(s) of disability-based discrimination and/or harassment. The investigator cannot be someone who was named as part of the alleged conduct being grieved. The investigator must give the complainant an opportunity to identify witnesses and to present evidence on his/her behalf.

Within ten (10) working days after receiving the complaint, the building principal will complete the investigation and provide a decision in writing to the complainant (**Grievance Disposition** form), with supporting evidence and reasons. In addition, the building principal will inform the superintendent of the formal complaint and the disposition. If the building principal is the person accused of discriminatory conduct, the complainant should contact the Section 504 compliance coordinator directly, and the coordinator will conduct the Level I investigation and provide the decision to the complainant.

Level II

If resolution is not reached in Level I, the grievance may be referred by either party within ten (10) working days to the district's Section 504 compliance coordinator by filing a written appeals package consisting of the complainant's grievance and the decision rendered at Level I. Within ten (10) working days after receiving the referral, the compliance coordinator shall state a decision and reply in writing to both parties, with supporting evidence and reasons. In addition, the compliance coordinator will inform the superintendent of the decision.

If the Section 504 compliance coordinator has conducted the Level I review, the Level II referral is made to the school district Superintendent for Level II review.

In the event that the persons accused of discriminatory conduct include the Section 504 compliance coordinator and/or the superintendent, appropriate reassignments of grievance review tasks will be made to ensure that no one who is named as part of the alleged conduct being grieved makes the Level I or Level II decision concerning discrimination.

X. IMPARTIAL DUE PROCESS HEARING PROCEDURES

If the parent or guardian requests to contest an action of the district with regard to the identification, evaluation or placement of a student under Section 504, the parent has the right to an impartial due process hearing. Following are the procedures for the conduct of an impartial due process hearing:

1. The parent or guardian must submit a written request for a due process hearing to the district's Section 504 compliance coordinator. The compliance coordinator may contact the parent to clarify the request and any issues that may be presented at the hearing. The compliance coordinator may also ascertain whether the parent intends to be represented by counsel at the hearing.
2. Within 15 days of the date of receipt of a clear and unambiguous request for a due process hearing, the district will appoint an impartial hearing officer to conduct the hearing and render a decision. The hearing officer will be paid for by the school district, must be knowledgeable about Section 504, impartial, and not a current employee of the district.
3. The hearing will be scheduled at a mutually agreeable time and place, at the earliest opportunity.
4. The hearing officer may order a pre-hearing conference in order to clarify the issues to be addressed at the hearing. The pre-hearing conference can be used to resolve preliminary matters, clarify jurisdictional issues, and answer any questions the parties may have regarding the hearing process.
5. The hearing shall be conducted in an informal, non-adversarial manner. The parent may decide whether the hearing shall be opened or closed to the public. The hearing officer may, in his or her discretion, reasonably limit testimony and the introduction of exhibits, based upon a determination of relevance.
6. The parent has the right to participate, speak, and present information at the hearing and to be represented by counsel if the parent wishes to hire an attorney.
7. The hearing will be tape-recorded and the parent may request a copy of the tape recording. A transcript of the tape recording will be prepared in the event the decision is reviewed in a court of competent jurisdiction.
8. Witnesses may present information in narrative form. The hearing officer may, at his or her discretion, ask a witness a certain question. But generally cross-examination is limited.
9. In general, the parent presents his/her case first, by making an opening statement outlining the issues, then presenting personally, calling additional witnesses, and making a closing argument. The district makes a presentation, to which the parent may offer a short response.
10. The parties may submit any reports, evaluations, correspondence, notes, or any other documents that the hearing officer may admit at his or her discretion.
11. The parties may submit, at the hearing officer's discretion, written closing arguments, summarizing the issues and providing legal authority supporting their positions. Timelines for submission of such closing arguments shall be established by the hearing officer.
12. At the close of the hearing, the hearing officer shall set a date for issuing the written decision. The written decision must address and rule on all issues raised by the parent and indicate what corrective

action, if any, the district must take, and must be issued within 45 days after the date the request for a due process hearing is received by the district. Reasonable extensions of time may be granted at the discretion of the hearing officer.

13. If either party is not satisfied by the decision of the hearing officer, a review of the hearing decision may be sought in a court of competent jurisdiction, usually the closest federal district court.

XI. COMPLAINTS WITH THE U.S. OFFICE FOR CIVIL RIGHTS

At any time, a parent/guardian may file a complaint with the U.S. Office for Civil Rights (OCR) at the address listed below if the parent believes that the district has violated any requirement of Section 504. The filing of a complaint does not affect the hearing process or timelines set forth above. The OCR addresses Section 504 complaints separately and independently of the local hearing process, in accordance with the guidelines set forth in OCR's Complaint Resolution Manual.

