SECTION 504 OF THE REHABILITATION ACT OF 1973/ TITLE II OF THE AMERICANS WITH DISABILITIES ACT INFORMATION AND PROCEDURAL SAFEGUARDS

Section 504 of the Rehabilitation Act of 1973 requires that "No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his 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. . ." Title II of the Americans with Disabilities Act has a similar anti-discrimination requirement.

Section 504 applies to preschool, elementary, secondary, and adult education programs and activities that receive or benefit from Federal financial assistance for the operation of such programs or activities. Each recipient that operates a federally assisted public elementary or secondary education program must provide a free and appropriate public education to each qualified person in its jurisdiction, regardless of the nature or severity of the person's disability. Recipients that operate a public elementary or secondary education program must also annually attempt to identify and locate unserved children with disabilities.

Due to differing definitions of "disabilities: under Section 504 and the Individuals with Disabilities Education Act (IDEA), a student who does not qualify for services under IDEA maystill qualify for services under Section 504 for the same or a different disability. Section 504 regulations at 34 C.F.R. § 104.3 (j-l) define a person with a disability as any person who: has a physical or mental impairment, which substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment.

"A major life activity" includes functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

For purposes of public educational services, a qualified person with a disability is: of an age that persons with disabilities are provided such services; of any age that it is mandatory under state law to provide such services to persons with disabilities; or a person for whom a state is required to provide a free appropriate public education under the Individuals with Disabilities Education Act (IDEA).

Provision of an appropriate education means the provision of regular or special education and related services such that:

- Educational services are designed to meet individual educational needs of children with disabilities as adequately as the needs of non disabled persons are met;

- Each child with a disability is educated with nondisabled children, to the maximum extent appropriate to the needs of the child with a disability; and

- Nondiscriminatory evaluation and placement procedures are established to guard against misclassification or misplacement of students, and a periodic reevaluation is conducted of students who have been provided special education or related services.

Procedural safeguards shall be established and implemented so that parents and guardians are notified of their rights, as follows:

- Receive notice with respect to actions regarding the identification, evaluation, or educational placement of children who, because of a disability, need or are believed to need special instruction or related services;

- Have the interpretation of evaluation data and placement decisions made by a group of persons knowledgeable about the child, the meaning of the evaluation data, and the placement options (504 team);

- The 504 team shall draw upon information from a variety of sources, including aptitude and achievement test, teacher recommendations, physical condition, social or cultural background, and adaptive behavior, and ensure that this information is documented and carefully considered;

- Have the opportunity to review relevant records;

- If they disagree with the school district's decision, they may challenge the identification, evaluation and placement decisions made with respect to their child(ren) in an impartial hearing, with an opportunity for their participation and for representation by counsel, by contacting the Section 504/Title II Coordinator in writing to request the hearing;

    - The written complaint must include a clear statement of the allegations; a remedy sought by the complainants; and the complainant's signature and date.
    - The 504/Title II Coordinator will request that the Oklahoma State Department of Education (SDE) appoint a hearing officer to consider the issues raised in the hearing request.

- If they disagree with the impartial hearing decision, may challenge that decision by requesting an impartial review of the decision by contacting the Section 504/Title II Coordinator in writing to request the review within 30 days of receipt of the hearing decision. The Section 504/Title II Coordinator will contact the SDE to request an appeal officer to review the issues raised by a timely notice of appeal; and

- If they disagree with the impartial review decision, may challenge that decision by filing an action in state or federal court.

Provision of a free public education requires recipients that operate a public elementary or secondary education program to provide services without cost to the person with a disability or to the child's parents or guardians, except for those fees imposed on nondisabled persons, parents or guardians. It

also means that, if a school district is unable to provide a child with a disability with an appropriate education and places or refers that child to a program it does not operate, the district is still responsible for the costs of the program including tuition, room and board, transportation, and non-medical care.

