

**POLICY TITLE: SECTION 504 POLICY**

**I. BACKGROUND**

Section 504 of the Rehabilitation Act of 1973 (Section 504) prohibits discrimination against persons with disabilities by any organization or institution that receives federal financial assistance. Recipients of federal funds include public school districts. Section 504 is a civil rights statute which provides that: "No otherwise qualified individual with disabilities in the United States shall, solely by reason of his/her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance..."

Canyon-Owyhee School Service Agency and its member districts recognize the federal requirement and the need to provide a free and appropriate public education to all students with disabilities in accordance with Section 504 of the Rehabilitation Act of 1973, regardless of whether or not the student qualifies for special education services under the Individuals with Disabilities Education Act (IDEA).

COSSA and its member districts will maintain and utilize a set of procedures that will be used to determine whether a student has a physical or mental impairment which substantially limits one or more major life activities.

It is also important to realize that Section 504 is not solely an aspect of special education. Rather, it is a responsibility of the comprehensive, general public education system. As such, building administrators and superintendents of schools are responsible for its implementation within districts. COSSA Special Education staff and administrators are participants but are not ultimately responsible for its implementation.

The federal requirement for providing safeguards for a student who district staff suspect has a disability under Section 504, but not under the IDEA, is that qualified persons evaluate the student to determine whether the student does have a disability under Section 504. If the student has a disability under Section 504, placement decisions and provisions of needed accommodations, adaptations, aids and/or services must be made by persons who are knowledgeable of the disability conditions and program options.

**II. POLICY**

It is the intent of the Agency to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services. For those students who need or are believed to need special instruction and/or related services under Section 504 of the Rehabilitation Act of 1973, the Agency shall establish and implement a system of procedural safeguards. The safeguards shall cover students' identification, evaluation, and educational placement. This system shall include:

1. Notice;
2. An opportunity for the student's parent or legal guardian to examine relevant records;
3. An impartial hearing with opportunity for participation by the student's parent or legal guardian; and
4. A review procedure.

It is the intent of COSSA and its member school districts to ensure that students with disabilities under Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate accommodations, adaptations, or educational services in order to access the educational program and school activities available to the general education students. Students may be eligible under this policy even though they do not require services under the Individuals with Disabilities Education Act.

Due process rights of students and their parents under Section 504 will be enforced.

COSSA member school districts will designate an appropriate individual (School Principal or Counselor) to serve students and their parents in:

- Section 504 eligibility determination.
- Development and review of Section 504 plans including: annual review of plans, dissemination of plans to appropriate individuals in the school.
- Tri-annual eligibility determination.

The COSSA Special Education Director will serve as the Student 504 Compliance Coordinator for COSSA and its member school districts and as such will ensure compliance to Section 504 procedures, requirements, due process and appeal processes.

### III. SUMMARY OF REGULATIONS

Section 504 regulations define a person with a disability as any person who: (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.

1. "Major life activities" include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
2. A "physical or mental impairment" has been defined as:
  - a. 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; speech organs; cardiovascular; reproductive; digestive; genito-urinary; hermic and lymphatic; skin; and endocrine; or

- b. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
3. “Has a record of such an impairment” means anyone who “has a history of, or has been classified as having, a mental or physical impairment that substantially limits one of more major life activities.”
4. “Is regarded as having an impairment” means anyone who:
  - a. “has a physical or mental impairment that does not substantially limit major life activities but is treated by a recipient as constituting such a limitation”;
  - b. “has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment”; or
  - c. “has none of the impairments defined but is treated by a recipient as having such an impairment.”

Under Section 504, a “qualified” student with a disability, with regard to elementary and secondary education, is defined as:

1. A person with a disability who is of an age during which persons without disabilities are provided education; and
2. A person with a disability who is of any age during which it is mandatory under state law to provide elementary or secondary educational services to persons with disabilities or to whom a state is required to provide a free appropriate public education under the Individual with Disabilities Education Act (IDEA).

The U.S. Department of Education regulations for Section 504 require that students with disabilities be provided with a free appropriate public education (FAPE). These regulations also require identification, evaluation, provision of appropriate services, and procedural safeguards in every public school in the United States. If it is determined that a student is disabled under Section 504, a team must:

1. Evaluate the student.
2. Develop an accommodation plan for any needed services, accommodations, or adaptations.
  - a. There is no legal requirement that the plan be written. However, COSSA recognizes the need to develop a written plan to document all accommodations that would be provided for the student.
  - b. The plan may also include related services even though the student may not need, or qualify for, special education.

3. Implement the plan for the delivery of that service.
4. Review the plan annually.
5. Conduct a Manifestation Determination prior to a change of placement due to student school disciplinary violations. A change of placement occurs when a student is expelled or single suspensions which exceed ten consecutive days in a school year.
6. Re-evaluate the student tri-annually.

