

PROCEDURE FOR THE EDUCATION OF STUDENTS WITH DISABILITIES UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973

The NWESD 189 defers to the referring member district in all matters related to referral, screening, and evaluation of a student's eligibility under Section 504 of the *Rehabilitation Act of 1973* (Section 504). Once a student is determined to be eligible for protections and services under Section 504, NWESD 189 will use the referring member district's procedures to implement the student's individualized accommodation plan.

Pursuant to interlocal agreement, the NWESD 189 will provide education to students with disabilities, referred by a cooperative member district. Instruction will be individually designed to meet the needs of the disabled students as adequately as the needs of the non-disabled students are met, per the individualized accommodation plan developed by the referring member district. The member district will assure that adequate transportation to and from the program is provided at no cost to the parent/guardian.

The NWESD 189 will provide students with disabilities an equal opportunity to participate in and benefit from the educational services it provides to non-disabled students. Teachers of disabled students will meet comparable standards for certification that teachers of non-disabled students meet. Facilities will be of comparable quality and appropriate materials and equipment will be available.

The NWESD 189 will ensure compliance with the requirements of Section 504 per referring member district procedures, including but not limited to procedural safeguards, annual notifications, complaint resolution, nondiscrimination, and confidentiality of student records. The confidentiality of student records will be maintained throughout the period of time when such records are collected, stored, disclosed and/or destroyed by the NWESD 189.

Disciplinary Exclusion: Students with disabilities are protected from being improperly excluded from their educational program for disciplinary reasons. Certain disciplinary exclusions of disabled students from educational program constitute a significant change in the student's educational placement. Such disciplinary exclusions cannot be fully implemented until the referring member district has satisfied the required change of placement procedures. Qualified disabled students should be recognized as having a disabling condition before discipline is imposed, especially before imposition of discipline that could constitute a significant change of placement. The program administrator is responsible for the imposition of discipline, and must notify the referring member district of disciplinary action imposed for students with Section 504 plans. The referring member district will initiate district procedures to ensure *Free and Appropriate Public Education* (FAPE).

Restraint or Isolation: Each incident of restraint or isolation of students who have a Section 504 plan is only authorized under the limited circumstances specified in the NWESD 189 Policy 3246/Procedure 3246P, including reporting and parent/guardian notification as specified therein.

Presented to Board: 12/15/14