



In accordance with the Individuals With Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, the American with Disabilities Act, and Arkansas Statutes, the district shall provide a free appropriate public education and necessary related services to all children with disabilities who reside:

- Within the district boundaries; or
- Outside of the District boundaries, but are enrolled in the District.

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 the state and federal statutes which governing special education. Implementation of an Individualized Education Program (IEP) in accordance with the IDEA satisfies the district's obligation to provide a free and appropriate education under Section 504.

The Board directs the superintendent to ensure procedures are in place for the implementation of special education services and that programs are developed to conform to the requirements of state and federal legislation. The superintendent is responsible for appointing a district coordinator for overseeing district fulfillment of its responsibilities regarding students with disabilities.¹ Among the coordinator's responsibilities shall be ensuring district enforcement of the due process rights of students with disabilities and their parents.

Discipline of Students with Disabilities under IDEA and Section 504

1. Individuals with Disabilities Education Act (IDEA)

The Individuals with Disabilities Education Act (IDEA) Amendments of 1997 affords students with disabilities special due process rights and procedures. A student with a disability, as defined in state standards, who engages in inappropriate behavior, is subject to normal school disciplinary rules and procedures provided the student's right to a free and appropriate public education (FAPE) is not violated.

The Individualized Education Program (IEP) Committee for a student with a disability under IDEA should consider whether particular disciplinary procedures should be adopted for that student and included in the IEP. If a disabled student's placement is to be changed for a period of time exceeding ten (10) days, district special education personnel will be consulted to assure that proper due process procedures are followed.

2. Section 504 of the Rehabilitation Act of 1973

The Rehabilitation Act of 1973 affords students who have been formally identified as disabled under Section 504 special due process rights and procedures. A student with a disability under Section 504 who engages in inappropriate behavior is subject to normal school disciplinary rules and procedures provided the student's right to a free and appropriate public education (FAPE) is not violated.

The Individualized Accommodation Plan (IAP) Committee for a student with a disability under Section 504 should consider whether particular disciplinary procedures should be adopted for that student and included in the IAP. If a disabled student's placement is to be changed for a period of time exceeding ten (10) days, appropriate district personnel will be consulted to assure that proper due process procedures are followed.

Note: Brittany Turner, Director of Special Services, (479) 890-5733. 34CFR104.32 stipulates that as part of "child find" responsibilities, districts take appropriate steps to notify persons with disabilities and their parents or guardians of the district's child find duty.

Cross Reference: 6.7 – COMPLAINTS

Legal References: 34 C.F.R. part 300, 20 U.S.C. §1400 et seq., 29 U.S.C. § 794, 42 U.S.C. §12101 et seq., A.C.A. § 6-41-102, A.C.A. § 6-41-103, A.C.A. § 6-41-201 et seq.

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