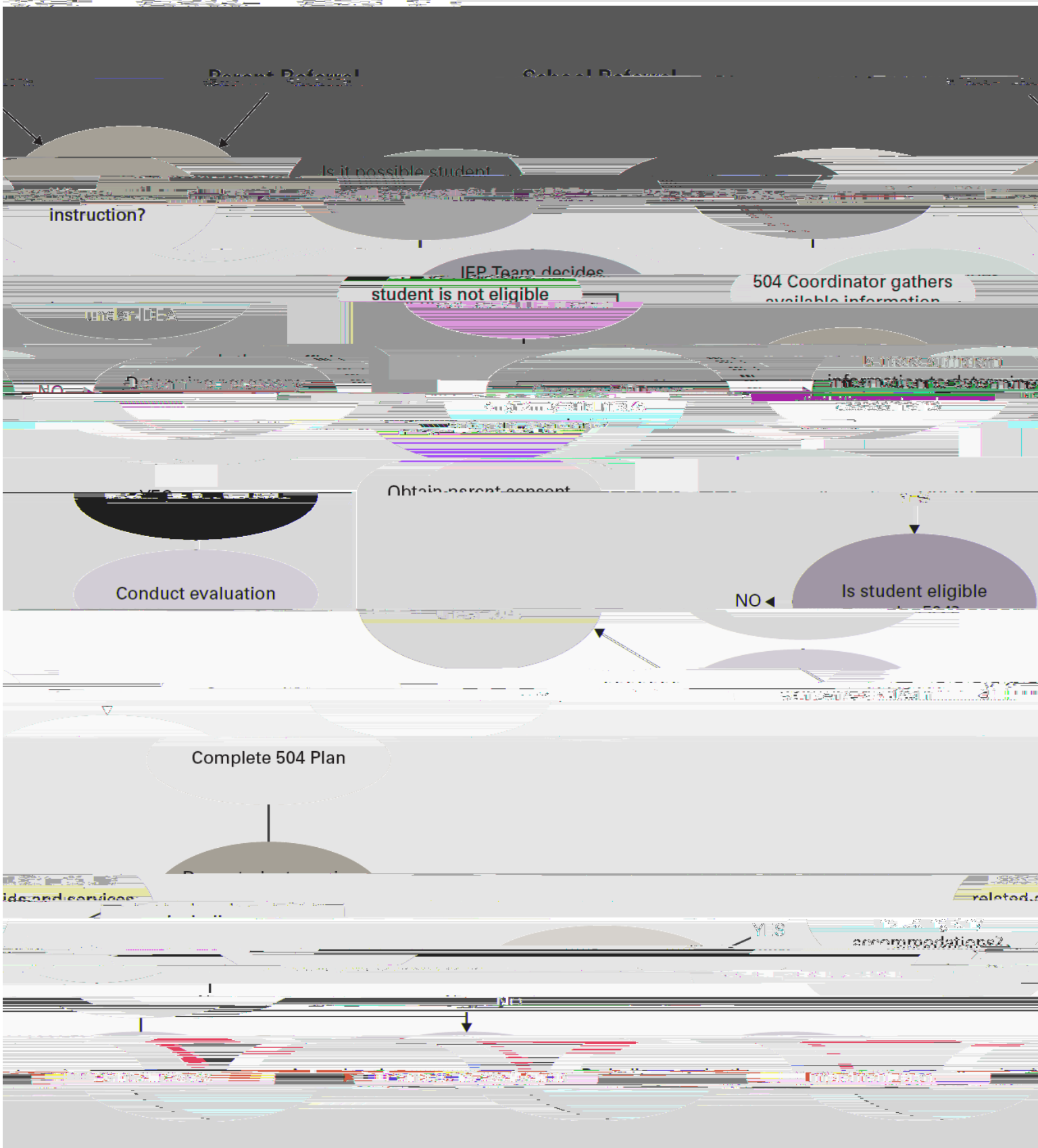




SECTION 504
HANDBOOK FOR
STAFF, PARENTS, AND STUDENTS

504 Process Flowchart



free appropriate public education. Generally speaking, students who qualify only under Section 504 will not be receiving direct instructional services of a specialized nature and, in many cases, their related aid

substantially limit a major life activity when active. An impairment will be viewed as substantially limiting when the student is:

- (i) Unable

Major life activities are defined as activities that most people would probably consider important to daily life. The law includes a long list of major life activities, but the list is not exhaustive. The listed categories are:

1. Caring for oneself;
2. Performing manual tasks;
3. Seeing;
4. Hearing;
5. Eating;
6. Sleeping;
7. Walking;
8. Standing;
9. Lifting;
10. Bending;
11. Speaking;
12. Breathing;
13. Learning;
14. Reading;
15. Concentrating;
16. Thinking;
17. Communicating;
18. Working; and
19. The operation of a major bodily function.

The "operation of a major bodily function" at the end of the list above includes, but is not limited to, the operation of the following bodily functions:

1. Function of the immune system;
2. Normal cell growth;
3. Digestive;
4. Bowel;
5. Bladder;
6. Neurological;
7. Brain;
8. Respiratory;
9. Circulatory;
10. Endocrine; and
11. Reproductive function.

There is a proposal to add sitting, reaching, and interacting with others to the list of major life activities that apply in school settings, just as those activities have been added to employment regulations. The District considers those three additional categories to be in effect, given the current state of the law.

Case by Case Decision-making

In conclusion, the determination of whether a particular impairment qualifies for Section 504 protections can be complex and must be made on a case-by-case basis in accordance with district policies and procedures. In all cases, however, there must be a physical or mental impairment that substantially limits a major life activity.

The district has established a set of procedures and forms that guide Section 504 processes to ensure that the school meets its Section 504 responsibilities to students. A summary of that process follows.

1. Any parent, legal guardian or school staff member may initiate a referral of a student who is believed to be a child with a disability under Section 504. An adult student of eligible school age also may initiate such a referral for him or herself.
2. A referral for Section 504 must be forwarded to the building 504 Coordinator. This person shall ensure that the district's 504 Referral Form is properly filled out, which will initiate the 504

referral process. Based on the information in the referral form, the 504 Coordinator may choose to refer the child to the district's special education process instead of the 504 referral process.

qualify as an essential criterion. If the student meets the eligibility requirements for the activity, with or without reasonable accommodations, the district has an obligation to permit the student to participate on equal terms with non-disabled students and must provide any necessary accommodations at no cost to the student.

Most disputes regarding students with disabilities in extracurricular activities concern whether requested accommodations would be reasonable and necessary for the district to provide but without fundamentally altering the program. These issues are complex and have been litigated extensively in the courts. It may be appropriate to convene the student's Section 504 Team before the student is denied access to a desired activity.

Impartial Hearing

When a parent/guardian or adult student disagrees with the district's decisions regarding the Section 504 process, they are entitled to request a hearing conducted by an impartial hearing officer. Questions regarding how to request a hearing under this section should be directed to the Section 504 coordinator.

Complaint Procedure

The district maintains a student Discrimination and Harassment Complaint Procedure. This procedure provides a process for students or parents/guardians to raise concerns regarding the school's compliance with its obligations under state and federal discrimination and disability laws, including Section 504.

The School District has adopted procedural safeguards that summarize the rights of students and parents under Section 504.

9. To examine all relevant educational records relating to decisions regarding your child's identification, evaluation, education program, and placement;
10. To file a complaint through local complaint procedures regarding any alleged violation of the Rehabilitation Act;
11. To request an impartial hearing, to be conducted by a person who is not an employee of the district, to dispute decisions or actions regarding your child's identification, evaluation, educational program or placement as a student with a disability. You and your child may take part in the hearing and have an attorney represent you at your own expense. Questions about how to request a hearing may be forwarded to the person responsible for the district's compliance with Section 504 listed below;