United States Department of Education Office for Civil Rights
Western Division, Seattle Office
915 Second Avenue, Room 3310
Seattle, Washington 98174-1099

XII. GLOSSARY OF TERMS

Accessibility

The school district will ensure programs and activities are accessible to and usable by persons with disabilities. In many instances, programs and activities may be made accessible through slight modifications and adjustments in procedures, practices, and policies. In others, building renovation or construction may be required. Structural change is required only in instances where program accessibility cannot be achieved effectively through other means.

Accommodation Plan

The Accommodation Plan outlines the specific modifications and adjustments that will be made to meet the needs of the eligible student. It lists specific adjustments to the learning environment and accommodations to the curriculum, and any other services the student may need. It also indicates who is responsible for implementing and evaluating the effectiveness of the plan.

Adaptive Behavior

Adaptive behavior is the effectiveness with which the student meets the standards of personal independence and social responsibility expected of his or her age and cultural group.

Adult Student

For school purposes, a student becomes a legal adult when he or she reaches 18 years of age, unless a court has declared the student incompetent or unless custody has been awarded to the parents or guardian or the student. The adult student assumes all the rights of parents. Continued participation of the parents is encouraged with student permission.

Code of Federal Regulations (CFR)

The Code of Federal Regulations (CRF) cited in this document refers to the rules of the federal government. All agencies and facilities receiving funds under a federal law must follow these rules.

Disability, Student with a

A student with a disability is one who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment (34 CFR 104.3.j).

Discipline Procedures

Suspension and expulsion of students with disabilities have been treated similarly under both IDEA and Section 504. Before imposing a disciplinary change in placement, a school Section 504 committee must conduct a manifestation determination to determine whether the student's misconduct was a manifestation of the student's disability.

Due Process Rights

In the event of a disagreement between the parents or guardians and the LCSD regarding the identification, evaluation or educational placement of a student with a disability, the parents or guardians have the right to an impartial hearing, with an opportunity to participate and be represented by counsel (34 CFR 104.36), and an opportunity for a review.

Least Restrictive Environment

To the extent possible, a student with a disability shall be placed in the general educational environment, unless the LCSD demonstrates that education in the regular environment with the use of supplemental aids and services cannot be achieved satisfactorily (34 CFR 104.34.a). In providing or arranging for nonacademic and extracurricular services and activities including meals, recess periods, etc., the LCSD

shall ensure that disabled students participate with non-disabled students to the maximum extent appropriate to the needs of the disabled student (34 CFR 104.34.b).

Evaluation

An evaluation is conducted to determine if a student is a student with a disability under Section 504 of the Rehabilitation Act. The evaluation may be broad or narrow, depending upon the needs of the student. An evaluation also shall be conducted before any significant change in placement in the instructional program, i.e., alternative education programs, long term suspensions or expulsions. If a Section 504 Committee recommends a special education evaluation, then district procedures under IDEA are followed and parental consent must be obtained.

Information from a variety of sources may be used such as: attendance records, aptitude and achievement tests, teacher recommendations, report cards, anecdotal reports, discipline reports, medical records or reports, social and cultural background information including language proficiency determination, adaptive behavior, etc.

Extracurricular and Nonacademic Activities/Services

Nonacademic and extracurricular services/activities are those which the district provides to all students. These may include counseling services, physical and athletic activities, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school or the LCSD, referrals to agencies which provide assistance to persons with disabilities, and employment of students by the LCSD or outside employment (34 CFR 104.37.a).

Free Appropriate Public Education (FAPE)

The LCSD shall provide a free appropriate public education to each qualified student with a disability within the LCSD's jurisdiction, regardless of the nature or severity of the student's disability (34 CFR 104.33.a). An appropriate education shall include general 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 nondisabled persons are met and are based upon adherence to procedures that satisfy federal requirements for educational setting, evaluation and placement, and procedural safeguards (34 CFR 104.33.b.1). Implementation of an individualized education program (IEP) developed in accordance with the Individuals with Disabilities Education Act (IDEA) is one means of meeting the standard established in this paragraph (34 CFR 104.33.b.2).

Grievance

A grievance means the filing of a complaint with the responsible district official that there has been an alleged act of discrimination as governed by Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act, in the educational program or activities, including employment herein and admission thereto, which has not been eliminated at the point at which such discrimination was noted after going through the immediate channel of communication and authority.

Grievant/Complainant

An individual who brings either a formal or informal complaint of alleged discrimination governed by Section 504 or the Americans with Disabilities Act.

IDEA

Individuals with Disabilities Education Act; Part B contains requirements for public schools.

Impartial Hearing

Parents or guardians who wish to challenge the decision of the Section 504 Committee may request a due process hearing by contacting the LCSD Section 504 Coordinator.

Major Life Activity

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 “major bodily functions,” such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Manifestation Determination

Before implementing a disciplinary change of placement, a campus Section 504 Committee must conduct a manifestation determination to determine whether the student's conduct is a manifestation of the student's disability. This determination is required when the student is being considered for a disciplinary change of placement.

Nondiscrimination

Under Section 504 of the Rehabilitation Act of 1973, no qualified disabled person 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 or activity.

