

**SECTION 504 OF THE REHABILITATION ACT OF 1973 POLICY**

The **Manvel School District** prohibits the discrimination against any student with a disability as defined in Section 504 of the Rehabilitation Act of 1973 (“Section 504”) and in the policy AAC, Nondiscrimination and Anti-Harassment Policy. The Board designates the **school counselor** as the 504 Coordinator to ensure compliance with applicable laws and policy. The 504 Coordinator may be contacted at (701) 696-2212.

The Superintendent or designee must provide annual notice to students with disabilities and their parents or guardians of the district’s responsibilities under Section 504. Various methods may be used to provide notice, including but not limited to, websites, handbooks, email, or postings.

**Free Appropriate Public Education**

The District shall identify, locate, evaluate, and provide a “free appropriate public education” (FAPE) to each qualified student with a disability who is in the district’s jurisdiction, regardless of the nature or severity of the disability. Qualified students are entitled to receive regular or special education and related aids and services that:

1. Are designed to meet individual educational needs of students with disabilities as adequately as the needs of students without disabilities; and
2. Are based upon adherence to procedures that satisfy the requirements pertaining to educational setting, evaluation and placement, and procedural safeguards.

Education and related aids and services shall be at no cost to students with disabilities or their parents or guardians, except those fees that are equally imposed on students without disabilities

**Educational Setting**

The District shall educate students with disabilities with non-disabled students to the maximum extent appropriate to the needs of the student with a disability. The District shall place a student with a disability in the regular educational environment unless it is demonstrated by the District that educating the student with a disability in the regular education environment with the use of supplementary aids and services cannot be achieved satisfactorily. Whenever the District places a student in a setting other than the regular educational environment, it shall take into account the proximity of the alternate setting to the student’s home.

## **REQUIRED**

Descriptor Code: AACA

The District may place a student with a disability in, or refer such student to, a program not operated by the school district. Nevertheless, the District remains responsible for ensuring that the education offered is appropriate education, as defined in law. The District shall ensure that adequate aid, benefits, or services, e.g., transportation, the cost of room and board, and non-medical care, are provided at no greater cost than would be incurred by the student or their parents or guardian if the student were placed in the aid, benefits, or services operated by the District.

The District may place a student with a disability in a private or out-of-state school, for which the District is required to pay. However, the District is not required to pay for a student's education in a private or out-of-state school if the District makes FAPE available and the student's parents choose to place the child in a private or out-of-state school.

### **Comparable Facilities**

The District shall ensure that facilities identified for students with disabilities and the services and activities provided therein are comparable to the other facilities, services, and activities of the District.

### **Evaluation and Placement**

The District shall conduct an initial evaluation in a timely manner prior to placement of any student who needs or is believed to need special education or related services because of disability. The student evaluation, and if necessary medical assessment, must be at no cost to the student's parents or guardians. The District shall make decisions regarding the needs and placement of a student with a disability on an individual basis, rather than on presumptions or stereotypes regarding persons with disabilities or classes of such persons, or based on concerns about the costs of providing the related aids or services.

The Superintendent or designee shall establish standards and procedures to evaluate students who may have a disability and need special education or related services in administrative regulation coded AACA-AR. Placement decisions shall be made in compliance with educational setting requirements.

The District shall periodically reevaluate students who have been provided special education or related services, and prior to a significant change in placement.

## **REQUIRED**

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### **Procedural Safeguards**

The District shall develop and implement a system of procedural safeguards for parents or guardians to appeal district actions regarding the identification, evaluation, and educational placement of students with disabilities. Procedural safeguards shall include notice; an opportunity for records review by parents or guardians; an impartial due process hearing, with opportunity for participation by the student's parents or guardians and representation by counsel; and a review procedure.

The Superintendent or designee shall inform and make available to parents or guardians of students with disabilities applicable procedural safeguards and required notifications.

Disputes between parents or guardians and the district regarding the identification, evaluation, or placement of any student with a disability, or regarding the question of financial responsibility for services, shall be resolved in accordance with the processes specified in the herein. The 504 Coordinator must be informed of any Section 504 complaint, even if the complaint was initially filed with another individual or office, or if the investigation will be conducted by another individual or office.

The District may encourage mediation, at their expense, before relying on more formal procedures, such as the local grievance procedure, impartial due process hearing, or complaints to the Office for Civil Rights (OCR). Mediation shall not interfere with any procedural safeguards, including a request for an impartial due process hearing, or filing a complaint with OCR.

Requests for an impartial due process hearing must be filed with the Superintendent of Public Instruction at 600 East Boulevard Avenue, Department 201, Bismarck, ND 58505- 0340.

All other complaints concerning Section 504 may be filed using the district's nondiscrimination and anti-harassment grievance procedure (AAC-BR1) or through state or federal law.

### **Non Academic Services**

The District shall provide nonacademic and extracurricular services and activities, including, but not limited to, meals, recess periods, extracurricular athletics, interscholastic sports, and/or other nonacademic activities, in a manner that provides students with disabilities an equal opportunity for participation. The District may require a level of skill or ability of a student in order to participate in a selective or competitive

**REQUIRED**

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program or activity, so long as the selection or competition criteria are not discriminatory.

**Self-Evaluation**

The Superintendent or designee shall periodically conduct a self-evaluation of their school facilities, programs, activities, and policies to ensure compliance with Section 504, and develop a transition plan that outlines how the school will eliminate any form of disability discrimination and the timeframe for completion.

