

This regulation is intended to fully comply with law; if any provision of this regulation is determined to conflict with the requirements of federal law, federal regulation, or other legal authority, employees should follow the requirements of law.

Nothing in this regulation is intended to confer additional rights on any student or to impose additional duties on the school system or school personnel beyond what is provided or required under applicable law.

I. SECTION 504 COMPLIANCE

In accordance with Section 504 of the Rehabilitation Act of 1974 and board policy, each student with a disability who is entitled to attend the Haywood County Schools shall be provided an equal opportunity for participation in all programs and services offered by the school system. For purposes of Section 504 and this regulation, a disability is a physical or mental impairment that substantially limits one or more major life activities.

Students who need or are believed to need modifications to the regular education program because of a disability shall be evaluated to establish eligibility for educational services under Section 504. Students found eligible shall be provided appropriate educational services designed to meet the student's individual needs as adequately as the needs of students without disabilities are met.

Students who do not have a disability but who: (1) have a record of disability; or (2) are regarded by school personnel as having a disability, shall be protected from discrimination on the basis of disability in all programs and services offered by the school system.

II. ELIGIBILITY AND SERVICES

A. Section 504 Procedures for Educational Services

The Section 504 Coordinator shall develop and periodically review procedures for the referral, evaluation, identification, placement, services, and procedural safeguards for students with disabilities in accordance with 34 C.F.R. pt. 104, subpart D and this regulation. The Section 504 Coordinator shall consider relevant guidance from the Office for Civil Rights when developing and reviewing procedures. The procedures shall provide for all of the following:

1. The determination of whether a student has a physical or mental impairment that substantially limits a major life activity shall be made on the basis of an individual inquiry by a group of knowledgeable persons drawing upon information from a variety of sources.

- a. Mitigating measures, other than ordinary eyeglasses and contact lenses, shall not be considered in determining whether an impairment substantially limits a major life activity.
 - b. A physical or mental impairment that is episodic in nature or in remission shall be considered a substantial limitation on a major life activity if it would be a substantial limitation when active.
 - c. Major life activities shall be considered broadly, consistent with federal law, and shall not be limited to “learning.”
 - d. A temporary impairment shall not constitute a disability unless it is so severe as to result in a substantial limitation of one or more major life activities for an extended period of time.
 - e. All tests and other materials used in evaluating a student shall be validated for the specific purpose for which they are used and shall be appropriately administered by trained personnel so that test results accurately reflect the student’s aptitude or achievement or other factor being measured, rather than the student’s disability, except where those are the factors being measured.
 - f. Tests and materials used in evaluating a student shall include those tailored to evaluate the specific areas of educational need.
2. An evaluation shall be conducted before any action is taken with respect to the initial placement of a student with a disability or a subsequent significant change in placement.
 3. Informed parental consent shall be required prior to an initial evaluation.
 4. Parents shall be informed of their right to challenge a decision not to conduct an initial evaluation.
 5. A written plan shall be developed and periodically reviewed for each student found eligible for services under Section 504. The plan shall provide Regular Education services that are:
 - a. designed to meet the student’s individual needs as adequately as the needs of students without disabilities are met;
 - b. provided at no cost to the student or parent;
 - c. provided in the most integrated setting appropriate to the student’s needs in facilities comparable to those provided to students without disabilities; and

- d. based on nondiscriminatory evaluation and placement procedures.
- 6. A periodic comprehensive reevaluation shall be conducted for each student found eligible for services under Section 504.
- 7. A system of procedural safeguards for students and their parents/guardians shall be established and implemented. The procedural safeguards shall include:
 - a. notice
 - b. an opportunity for parents to review relevant records;
 - c. an impartial hearing with opportunity for participation by the student's parents/guardians and representation by counsel; and
 - d. a procedure for review of the hearing outcome.
- 8. The notice required by this section shall include notice and explanation of:
 - a. any evaluation and placement decisions that will affect the parent's child;
 - b. all rights accorded to parents under Section 504; and
 - c. identification and contact information for the Section 504 compliance coordinator.

B. Accommodations for Participation in Extracurricular and Nonacademic Activities

Reasonable accommodations shall be provided to students with disabilities as necessary to provide them with an equal opportunity to participate in extracurricular and nonacademic activities, programs and services, including athletic programs. Reasonable accommodations do not include those that would impose an undue burden or constitute a fundamental alteration to the activity, program, or service.

C. Responsibilities of Building Level Personnel for Section 504 Compliance

- 1. No employee shall, on the basis of disability, deny a student an opportunity to participate in or benefit from a program or service or otherwise subject a student to discrimination.

2. Each principal shall be responsible for verifying that teachers and other staff members have been trained and informed of their responsibility regarding Section 504.
3. All teachers and other staff members responsible for implementing a student's Section 504 plan shall fully comply with the plan without delay, notwithstanding changes that may need to be implemented based on changing needs of the student, a student changing from one school level to another, etc.
4. All employees are expected to be alert to disability-based harassment and bullying and shall immediately report such behavior in accordance with board policy.

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