

Section A  
Foundations and Basic Commitments

**Policy: Student and Parent Protections Under:  
Section 504 of the Rehabilitation Act of 1973  
The Americans With Disabilities Act  
Rule 1250 of the VT State Board of Education Manual of Rules and Practices**

File Code: ACA

Schools: **Bridport**, Cornwall, ID#4, Ripton,  
Salisbury, Shoreham, UD#3, Weybridge  
Warned: April 12, 2007  
Adopted: April 24, 2007

**I. POLICY STATEMENT**

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act are federal laws that protect *qualified* individuals from discrimination based on their disability. The nondiscrimination requirements of these laws apply to organizations that receive financial assistance from any federal department or agency. Section 504 forbids organizations from excluding or denying individuals with disabilities an equal opportunity to receive program benefits and services. It defines the rights of individuals with disabilities to participate in, and have access to, program benefits and services.

Rule 1250 of the Vermont State Board of Education Manual of Rules and Practices is a state regulation prohibiting discrimination on the basis of disability for students accessing the programs and services of public school districts in Vermont.

It is the policy of the School District to comply with all the requirements of these federal and state laws and to establish and maintain the necessary local procedures to ensure such compliance. Specifically, it is the policy of the School District to provide a free appropriate public education to each qualified student with a disability within its jurisdiction, regardless of the nature or severity of the disability. It is the intent of the School 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 considered disabled under this policy even though they do not require services pursuant to the Individuals with Disabilities Education Act.

**II. DEFINITIONS AND OBLIGATIONS**

- A. Qualified individuals with disabilities are protected by Section 504 of the Rehabilitation Act, the ADA and this policy.

*An individual with a disability is one who:*

- 1) Has a physical or mental impairment which substantially limits<sup>1</sup> one or more major life activities;<sup>2</sup>
- 2) Has a record of such an impairment; or<sup>3</sup>

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<sup>1</sup> “Substantially limits” for students means the student is unable to perform a major life activity that the average student of the same age can perform, or that the student is significantly restricted as to the condition, manner or duration under which the particular major life activity is performed as compared to the average student of approximately the same age. In assessing whether a disability creates a substantial limitation, the effect of mitigating measures, e.g., corrective lenses or medication, should be included.

<sup>2</sup> Major life activity means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

- 3) Is regarded as having such an impairment.<sup>4</sup>

*A physical or mental impairment is:*

- 1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
- 2) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.<sup>5</sup>

B. A qualified individual means:

- 1) With respect to students, an individual who is a resident of the district or an individual seeking admission or who has been admitted as a non-resident tuition student and (a) who fits the State's definition of a student; or (b) is a student to whom the District is required to provide a free appropriate public education under state and federal laws.
- 2) A parent with a disability is entitled to reasonable accommodations that are necessary in order for him or her to participate in essential instructional activities of his/her child who is a student of the District.

C. Discrimination Prohibited: No otherwise qualified student with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity of the School District.

D. Definition of Discrimination:

*Discrimination occurs when a qualified person with a disability is:*

- 1) Denied the opportunity to participate in or benefit from an aid, benefit or service;
- 2) Afforded an opportunity to participate in or benefit from an aid, benefit, or service that is not equal to that afforded others;
- 3) Provided an aid, benefit or service, that is not as effective as that provided to others;
- 4) Provided a different or separate aid, benefit or service, unless such action was necessary to be as effective as those provided to others;
- 5) Otherwise limited in the enjoyment of any right, privilege, advantage or opportunity enjoyed by others.

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<sup>3</sup> Has a record means has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life functions.

<sup>4</sup> A physical or mental impairment that does not substantially limit major life activities but is treated by the school as having such a limitation or limits major life activities only as a result of the attitudes of others towards the impairment.

<sup>5</sup> This category includes students who are in rehabilitation for drug or alcohol addiction and students with one of the following conditions and/or contagious diseases: AIDS/HIV, Attention Deficit Disorder/Attention Deficit Hyperactivity Disorder (ADD/ADHD), or emotional disturbance. Students who are eligible for special education are also protected under these statutes and policy.