The District must retain the self-evaluation, and make it available for public inspection **upon request on the district’s website** for at least three years following its completion.

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Complementing NDSBA Templates (may contain items not adopted by the Board)

- AAC, Nondiscrimination & Anti-Harassment Policy
- AAC-BR, Discrimination & Harassment Grievance Procedure
- AACA-AR, Section 504 Evaluation Standards and Procedures
- AACA-E, Section 504 Notice of Parent/Guardian And Student Rights
- FDE, Education of Special Education/Disabled Students

**End of Manvel School #12 Policy AACA.....Adopted:[12/14/20]**

**SECTION 504 EVALUATION STANDARDS AND PROCEDURES**

The following standards and procedures have been established for a Section 504 initial evaluation and periodic reevaluation of a student:

1. The parents or guardians are notified and must provide written consent before the evaluation is conducted;
2. The evaluation team will consist of individuals that are knowledgeable about the student and their disability, the meaning of the evaluation data, and the placement options;
3. Each evaluation is individualized to the specific needs of the student;
4. Evaluations will measure specific areas of education need. These could include speech processing, inability to concentrate, and behavioral concerns;
5. Evaluations will consist of more than IQ tests;
6. Tests and other evaluation materials are validated for the specific purpose for which they are used;
7. Tests will be appropriately administered by trained personnel;
8. Tests and other evaluation materials will include those tailored to assess specific areas of educational need;
9. Tests are selected and administered to the student in a manner that best ensures that the test results accurately reflect the student's aptitude or achievements or other factor being measured, rather than reflect the student's disability, except where those are the factors being measured;
10. The Section 504 Team draws on information from a variety of sources when interpreting evaluation data and making placement or accommodation decisions, including aptitude and achievement tests, attendance, records, grade reports, teacher recommendations, parent information, the student's physical condition, medical diagnosis or the results of a medical assessment obtained by the district, social or cultural background, and adaptive behavior;
11. The information obtained from all sources is documented and all significant factors related to the student's learning process must be considered;
12. Reevaluations are conducted periodically and/or before making any significant change in placement. A reevaluation procedure consistent with the Individuals with Disabilities Education Act is one means of meeting this requirement; and
13. The District retains all relevant educational records and documents, in accordance with applicable state and federal laws and district policies, relating to decisions regarding the student's evaluation and placement.

*The District may refuse a parent's request to conduct a student evaluation, but the district has an obligation to inform the parents of the reasons for the refusal and their*

*right to file a grievance, contact the Office for Civil Rights, or request a due process hearing.*

**End of Manvel School District #125.....Administrative Regulation AACAR[12/20]**

**SECTION 504 NOTICE OF PARENT/GUARDIAN AND STUDENTS RIGHTS**

This is a notice of your rights under Section 504 of the Rehabilitation Act of 1973 ("Section 504"). These rights are designed to keep you fully informed regarding district decisions about your child and to inform you of your rights if you disagree with any of these decisions.

If your child is identified for Section 504 services, you have the right to the following actions:

1. To have the district notify you of your rights (this document)
2. To have your child take part in, and receive benefits from, public education programs without discrimination based upon a disability;
3. To receive written notice with respect to identification, evaluation and placement of your student;
4. To have your child receive a free and appropriate public education (FAPE). This includes the right to be educated with other students without disabilities to the maximum extent appropriate. It also includes the right to reasonable accommodations, modifications, and supports necessary for the student to benefit from FAPE.
5. To have your child educated in comparable facilities and to receive comparable services to those provided for students without disabilities;
6. To have evaluation, program, and placement decisions made based upon a variety of information sources, and by individuals familiar with the student, the meaning of the evaluation data, and the placement options;
7. If eligible, to have your child receive accommodations under Section 504.
8. To have your child re-evaluated periodically, to the extent necessary, including before any significant changes are made to your child's educational program or placement;
9. To have your child receive an equal opportunity to participate in appropriate nonacademic and extra-curricular activities offered by the school;
10. To examine all relevant educational records relating to decisions regarding your child's identification, evaluation, education program, and placement;
11. To obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access;
12. To receive a response from the school to reasonable requests for explanations and interpretations of your child's records;
13. To request amendment of your child's educational records if there is reasonable cause to believe they are inaccurate, misleading, or otherwise in violation of

**REQUIRED EXHIBIT**

Descriptor Code: AACA-E1

privacy rights. If the school district refuses a request for amendment, it shall notify you within a reasonable time, and advise you of the right to an impartial due process hearing;

- 14. To request mediation or file a complaint through the local grievance-complaint procedure (AAC-BR1). The availability and use of this grievance procedure does not prevent an individual from filing a request for an impartial due process hearing or a complaint of discrimination with the Office for Civil Rights at any time before or during the grievance procedures; and
- 15. To request an impartial due process hearing related to decisions regarding your child's identification, evaluation, educational program or placement. You and your child may take part in the hearing and may choose to have an attorney represent you at your cost. Requests for an impartial due process hearing must be filed with the Superintendent of Public Instruction at 600 East Boulevard Avenue, Department 201, Bismarck, ND 58505-0340.

Questions or concerns regarding a student's performance or their Section 504 Plan shall be referred to the student's 504 Team.

The **Principal** is responsible for assuring District compliance with Section 504. This individual can be reached at: **(701) 696-2212**.

**End of Manvel School District #125..... Exhibit AACA-E1 [12/14/20]**