



## **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, 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.

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.

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 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 safeguard 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 tests, teachers 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, may challenge the identification, evaluation and placement decisions made with respect to their children in an impartial hearing, with an opportunity for

the participation and for representation by counsel, by contacting the Section 504/Title II Coordinator in writing to request the hearing;

- 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; 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 to 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 for 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.

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 BERRYHILL PUBLIC SCHOOLS should contact:

Section 504/Title II Coordinator: Jeri McElwee

Street Address: 2900 1/2 W. 65th St.

City, State, Zip Code: Tulsa, OK 74107

Telephone Number with Area Code: 918-445-6001