The Board directs the Superintendent to fulfill the following responsibilities:

1. To coordinate 504 compliance efforts;
2. To adopt and publish grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504; and
3. To notify students and others that the Agency does not discriminate on the basis of disability.

**ATTACHMENTS:**

- **COSSA Section 504 Plan Process**
- **COSSA Section 504 Parent/Student Rights**
- **COSSA Section 504 Accommodation Plan**

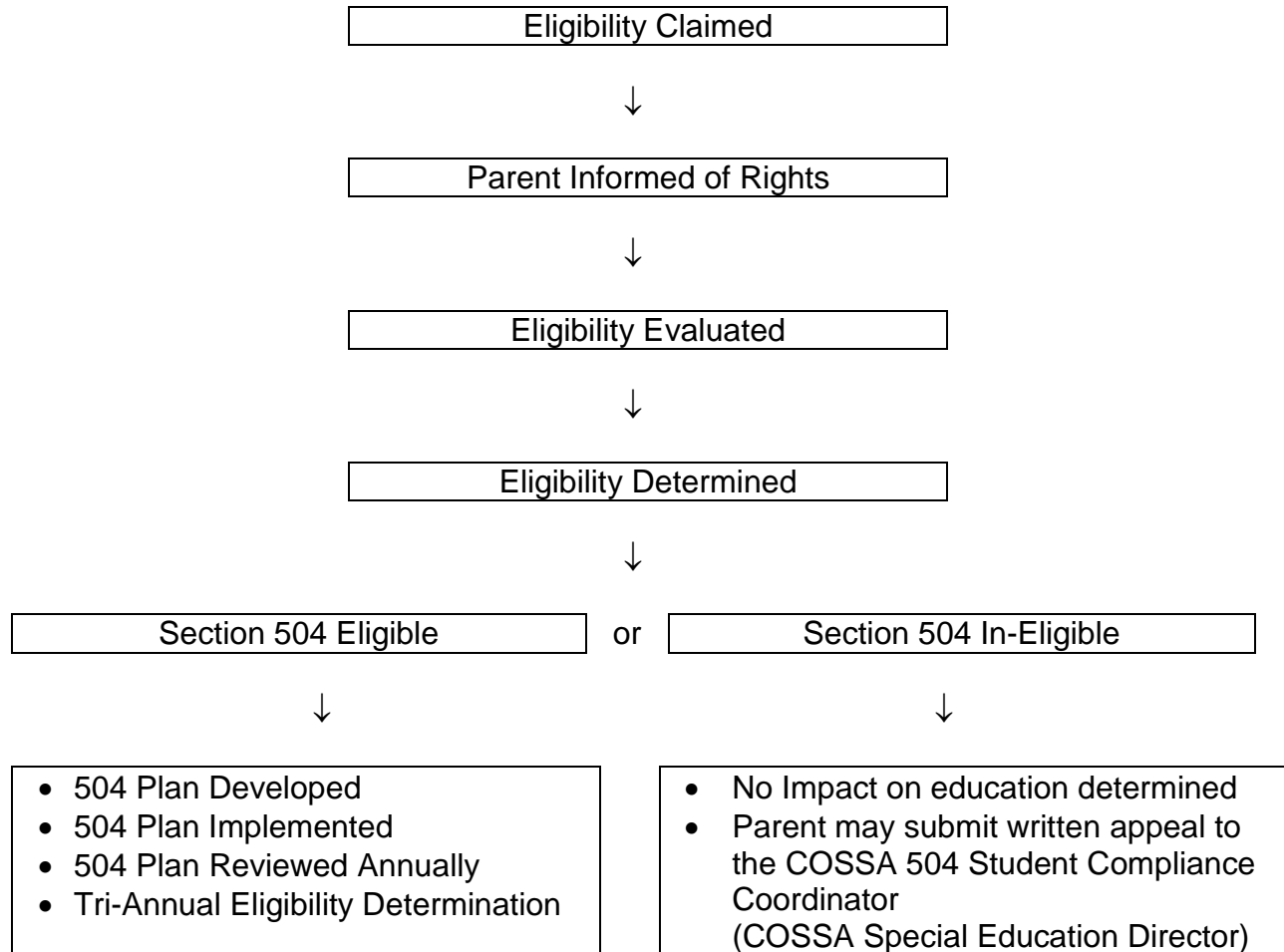
**LEGAL REFERENCE:**

**29 U.S.C. § 794      Rehabilitation Act of 1973, Section 504**  
**34 C.F.R. 104.36    Procedural Safeguards**

**POLICY HISTORY:**

- **Adopted: February 22, 1993**
- **Revised and Approved: August 20, 2012**
- **Originally issued as Policy 405. Revised and Reissued as Policy 2410: September 16, 2019**
- **Renewed January 19, 2022**

