

Students with Disabilities – IDEA and Section 504

The District shall provide a free appropriate public education and necessary related services to all students with disabilities as may be required under the Individuals with Disabilities Education Act (“IDEA”), Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and Michigan statutes.

It is the intent of the District to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated and provided with appropriate educational services. Students may be disabled within the meaning of Section 504 of the Rehabilitation Act even though they do not require services pursuant to the IDEA.

For students eligible for services under IDEA, the District shall follow procedures for identification, evaluation, placement, and delivery of services to children with disabilities provided in state and federal statutes which govern special education. For those students who are not eligible for services under IDEA, but, because of disability as defined by Section 504 of the Rehabilitation Act of 1973, need or are believed to need special instruction or related services, the District shall establish and implement a system of procedural safeguards. The safeguards shall cover students’ identification, evaluation, and educational placement. The system of safeguards shall include notice of the opportunity for the student’s parent(s)/guardian(s) to examine relevant records, to have an impartial hearing with opportunity for participation by the student’s parent(s)/guardians(s), and representation by counsel, and access to a review procedure.

The Board of Education in fulfilling its legal duties and responsibilities for providing special *education programs for the students of the District shall be assisted through membership in the (Intermediate School District or RESA)* and/or through cooperative affiliations with other school Districts.

LEGAL REF.: MCL 37.1102; 380.1279 (9); 380.1279g (10); Michigan Department of Education Publication “High School Graduation Requirements – Frequently Asked Questions”, updated 3/10/08, p. 51, p. 52, 8 A; American with Disabilities Act, 42 U.S.C. §12101 et seq.; Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq.; Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794; P.L. 108-446 The 2004 Reauthorization of the Individuals with Disabilities Act 20 U.S.C. §6368(3); The No Child Left Behind Act