An appropriate education could consist of education in regular classes, education in regular classes with the use of supplementary services, or special education and related services. Special education may include specially designed instruction in classrooms, at home, or in private or public institutions, and may be accompanied by such related services and developmental, corrective, and other supportive services, including psychological counseling and medical diagnostic services. Children with disabilities must also be afforded an equal opportunity to participate in nonacademic and extracurricular services and activities such as counseling, physical education, recreational athletics, transportation, health services, recipient-sponsored clubs, recipient employment and assistance in obtaining employment. These services must be provided by the recipient in such manner as is necessary to afford students with disabilities an equal opportunity for participation.

Elementary and secondary school recipients operating preschool and adult education programs may not exclude qualified persons with disabilities and must take into account their needs in determining the aid, benefits, or services to be provided under these programs or activities.

The District prohibits retaliation, intimidation, threats, or coercion of any person for opposing discrimination or for participating in the District's discrimination complaint process or making a complaint, testifying, assisting, appealing, or participating in any other discrimination complaint proceeding or hearing. The District will take steps to prevent the alleged perpetrator or anyone else at the District from retaliating against the alleged victim or any person who acts to oppose discrimination or participates in the complaint process. These steps include notifying students and employees that they are protected from retaliation, making sure that victims know how to report future problems and making follow-up inquiries to see if there have been any new incidents. If retaliation occurs, the District will take strong responsive action.

District does not discriminate on the basis of disability in admission, access to services, treatment, participation in its programs or activities, or in any other manner. Any complaints ofdiscrimination in violation of federal law should be addressed through District's grievance procedure as follows:

- Informal discussion between District's 504/Title II Coordinator and complainants is encouraged. When a complainant meets with District's 504/Title II Coordinator to discuss his/her complaint, grievance procedures will be shared with the complainant. District's 504/Title II Coordinator will investigate the complaint, complete with full documentation, and will reply in writing to the complainant within five (5) business days of the meeting.
- If the complaint is not resolved, the complainant may file a written grievance with District's 504/Title II Coordinator within ten (10) business days of the disposition above or within thirty (30) days of the alleged violation. The complaint must include a clear statement of the allegation; the remedy south; and the complainant's signature and date.
- District's 504/Title II Coordinator will schedule an informal hearing with all parties. A written report will be issued within thirty (30) days of receipt of the grievance. The

written report will include a clear statement of the allegations and remedy sought; a statement of facts argues by each party; a statement of facts as found by District's 504/Title II Coordinator to support each fact; a list of all witnesses interviewed and documents reviewed during the investigation; a narrative describing attempts to resolve the grievance; the coordinator's conclusion on whether the grievance is valid.

- District's 504/Title II Coordinator will recommend appropriate action to the superintendent and the superintendent will make a determination and issue a written copyof his or her decision to the complainant within two weeks.
- If the complainant is still not satisfied, he or she may submit a written appeal to District's Board of Education within ten (10) working days of the superintendent's written decision. The appeal must include copies of the initial disposition, the written complaint, District's 504/Title II Coordinator's reports and the superintendent's decision.
- The appeal will be considered at the next regularly scheduled board meeting as long as the appeal is filed at least five (5) business days prior to the meeting. Within ten (10) business days of considering the appeal, the Board of Education will issue a written decision. This decision will be final.
- At its hearing before the board, complainant may:
    - Be accompanied and advised by an attorney or other representative of their choosing;
    - Present evidence and confront, cross-examine, and compel the attendance of witnesses;
    - Obtain a written or electronic verbatim record of the hearing;
    - Obtain written findings of fact and decision.

The Office for Civil Rights of the United States Department of Education enforces the requirements of Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act. The address of the Regional Office which includes Oklahoma is: Office for Civil Rights, Region VII, One Petticoat Lane, 1010 Walnut Street, Suite 320, Kansas City, Missouri 64106; Telephone: (816) 268-0550; E-mail:OCR.KansasCity@ed.gov.