CANYON-OWYHEE SCHOOL SERVICE AGENCY (COSSA)  
Section 504 of the Rehabilitation Act of 1973 (Section 504)  
Section 504 Plan Process



CANYON-OWYHEE SCHOOL SERVICE AGENCY (COSSA)

Parent/Student Rights

Section 504 of the Rehabilitation Act of 1973

Following is a summary of the rights granted by federal law to students with disabilities under Section 504 of the Rehabilitation Act of 1973. The intent of the law is to keep you fully informed concerning decision about your child and to inform you of your rights if you disagree with any of those decisions. You have the right to:

- Have your child take part in, and receive benefit from public education programs without discrimination because of disability.
- Have the district inform you of your rights under federal law.
- Receive notice with respect to identification, evaluation, or placement of your child.
- Have your child receive a free, appropriate, public education; receive this with non-disabled peers to the maximum extent appropriate; and have the school district make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
- Have your child educated in facilities and receive services comparable to those provided for non-disabled students.
- Have evaluation, educational, and placement decisions made based on a variety of information sources, and by persons who know your child, the evaluation data, and placement options.
- Receive free, appropriate transportation to and from an alternative placement setting providing services.
- Have your child be given equal opportunity to participate in nonacademic and extracurricular activities offered by the district.
- Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement.
- Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
- Receive a response from the school district to reasonable requests for explanations and interpretations of your student's records.
- Request amendment of your student's educational records if there is reasonable cause to believe that they are inaccurate, misleading, or otherwise in violation of the privacy rights of your child. If the school district refuses this request for amendment, it shall notify you within a reasonable time, and advise you of your right to a hearing.

- File a local grievance, request mediation or impartial due process hearing related to decisions or actions regarding your student's identification, evaluation, education program or placement. You and your student may take part in the hearing and have an attorney represent you. Reasonable attorney fees may be reimbursed by the district if you are successful in your claim. Requests for local grievance (appeal), mediation or impartial due process hearing are to be submitted in writing to the COSSA Section 504 Student Compliance Coordinator (COSSA Special Education Director).

## Section 504 Accommodation Plan

To be placed in student's Cum File

School: \_\_\_\_\_

Student: \_\_\_\_\_ Date: \_\_\_\_\_

Birthdate: \_\_\_\_\_ Age: \_\_\_\_\_ Grade: \_\_\_\_\_

EDUID#: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_

Telephone#: \_\_\_\_\_

Address: \_\_\_\_\_

### Definition

Section 504 states that "an individual with a disability is one who has a physical or mental impairment that substantially limits one or more 'major life activities', one who has a record of such an impairment, or is regarded as having such an impairment."

- "Major life activities" include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- A "physical or mental impairment" has been defined as:
  - 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; speech organs; cardiovascular; reproductive; digestive; genito-urinary; hermic and lymphatic; skin; and endocrine;
  - any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

### Accommodations and Adaptations

Accountability for results is the focus of standards' reform, and students with disabilities are part of the accountability equation. Students with disabilities are not only to participate in general education classrooms to the maximum extent appropriate, they are also expected to learn what is being taught. Accommodations and Adaptations are not meant to provide an unfair advantage or to make the student inaccurately appear to have attained certain skills or knowledge. Accommodations and Adaptations are changes in the curriculum, instruction, or testing format or procedures that enable students with disabilities to participate in a way that allows them to demonstrate their abilities rather than disabilities.



Accommodations are generally considered to include assistive technology as well as changes in presentation, response, timing, scheduling and settings. Accommodations would not normally preclude the student from achieving general education standards and do not invalidate assessment results.

Adaptations are fundamental changes to curriculum, instruction, and assessments that enable students with disabilities to participate. Adaptations may inhibit the student from achieving grade level general education standards, invalidate assessment results and provide non-comparable results.

Adaptations provided may inhibit the student in anticipated progression in standards acquisition and may impact the student's ability to successfully complete the general education curriculum which may be evidenced by inability to successfully pass the Idaho Standards Assessment Test (ISAT) to earn a state issued diploma.

**504 Accommodation Plan to be reviewed annually, or as needed by:**

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**School Designee for 504 Compliance:**

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**Documentation of Disability: (Include name of Physician, Title, diagnosis and severity)**

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**Concerns/Impact on Education:**

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**Participants:**

**(Secure signatures of all participants in the student's educational program)**

<b>Title</b>	<b>Signature</b>	<b>Title</b>	<b>Signature</b>
Parent		School Counselor	
Parent		General Ed Teacher	
Student			
Administrator			