

Pursuant to Section 504 of the Rehabilitation Act, the District shall provide a free appropriate public education (FAPE) to each eligible student who has a physical or mental impairment which substantially limits a major life activity. The District's duty to provide FAPE applies to each such student, regardless of the specific nature or severity of the student's disability. Further, the District shall not discriminate against any student based upon (1) any prior record of physical or mental impairment, or (2) a student being regarded as having a physical or mental impairment (e.g., based upon an assumption or perception of a disability). In connection with these obligations, the District shall take reasonable steps intended to protect a student with a disability from being harassed or retaliated against on the basis of the student's disability.

To meet its obligations under Section 504, the District shall:

1. Engage in appropriate notification and "child-find" activities that are designed to identify and locate children residing in the District who may have a disability and who may be in need of special education and related services;
2. Make and accept referrals for evaluations as required by law;
3. Conduct evaluations and make eligibility and placement determinations in a manner that reflects the standards and requirements established under both Section 504 and the Individuals with Disabilities Education Act (IDEA), such as the following: (a) parent consent is required for initial evaluations; and (b) all eligibility and placement determinations must be made on an individualized basis with a focus on the student's identified educational needs;
4. Employ appropriate procedural safeguards, including providing parents and guardians with required notices and appropriate opportunities to review their child's records;
5. Develop, implement, and appropriately review a written Section 504 plan for each qualifying student with a disability (NOTE: An individualized education program (IEP) generally serves as the 504 plan for students who are also IDEA-eligible provided that the IEP is sufficient to meet the District's Section 504 obligations to the student.);

6. Reevaluate students before any significant change in placement and in order to periodically redetermine eligibility; and
7. Adhere to appropriate procedures and standards in connection with the suspension and/or potential expulsion of any student with a disability.

The Director of Student Services is the District's designated Section 504 Coordinator. The Coordinator shall have primary responsibility for the administrative procedures used within the District to implement the requirements of Section 504 and this policy. The Coordinator shall also be responsible for ensuring appropriate staff training and professional development in connection with the District's obligations under Section 504, and for monitoring and evaluating the District's overall implementation of Section 504.

The District encourages informal resolution of complaints and concerns regarding the implementation of Section 504 procedures. Accordingly, the Section 504 Coordinator shall make efforts to address a parent's or guardian's complaints or other concerns by appropriate means that may include scheduling additional meetings of relevant members of the applicable 504 team or attempting to mediate a resolution. Any informal resolution of a complaint or concern that requires a modification to a student's 504 plan shall be incorporated into the plan using appropriate procedures.

Any person who believes that a student with a disability has been discriminated against, retaliated against, or harassed on the basis of the student's disability, or who believes that the District has otherwise violated Section 504 or its implementing regulations, may file a complaint through the internal complaint procedure established under the District's student nondiscrimination policy. A person who wishes to file such a complaint, or who requires more information about the complaint procedure, should contact the District's Section 504 Coordinator or, if the complaint in question involves any alleged improper conduct by the Coordinator, the Superintendent.

A parent or guardian (or adult student) who disagrees with the identification, evaluation, educational placement, or the provision of a free appropriate public education of a student with a disability under Section 504, and who has been unable to reach a satisfactory resolution of the issue(s) with the District, has the right to request an impartial hearing. The complaining party shall have the right to

participate in such a hearing, to present evidence, and to be represented by a person of their choice, including an attorney. A request for an impartial hearing must be made in writing and mailed or delivered to the Director of Student Services. Upon receipt of a request for a hearing, the necessary arrangements will be made by the District, including the selection of a hearing officer. Any party aggrieved by the decision of the hearing officer may seek judicial review of the decision to the extent permitted by applicable law.

Relationship between Section 504 and the IDEA. Section 504 and the IDEA are related but distinct laws. For example, a student with a disability who is not eligible for special education or related services under the IDEA may have rights to receive certain aids, services, modifications, or academic adjustments under Section 504. Further, even in the case where a student with a disability does not need any special education or related services, or any modifications to the District's policies, procedures, or practices, the student remains protected by the general nondiscrimination provisions found within Section 504, Title II of the Americans with Disabilities Act, state law, and District policy.

Relationship between Section 504 and pre-referral intervention strategies. The Board encourages the identification and use of individualized interventions that address the unique needs of a student. A regular education intervention plan can be appropriate for any student who does not have a disability, and who is not suspected of having a disability, but who is facing challenges in school. However, such pre-referral assistance and interventions must not be intended to impede or to serve as a substitute for necessary referrals, evaluations, and eligibility determinations under the IDEA and/or Section 504.

Legal References:

Wisconsin Statutes

Section 118.13 [student discrimination prohibited]

Wisconsin Administrative Code

PI 9 [student nondiscrimination]

Federal Laws

Section 504 of the Rehabilitation Act of 1973 [disability discrimination; reasonable accommodations]

Individuals with Disabilities Education Act [programs and services for students with disabilities]

Title II of the Americans with Disabilities Act [disability discrimination; reasonable accommodations]

Adopted: 02/21/22