

SCHOOL DISTRICT OF PITTSVILLE BOARD POLICY

STUDENTS

EQUAL EDUCATIONAL OPPORTUNITIES

NONDISCRIMINATION ON THE BASIS OF HANDICAP – 504 POLICY

342.8-411.2

Federal and state statutes forbid discrimination against qualified handicapped/disabled persons, including both students and staff members, by school districts receiving federal financial assistance. This included all programs or activities of the school district receiving federal funds regardless of whether the specific program or activity involved is a direct recipient of federal funds.

The school district does not discriminate against individuals, including all students, staff, and as identified below, on the basis of age, sex, race, color, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional, or learning disability of handicap in its education programs or activities.

To ensure compliance with Federal and State Statutes, the Pittsville School District will:

- Prohibit discrimination against qualified handicapped/disabled persons in any aspect of school district employment solely on the basis of disability.
- Make facilities, programs, and activities accessible, usable, and open to qualified handicapped/disabled persons.
- Ensure that students who are handicapped/disabilities are identified, evaluated, and provided with appropriate educational services.
- Provide free appropriate education at elementary and secondary levels, including nonacademic and extracurricular services and activities to handicapped/disabled persons.
- Prohibit exclusion of any qualified handicapped/disabled person solely on the basis of handicapped/disability from participation in any preschool education or day care program or activity or any adult education or vocational program or activity.
- Provide each qualified handicapped/disabled person with the same health, welfare, and other social services as are provided other persons.

Legal References: Wisconsin State Statutes §115, §118.13, §111.31, and §111.34
Title IX; Education Amendment of 1972
Title VI, Civil Rights Act of 1964, 1991
Section 504, Rehabilitation, Act of 1973
Americans with Disabilities Act of 1990 and Amendments, 2008
Individuals with Disabilities Education Act 2004, (2006, 2008 regulations)

Evaluation

Any student who needs or is believed to need special accommodations, related services or programs under Section 504 of the Rehabilitation Act of 1973, may be referred to the Sec. 504 Committee for evaluation.

The Sec. 504 Committee shall be composed of persons knowledgeable about the student's school history, the student's individual needs, the meaning of evaluation data, and the placement options.

The student's parent or person in parental relationship shall be notified of the Sec. 504 Committee meeting within a reasonable period of time prior to the meeting and invited to participate.

The Sec. 504 Committee shall consider all relevant information on the student to determine whether he/she is disabled under Section 504. Information may include reports from physicians, observations from parents, teachers, school personnel, results of standardized tests, etc.

The Sec. 504 Committee shall determine whether the student is disabled under Section 504, and if so, develop a written educational plan describing what accommodations, services or programs will be provided to meet the student's needs.

The student's parents or person in parental relationship shall be notified in writing of the Sec. 504 Committee's determination and recommendation.

Review of the Student's Evaluation

The Sec. 504 Committee shall meet periodically to review the student's evaluation but in any event at least every 3 years and sooner if requested by staff, parent, or adult pupil. In addition, prior to any significant change in placement, a reassessment of the student's needs shall be conducted.

Procedural Safeguards: Due Process

The parent or person in parental relationship shall be notified in writing of any District decision concerning the identified, evaluation, and placement of a student.

The parent or person in parental relationship shall have the right to examine the student's records.

Parents or persons in parental relationship who disagree with the identification, evaluation, services, or placement of a student with disabilities shall have the right to request an impartial due process hearing. The request for a hearing shall be made in writing, within thirty days after receipt of the Sec. 504 Committee's determination. The request shall state the reasons the hearing is being requested and be sent to Assistant Director of Special Education.

The parent or person in parental relationship shall have an opportunity to participate and be represented by counsel at the due process hearing.

The parent or person in parental relationship shall be notified in writing of the hearing officer's decision. The school district or parent or person in parental relationship may seek review of the decision of the Sec. 504 hearing officer by the Commissioner of Education, or the State Review Officer, as appropriate, and by a federal court of competent jurisdiction.

A Sec. 504 due process hearing may be called at the request of the school district or a parent or person in parental relationship. The proceedings shall be presided over and decided by an impartial hearing officer.

Request for a due process hearing must be submitted in writing to Director of Special Education.

Parents or persons in parental relationship shall be notified of the hearing at least 10 days prior to the date set for the hearing. The notice shall contain:

- A statement of time, place, and nature of the hearing.
- A statement of the legal authority and jurisdiction under which the hearing is being held.
- A statement of matters asserted.
- A statement of the right to be represented by counsel.
- A statement of the right to examine relevant records.

The school district's notices to the student's parent or person in parental relationship shall be in English or in the native language or mode of communication of the parent or person in parental relationship.

At the hearing, each party shall have an opportunity to present relevant information and outside expert testimony.

A copy of the hearing officer's decision shall be delivered to the school district and the parent or person in parental relationship within a reasonable period of time following completion of the hearing.

The decision of the hearing officer is binding on all parties involved; it is subject to review by the Office for Civil Rights, as appropriate, and by a federal court of competent jurisdiction.

Updated: December 10, 2012