

Education of Students with Disabilities Under Section 504 of the Rehabilitation Act of 1973

It is the intent of the ESD 123 to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 (Section 504) are identified, evaluated, and provided with appropriate educational services. Students may be a qualified disabled person under this law even though they are not eligible for services pursuant to the Individuals with Disabilities Education Act.

Section 504 is a civil rights law that protects the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education. A child is a "qualified disabled person" under Section 504 if he or she:

1. has a physical or mental impairment that substantially limits one or more major life activities (such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working), has a record of such an impairment, or is regarded as having such an impairment; and,
2. is between the ages of 3 to 21 years old.

The Superintendent or designee will establish procedures to ensure that students who are disabled within the definition of Section 504 are educated in full compliance with the law.

First Reading: 06/24/21

Second Reading: 08/26/21

Adoption: 08/26/21

Reference:

[RCW 28A.600.485 Restraint of students—Use of restraint or isolation specified in individualized education programs or plans developed under section 504 of the rehabilitation act of 1973—Procedures—Summary of incidents of isolation or restraint—Publishing to website.](#)

[RCW 28A.600.486 District policy on the use of isolation and restraint—Notice to parents and guardians of children who have individualized education programs or plans developed under section 504 of the rehabilitation act of 1973.](#)

[42 USC 12101 et seq. Equal opportunity for individuals with disabilities](#)

[34 CFR Part 104 Section 504](#)

[45 CFR Part 99 Procedure for hearings for the child care and development fund](#)

Cross Reference:

[Policy 2161 - Special Education and Related Services for Eligible Students](#)

[Policy 3210 - Nondiscrimination](#)

[Policy 3246 - Restraint, Isolation, and Other Uses of Reasonable Force](#)