



Curriculum & Instruction BP 09-10

Board Policy: Identification and Education Under Section 504

The Governing Board recognizes the need to identify and evaluate students with disabilities in order to provide them with a free appropriate public education (“FAPE”). Under Section 504 of the Rehabilitation Act of 1973 (“Section 504”) individuals with a physical or mental impairment that substantially limits one or more major life activities are eligible to receive regular or special education and related aids and services that are designed to meet the needs of disabled students as adequately as the needs of non-disabled students are met, and are based upon the Gateway Community Charters’ “GCC”) procedures that satisfy Section 504 requirements. In addition to providing a FAPE to students with disabilities under Section 504, GCC will not discriminate against students with a physical or mental impairment which substantially limits one or more major life activities, have a record of such an impairment, or those being regarded as having an impairment. Protections for these students are provided for elsewhere under GCC’s Board Policies and Regulations and state and federal law.

The Superintendent or designee shall establish and implement; screening and evaluation procedures to be used whenever there is reason to believe that a student, because of a disability, needs or is believed to need special instruction or related services; a system of procedural safeguards that includes notice, and opportunity for the parent/guardian of the student to examine relevant records, and impartial hearing with the opportunity for participation by the student’s parent/guardian and representation by counsel, and a review procedure.

An evaluation shall be conducted to determine whether a student is eligible under Section 504. The evaluation may include, but is not limited to, classroom observations, testing, teacher and parent/guardian input, existing reports, and GCC’s evaluations. A Section 504 Service Plan team composed of knowledgeable professionals shall meet to consider the evaluation results and to determine the student’s eligibility under Section 504. The student’s parent/guardian shall be invited to participate in this meeting.

If the student is found to have a disability that qualifies him/her for a FAPE under Section 504, then the Section 504 Service Plan team members shall develop a written Section 504 Service Plan for the student. Upon reviewing the nature of the disability and how it affects the student’s education, the members shall determine what regular or special education related aids and services, accommodations and/or modifications, are needed in order to provide the student with a FAPE. The student shall be educated with non-disabled students to the maximum extent appropriate.

The Section 504 Service Plan team shall provide the parent/guardian with a copy of the Section 504 Services Plan. If the Section 504 Service Plan team determines that the student is not eligible for services under Section 504 or that no modification of educational services is needed, the parent/guardian shall receive a copy of the Section 504 Service Plan team meeting notes stating the basis for this decision. Parent/guardian shall also receive a copy of the procedural safeguards guaranteed under Section 504.

Legal References:

UNITED STATES, CODE TITLE 29

§ 701 et seq. Rehabilitation Act of 1973

§ 794 et seq. Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

§ 12101 et seq. Americans with Disabilities Act of 1990 (As amended by P.L. 110-325 (Sept. 25, 2008))

CODE OF FEDERAL REGULATIONS, TITLE 34

§ 104.1 et. seq. Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance

Board Approved: 01 12 10

Revision Board Approved: 05 04 10