

# INST6.2 - Curriculum Design: Special Programs

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## I - Instruction

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### SPECIAL PROGRAMS

The District is responsible for identifying and evaluating students who, in accordance with Section 504 of the Rehabilitation Act of 1973, may require special services or programs to receive a free and appropriate public education (FAPE).

For the purposes of this policy, a student who may need services under Section 504 is one who:

- A. Has a physical or mental impairment that substantially limits one (1) or more major life activities, including learning;
- B. Has a record of such an impairment; or
- C. Is regarded as having such an impairment.

Students may qualify for services under Section 504 even if they do not meet the eligibility criteria for special education services under the Individuals with Disabilities Education Act (IDEA). Students identified under IDEA will be served under separate policies and applicable state and federal laws.

#### Identification and Referral Procedures:

- A. Any student who is believed to need special education or related services not available through current programs may be referred by a parent, teacher, or certified school staff member for identification and evaluation.
- B. Evaluations will be conducted by individuals familiar with the student's needs, school history, evaluation data, and placement options. The Superintendent will oversee the process to ensure qualified personnel are involved.
- C. After reviewing the student's records, the District will determine if an evaluation is necessary. If denied, the District will notify the parent or guardian and explain their procedural rights.

#### Evaluation:

- A. The District will assess the nature of the student's disability and its impact on their educational experience, including any behavior that may interfere with participation.
- B. Before finalizing whether a student qualifies under Section 504, the District will invite the parent or guardian to participate in the decision-making process.
- C. A written decision will be provided, and parents or guardians will be informed of the Section 504 procedural safeguards, including the right to an impartial hearing.

#### Plan for Services:

- A. If a student is identified under Section 504 as needing special education or related services, the District will determine the necessary supports.
- B. A variety of relevant information, including medical records, academic performance, teacher recommendations, and assessments, will be reviewed.
- C. Parents or guardians will be invited to participate in meetings to develop a Section 504 plan, and they will have access to all relevant records.
- D. A written plan will detail the student's disability and specify services, accommodations, and responsibilities.
- E. If no services are necessary, the decision will be recorded, along with the rationale.
- F. The student will be placed in the regular classroom environment with supplementary aids unless it is demonstrated that such placement cannot adequately meet the student's needs.
- G. Parents or guardians will be notified in writing of any final decisions regarding services or accommodations.
- H. All relevant school personnel will be informed of the student's plan.

#### Review of Student Progress:

The District will annually review the student's progress and the effectiveness of the Section 504 plan to

ensure that the student's needs are being met. A reevaluation will be conducted before any significant change in placement.

**Procedural Safeguards:**

A. Parents or guardians will be notified in writing of all decisions regarding identification, evaluation, or placement under this policy.

B. Parents or guardians will have the right to review all relevant records.

C. If parents or guardians disagree with the District's decision, they have the right to request an impartial Section 504 due process hearing. Requests should be made within thirty-five (35) days of notice, but no fewer than thirty (30) days.

**Legal References:**

- A.R.S. 15-708
- 29 U.S.C. 706
- 29 U.S.C. 794