Notice

The parents or legal guardian of a student are provided with prior written notice about actions or proposed actions regarding Section 504. Whenever possible, all notices will be written in the parent's native language or primary means of communication. If this is not possible, the district must use other means to make sure parents understand the information in the notice.

Physical or Mental Impairment

A physical or mental impairment refers to 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, genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities (34 CFR 104.3.j.2.i).

The definition does not set forth a list of specific diseases and conditions that constitute physical or mental impairments because of the difficulty of ensuring the comprehensiveness of any such list. The term includes, however, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation and emotional illness. Drug addiction and alcoholism are included if their impairment substantially limits one of the major life activities. However, students currently engaged in the illegal use of drugs are not included in the term “student with a disability.”

A student protected under Section 504 who is currently using alcohol may be disciplined for use or possession of alcohol in the same manner as any other student regardless of whether that student is disabled by any condition, including alcoholism.

In the Rehabilitation Act Amendments of 1992, sex-related exclusions were added to the amendments in Section 706(8) as well as psychoactive substance use disorders resulting from current illegal use of drugs.

Procedural Safeguards

The district shall establish and implement, with respect to actions regarding the identification, evaluation or educational placement of persons who, because of a disability, need or are believed to need special

instruction or related services, a system of procedural safeguards that includes notice, an opportunity for the parents or guardian of the student to examine relevant records, an impartial hearing with opportunity for participation by the student's parents or guardian and representation by counsel, and a review procedure. Compliance with the procedural safeguards of IDEA is one means of meeting this requirement (34 CFR 104.36) but separate procedural safeguards for Section 504 may also be established.

Program or Activity

The term applies to all school programs or activities in school districts which receive federal funds regardless of whether the specific program or activity involved is a direct recipient of federal funds.

Reevaluation

Eligibility and the need for Section 504 services must be reviewed periodically, approximately every three years as long as the student is in the program. The reevaluation will follow the same guidelines as the original evaluation. Reevaluation may be done more often if conditions warrant, such as a significant change in placement.

Referral

Any student who is suspected of having a physical or mental impairment that substantially limits a major life activity should be referred to the school's Instructional Consultation Team. Any parents, teacher or other school staff member may make a referral which is processed through the school's Instructional Consultation Team.

Section 504 Committee

The school or campus Section 504 Committee should be composed of at least two to four persons, knowledgeable about the student, the meaning of the evaluation data, the placement options and reasonable accommodations.

Section 504 Compliance Coordinator

The LCSD must designate at least one employee to coordinate its efforts to comply with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations. The Section 504 Compliance Coordinator is the Director of Special Services who can be reached at (775)265-5262.

Special Education

Special education is defined under the IDEA as specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability. 34 CFR 300.39. All students who are eligible for special education and related services under IDEA are also protected from discrimination under Section 504.

Substantially Limits

The Section 504 Committee considers the degree to which the impairment limits the major life activity. An impairment need not prevent, or significantly or severely restrict, performance of a major life activity to be "substantially limiting." An individual's ability to perform a major life activity is compared to "most people in the general population," often using a common-sense analysis without scientific or medical evidence.

Positive effects of mitigating measures (except for ordinary eyeglasses and contact lenses) are ignored in determining whether an impairment is substantially limiting. Ordinary eyeglasses and contact lenses are lenses "intended to fully correct visual acuity or eliminate refractive error."

Examples of mitigating measures include medication, medical equipment and devices, prosthetics, hearing aids, cochlear implants and other implantable hearing devices, low vision devices, mobility devices, oxygen therapy, use of assistive technology, reasonable accommodations and auxiliary aids or services, behavioral or neurological modifications, and surgical interventions that do not permanently eliminate an impairment.

An impairment that is “episodic” or “in remission” is a disability if it would substantially limit a major life activity when active. Examples of impairments that are episodic or in remission include epilepsy, hypertension, multiple sclerosis, asthma, diabetes, major depression, bipolar disorder, schizophrenia, and cancer.

The student need not have an impairment limiting “learning” to qualify under Section 504. However, the student does have to have an impairment which causes substantial limitation to a major life activity. The student may have an impairment which requires accommodations to stay in school or to attend school. When a student's impairment does not cause a substantial limitation of a major life activity, then the student is not eligible for services under Section 504.

LIST OF FORMS

- Section 504 Parent/Student Rights in Identification, Evaluation and Placement
- Section 504 Referral
- Student Profile/Record Review
- Parent Notice of Section 504 Referral and Consent for Initial Evaluation
- Section 504 Meeting Notification
- Determination of Section 504 Eligibility
- Notice of Eligibility Determination
- Parent Notice of Section 504 Reevaluation
- Section 504 Accommodation Plan (two pages)
- Examples of Student Accommodations
- Section 504 Manifestation Determination Summary (two pages)
- Notice of Section 504 Grievance
- Section 504 Grievance Disposition
- Parent Consent to Release or Exchange Confidential Information in Education Records
- Section 504 – Record of Parent/Guardian Contacts