

## SECTION 504 OF THE REHABILITATION ACT OF 1973 PROCEDURAL SAFEGUARDS

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No qualified student with a disability in Fairfax County Public Schools shall, on the basis of that disability, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity offered by the school division. In respect to actions regarding the identification, evaluation, and/or placement of students with disabilities under Section 504, the following procedural safeguards shall be provided:

- Notice shall be provided to a student's parent (s) or guardian prior to evaluation, Child Find, identification, reevaluation, and/or placement.
- Decisions regarding the identification, evaluation, accommodations, modifications, and/or services for a student qualified under Section 504 shall be made by a committee of individuals who are knowledgeable about the student.
- The parent(s) or guardian shall have the opportunity to examine the student's educational records.
- The recipient to which this subpart applies shall establish standards and procedures for the evaluation and placement of persons who, and will, because of handicap need or are believed to need special education or related services, ensure the following:
  - 1) Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by the producer.
  - 2) Tests and other evaluation material include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
  - 3) Tests are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are factors that the test purposes to measure).
- The student shall be re-evaluated prior to reconsideration of qualification as a student with a disability under Section 504.
- For acts of misconduct, when a decision is made to remove a Section 504-qualified student from school for more than ten consecutive school days or when the Section 504-qualified student is subjected to a series of removals during a school year that constitute a pattern and accumulates more than ten school days, a knowledgeable committee shall convene to determine whether the student's conduct was caused by the student's disability.
- The student's parent(s) or guardian shall have the opportunity to appeal decisions concerning the student's identification, evaluation, accommodations, modifications, services, or causality determination in a discipline case. The parent(s) or guardian may request an administrative review, mediation, and/or impartial hearing. Administrative review and mediation are voluntary and do not need to be completed prior to a request for an impartial hearing. The impartial hearing consists of an opportunity for participation by the student's parent(s) or guardian and representation by counsel and a review of the impartial hearing decision.

Compliance with Section 504 is coordinated by the director, Office of Design and Construction Services (571-423-2200), when it concerns access to facilities, and by the coordinator, Due Process and Eligibility (571-423-4470), when it concerns student programs and activities. Appeals should be sent to the coordinator of Due Process and Eligibility. Additional information is available in Regulation 1454.