

SECTION 504 EVALUATION AND PLACEMENT

Overview

Section 504 of the Rehabilitation Act of 1973 (Section 504) is a federal civil rights law that prohibits discrimination on the basis of disability. Section 504 provides, in part, that no qualified individual with a disability shall, solely on the basis of his or her disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives Federal financial assistance from the Department of Education. The purpose of this document is to describe the rights of students to evaluation and placement as required under Section 504.

Definitions

Handicapped Person (“Person with a Disability”): any person who (i) has a physical or mental impairment which substantially limits one or more major life activities; or (ii) has a record of such impairment; or (iii) is regarded as having such impairment.

Physical or Mental Impairment: (i) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine; or (ii) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Major Life Activity: functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Qualified Person with a Disability: (1) With respect to public educational services, a person with a disability (i) of an age during which persons without disabilities are provided such services, (ii) of an age during which it is mandatory under state law to provide such services to persons with a disability, or (iii) to whom a state is required to provide a free appropriate public education under the Individuals with Disabilities Education Act (IDEA); (2) With respect to vocational education services, a person with a disability who meets the academic and technical standards requisite to admission or participation in the District’s education program or activity; and (3) With respect to other services, a person with a disability who meets the essential eligibility requirements for the receipt of such services.

Appropriate Education: the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of persons with disabilities as adequately as the needs of persons without disabilities are met and are based upon adherence to Section 504 procedural requirements regarding academic settings, nonacademic settings, comparable facilities, evaluation, placement and the provision of procedural safeguards.

Section 504 Team: a group of persons including persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.

Significant Change in Placement: A substantial and fundamental change in a student’s educational program that can include, but is not limited to, an exclusion from the educational program of more than ten school days, transferring a student from one type of program to another, or terminating or significantly reducing a related service.

Evaluation and Placement Rights

The District must evaluate a student, who because of handicap needs or is believed to need Special Education or related services, prior to taking any action with respect to initial provision of accommodations in a general or special education program and prior to any subsequent significant change in placement.

In interpreting evaluation data and in making placement decisions, the District shall (1) draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior, (2) establish procedures to ensure that information obtained from all such sources is documented and carefully considered, (3) ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options (i.e., Section 504 Team), and (4) ensure that the placement decision is made in conformity with 104.34.

The District shall also ensure that tests and other evaluation materials conform with the requirements of 34 CFR 104.35 as to validation, administration, areas of evaluation, etc. If a student is found eligible under Section 504, the District must conduct periodic re-evaluations of the student, generally every three years.