

**Policy Title: Procedures for Students with Disabilities  
Section 504**

**Policy No: 604.03**

It is the responsibility of St. Maries Joint School District No. 41 to identify and evaluate students in need of special services or programs in order that such students may receive the required free appropriate education pursuant to the provisions of Section 504 of the Rehabilitation Act of 1973.

For the purposes of this Policy, a student who may need special services or programs pursuant to Section 504 is one who has a physical or mental impairment that substantially limits the student's ability to participate in or benefit from the District's educational programs.

Students may be eligible for services under the provisions of Section 504 even though they do not require services pursuant to the Individuals with Disabilities Education Act (IDEA). Students who are identified as individuals with exceptional needs, according to IDEA criteria, are not addressed under this Policy. The needs of such students are provided for under District policy and under state and federal laws and regulations.

Each qualified person within the District who is eligible to receive regular or special education or related aids or services, regardless of the nature or severity of the condition necessitating such programs or services, shall receive a free appropriate education in the District.

### **IDENTIFICATION AND REFERRAL PROCEDURES**

Any student who needs or is believed to need special education or related aids and services not available through existing programs in order to receive a free appropriate public education may be referred by a parent, teacher, or other certified school employee to the Multi-Disciplinary Team (MDT) for identification and evaluation of the student's individual education needs.

The MDT will be composed of persons knowledgeable about the student, the student's school history, the student's individual needs, the meaning of evaluation data, and the placement options. Each building principal will monitor the composition of the MDT to ensure that qualified personnel participate.

The MDT will consider the referral and, based upon a review of the student's existing records, including academic, social, and behavioral records, make a decision as to whether an evaluation under this procedure is appropriate. If a request for evaluation is denied, the MDT will inform the parents or guardian of the decision and of their procedural rights.

## **EVALUATION**

Evaluation of the student and formulation of a plan of services will be carried out by the MDT according to the following procedures:

1. The MDT will evaluate the nature of the student's disability and the impact of the disability upon the student's ability to participate in or benefit from the District's educational programs. This evaluation will include consideration of any behaviors that interfere with regular participation of a student who otherwise meets the criteria (such as age) for participation in the educational program and/or activities; and
2. The MDT shall consider all relevant information on the student to determine whether he or she is disabled under Section 504. Information may include reports from physicians, observations from parents, teachers, and/or school personnel, results of standardized aptitude and achievement tests, comprehensive assessments conducted by the District's professional staff and other relevant evaluation material, as appropriate. The information will also include consideration of the student's behavior.

In order to ensure that the MDT's interpretation of evaluation data and placement decision is consistent with federal law, the MDT 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. Document that the information obtained from all sources is carefully considered;
3. Ensure that the MDT team's placement decision is made by a group of persons, including persons knowledgeable about the student, the meaning of the evaluation data, and the placement options; and
4. Ensure that the placement decision provides appropriate academic and nonacademic settings.

No final determination of whether the student will or will not be identified as a disabled individual within the meaning of Section 504 will be made by the MDT without first inviting the parent or guardian of the student to participate in a meeting concerning such determination.

A final decision will be made by the MDT in writing, and the parents or guardian of the student shall be notified of the Section 504 procedural safeguards available to them, including the right to an impartial hearing and review.

## **WRITTEN PLAN FOR SERVICES**

For a student who has been identified as disabled within the meaning of Section 504 and in need of special education or related aids and services, the MDT shall be responsible for determining what is needed. In making such determination, the MDT shall consider all available relevant information, drawing upon a variety of sources, as set forth in the Evaluation Section of this Policy.

The parents or guardian shall be invited to participate in MDT meetings where services for the student will be determined, and shall be given an opportunity to examine all relevant records.

The MDT will develop a written plan describing the disability and the special education or related aids and services needed. The plan will specify how the regular or special education and related aids and services will be provided, and by whom.

The team may also determine that no special education or related aids and services are appropriate. If so, the record of the MDT proceedings will reflect the identification of the student as a disabled person and the basis for the decision that no special services are presently needed.

A disabled student shall be placed in the regular educational environment of the District, with the use of the supplementary aids and services, unless the District demonstrates that such placement cannot be achieved satisfactorily. The disabled student shall be educated with those who are not disabled to the maximum extent appropriate to the individual needs of the student.

The MDT shall notify the parent or guardian in writing of its final decision concerning the services to be provided.

All teachers of students with disabilities shall be provided with information in sufficient detail to address the individual needs of each student with a disability.

## **REVIEW OF THE STUDENT'S PROGRESS**

The MDT will monitor the progress of the disabled student and the effectiveness of the student's education plan annually to determine whether special education or related aids and services are appropriate and necessary, and that the disabled student's needs are being met as adequately as the needs of non-disabled students.

Prior to any subsequent significant change in placement, a comprehensive reevaluation of the student's needs will be conducted.

## **PROCEDURAL SAFEGUARDS**

The parents or guardians shall be notified in writing of all MDT decisions concerning the identification, evaluation, or educational placement of students made under this Policy.

The parents or guardian shall be notified that they may examine relevant records.

As to such decisions by the MDT, the parents or guardian shall have the right to an impartial hearing, with the opportunity for participation by the parents or guardian and their counsel.

The request for a hearing shall be made in writing and addressed to:

Section 504 Compliance Officer: Jesse Cloud  
St. Maries Joint School District No. 41  
P.O. Box 394  
St. Maries, ID 83861  
Phone: (208) 245-9429  
Fax: (208) 245-3970

The hearing will be held in accordance with District policy.

### **Policy Cross Reference:**

#### **Legal Reference:**

34 CFR Part 104  
©2001 Eberharter-Maki & Tappen, PA

#### **Policy History:**

Reviewed:	02/11/2002
Adopted:	03/11/2002
Reviewed:	07/28/2008