

POLICY JBB

Board of Education Las Cruces Public Schools

Related Entries: JBB-RA
Responsible Office: Associate Superintendent for Instruction

SECTION 504 OF THE REHABILITATION ACT OF 1973

I. PURPOSE

The Board of Education is committed to ensuring that appropriate services are provided which afford Section 504 disabled students a free, appropriate, public education.

II. DEFINITION

Section 504 of the Rehabilitation Act of 1973 ensures that no qualified handicapped student shall, on the basis of disability, be excluded from participation in or be denied the benefits of, or otherwise be subjected to discrimination under any program or activity of the Las Cruces Public Schools (“School District”). A student is considered disabled if he/she suffers from a physical or mental impairment that substantially limits one or more of their major life activities, such as learning, walking, seeing, hearing, breathing, working, and performing manual tasks.

III. POSITION

The School District acknowledges its responsibility under Section 504 to avoid discrimination in policies and practices regarding its students. No unlawful discrimination against any student with a disability shall knowingly be permitted in any program or practices in the School District. This Policy extends to all aspects of the School District’s educational program, as well as to the use of all School District facilities, and participation in all School District-sponsored activities, including extracurricular activities and athletics.

- A. Under Section 504, the School District has a responsibility to identify and evaluate handicapped students, and, if the student is determined to be eligible under Section 504, to afford access to appropriate educational services.
- B. Retaliation, interference, coercion or intimidation of any student on the basis of disability with regard to admission, participation and access to any program or activity of the School District is prohibited.
- C. The Superintendent shall notify students, parents,/guardians and employees that the school district does not discriminate on the basis of handicap or disability in the educational programs or extracurricular activities which it operates and that it is required by Section 504 not to discriminate in such a manner. The notification shall be made in the form and manner required by federal law or regulation.
- D. The Superintendent shall designate a Section 504 Coordinator(s) who shall be responsible for continuing surveillance of School District educational and extracurricular programs and activities with regard to compliance with Section 504 and all pertinent regulations, including making recommendations to the

Superintendent on the development of all necessary procedures and regulations implementing this Policy.

- E. The Superintendent shall promulgate Regulations to implement this Policy which provide the following:
1. Educational services designed to meet the individual educational needs of 504 disabled students as adequately as the needs of non-disabled students are met.
 2. The regulations shall provide procedures for the evaluation and placement of students it has reason to believe are disabled, and do not meet the eligibility criteria for services under the Individuals with Disabilities Act (IDEA).
 3. The education of each disabled student with non-disabled students, to the maximum extent appropriate to the needs of the student with a disability
 4. Nondiscriminatory evaluation and placement procedures established to guard against misclassification or inappropriate placement of students, and a periodic reevaluation of students.
 5. Establishment of procedures that provide due process under the law in the form of complaint and grievance procedures by which eligible students or parents/legal guardians who are dissatisfied with the outcome of their request for or implementation of 504 reasonable accommodations may file a complaint, requesting an impartial investigation, mediation, or due process hearing.
- F. This Policy and the School District regulations do not, and should not be construed to create rights or remedies enforceable in contract or by law other than Section 504 and its implementing regulations.

IV. REVIEW

This policy shall be reviewed on an ongoing basis in accordance with the Board of Education policy review process.

History: New Policy

Legal Reference: Section 504 of the Rehabilitation Act of 1973



Board of Education, President

March 4, 2008

Date Approved