

## **2260 - ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY**

These guidelines shall be used to ensure that the Board of Education's Policy 2260 on equal access to educational opportunity is implemented properly and in compliance with federal and state laws and regulations. That policy states in pertinent part:

Equal educational opportunities shall be available to all students, without regard to the Protected Classes of race, color, national origin, sex (including sexual orientation or transgender identity), disability, age (unless age is a factor necessary to the normal operation or the achievement of any legitimate objective of the program/activity), religion, height, weight, marital or family status, ancestry, place of residence within the boundaries of the District, or social or economic background, to learn through the curriculum offered in this District. Educational programs shall be designed to meet the varying needs of all students.

Administration designates the following individuals to address any complaint alleging that the District has discriminated against a student in violation of Policy 2260:

Dr. Roy Bishop  
Deputy Superintendent for Educational Services  
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Notice of the Board's policy on nondiscrimination in educational practices shall be posted throughout the District, published in any District statement regarding the availability of educational services, and in all student handbooks.

Children who have been diagnosed as having a disability and who, through a multi-factored evaluation, qualify for categorical services under IDEA will be served under the existing State Special Education regulations. Section 504 of the Rehabilitation Act of 1973 protects and safeguards each student of the district where:

- A. The student has a mental or physical impairment which substantially limits one (1) or more major life activities, or
- B. The student has a record of such an impairment; or

- C. The student is regarded as having such an impairment.

The District will identify, evaluate, and provide an appropriate education for students who are disabled under Section 504.

### Facilities

The educational program of this District shall be accessible to all students. All programs shall be designed and scheduled so the location or nature of the facility or area will not deny an otherwise-qualified disabled student the opportunity to participate in the academic or other school program on the same basis as a nondisabled student.

Guide dogs for students who require this type of assistance shall be permitted access to all facilities, programs, and events of the District. The student must provide evidence of the dog's certification for that purpose.

### Program

The educational program includes the academic and nonacademic setting. Each qualified, disabled student shall be educated with the nondisabled student to the maximum extent appropriate. In the nonacademic setting, the disabled student shall participate with the nondisabled students to the maximum extent appropriate to the needs of the disabled student.

Each principal shall ensure that the procedures used with students and parents for selection of and participation in any part of the District's academic, co-curricular, or extra-curricular program do not discriminate on the basis of race, color, national origin, gender, age, or disability.

### Referral

If the referring person and the Director of Student Services have reason to believe that the student needs special accommodations or related services in order to be provided access to the District's programs, the Director shall notify the parent. If the referring person and the Director suspect that the student is eligible for services through IDEA, the procedures for identification, evaluation, and placement must be followed. If the IDEA evaluation team determines the child is ineligible under IDEA, the team may determine the student's eligibility, if any, for special accommodations or related services under Section 504. If s/he is eligible, a student accommodation plan shall be developed.

If the referring person does not suspect an IDEA disability or has knowledge that the student does not qualify under IDEA, the student shall be evaluated in accordance with the Section 504 evaluation procedures.

### Evaluation/Placement

Prior to evaluation, the Director of Student Services shall notify the parent and obtain verbal or written consent of the parent.

The Section 504 evaluation is to be tailored to the suspected or known disability and how that disability impacts on the student's ability to function in the school setting. A full multi-factored evaluation may not be required, but the evaluation shall draw upon information from a variety of sources including those who have detailed knowledge about the student and his/her condition. Each person providing evaluative information shall assure that the information is documented.

The Director of Student Services shall schedule a meeting of the group of persons knowledgeable about the student which shall review the evaluation data and determine if the student is disabled within the meaning of Section 504.

The parents may be invited to attend the meeting.

If the team determines that the student is disabled under 504, it will determine what reasonable accommodation or related services the student may need and develop a 504 student-accommodation plan.

Parents are to be invited to participate in the development of the plan.

If the 504 team determines that the student is not disabled under 504, it shall document the decision, provide the basis of the decision, and state that the student may be served appropriately in the regular education setting without related services or special interventions. Following the 504 team meeting, the parent is to be notified of the team's decision.

The Director of Student Services is to ensure that the evaluation and placement process be completed in a reasonably timely manner and in compliance with the procedural safeguards required by law. Parents shall be provided a copy of their rights under Section 504.

### Instruction

Because of the least-restrictive environment requirements, the principal shall work with the teacher(s) involved to make sure s/he (each):

- A. recognizes the requirements of the law and the relationship between the evaluation of the student and his/her instruction;
- B. has made appropriate accommodation in the instructional program and/or classroom environment as provided in the student's 504 accommodation plan. Such accommodations could include but not be limited to:
  - 1. preparation of alternate lesson plans;
  - 2. modification of schedules;
  - 3. rearrangement of the students;
  - 4. reorganization of the classroom;
  - 5. guidance of the student on appropriate behaviors;
  - 6. frequency and type of communication with parents;
  - 7. alternate methods of instruction;

8. alternate methods of assessment;

C. understands the needs of the students which should be met through appropriate instruction.

#### Evaluation/Change in Placement

Within one (1) school year following implementation of a student accommodation plan, the student's 504 team is to review the student's progress and determine if further intervention or a modification in the plan is needed.

#### Discipline

The disciplinary process described in the Student Code of Conduct should be used in all situations in which a 504-disabled student may be subject to temporary separation, suspension, expulsion, or exclusion.

#### Possession of Drugs at School

If a student, disabled only under Section 504, is found to be in possession of drugs at school, s/he may be disciplined in accordance with the Student Code of Conduct. The disciplinary procedures required for IDEA students do not apply.

#### Complaints

All complaints should be handled in accordance with the procedure for complaints of discrimination described in AG 1422. Section 504 does not establish timelines for submission of a hearing request nor does it define "impartial hearing" or require that the selection of the hearing officer be mutually agreed-upon by the District and the parents. The impartial hearing officer should be someone who is not employed by or under contract to this District in any capacity.