Persons with questions or concerns about this Information and Procedural Safeguards form or about the implementation of Section 504 or Title II of the Americans with Disabilities Act in the Deer Creek Public Schools should contact:

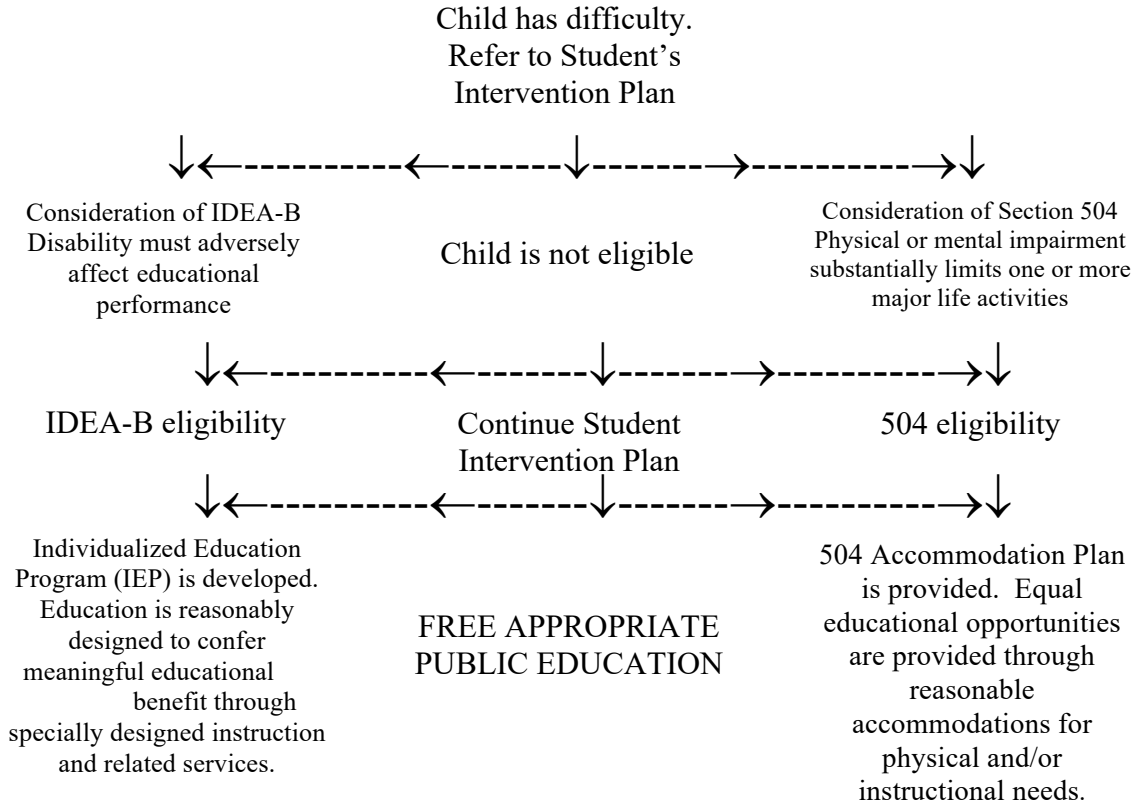
Section 504/Title II Coordinator
20701 N. MacArthur Blvd.
Edmond, Oklahoma 73012
(405) 348-6100

jamesrose@dcsok.org

dianajones@dcsok.org

IDEA-B/SECTION 504
FLOW CHART

IDEA-B/SECTION 504



AMENDED: MAY 10, 2021
AMENDED: JULY 30, 2020
AMENDED: MAY 11, 1009
AMENDED: JUNE 9, 2008
AMENDED: DECEMBER 8, 2003
AMENDED: JULY 14, 2003
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APPROVED: OCTOBER 11, 1993
DEER CREEK SCHOOL DISTRICT