

504 HANDBOOK PROCEDURES
AND
FORMS FOR THE IDENTIFICATION,
EVALUATION, AND PROVISION OF SERVICES
TO 504 STUDENTS

Township High School District 214
2121 S. Goebbert Ave
Arlington Heights, Illinois 60005

BOARD OF Education

William J. Dussling, President
James C. Perkins, Vice President
Lenore Gonzales Bragaw
Miriam (Mimi) Cooper
Mark Hineman
Alva Kreutzer
Robert Zimmanck

Superintendent
Dr. David R. Schuler

Associate Superintendent for Student Services
Dr. Johnnie Thomas

District 504 Team
District Coordinator: Michael O'Brien
APSS Representative: Dr. Holly Ravitz
Building Representatives
BGHS: Roger Mills
EGHS: Marla Carson, Sean Mulcrane
JHHS: Meghan Muldoon
PHS: Doug Berg, Selby Roth
RMHS: Angela Paras
WHHS: Mark Menich

2/2007, 9/2010

To all Staff:

Our work in Township High School District 214 is driven by a crystal clear mission: academic achievement for every student in every school. All students deserve equal treatment and access to opportunities in every facet of education. Section 504 of the Rehabilitation Act of 1973, which this handbook addresses, guarantees students with disabilities a free and appropriate public education, and we are committed to ensuring those rights for students in our District.

That is why we have developed the procedural guidelines contained in this manual. Please review them carefully. Students, parents, teachers, and others benefit greatly when the rules governing students with disabilities are applied uniformly and consistently in every school and every program. We must do all that we can to be sure that students with disabilities receive the services they need to grow and to thrive – in our schools and in our community. Thank you for your help in this effort.

Sincerely,

David Schuler
Superintendent

PREFACE

Township High School District 214 does not discriminate on the basis of disability in its admissions procedures, access to educational services, or treatment of students in its programs, services, or activities. Any student, parent, or guardian who believes that the impact of a disability might be helped by assistance from the District, may present a request to a school's student screening team for the consideration of an evaluation or use of the identification procedures located in this handbook. If that disability meets federally mandated criteria, according to Section 504 of the Rehabilitation Act of 1973, the District will provide assistance.

Section 504 of the Rehabilitation Act of 1973 was designed as civil rights legislation for individuals with disabilities. The section reads:

No otherwise qualified individual with a disability ... shall solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, be subjected to discrimination under any program or activity receiving federal assistance.

Section 504 eligibility results in the provision of a free appropriate public education (FAPE) to students and qualified adults with disabilities who may not be covered by the Individual with Disabilities Education Improvement Act (IDEIA). Many requirements of the regulation implementing Section 504 concerning FAPE parallel the requirements of IDEIA. However, in some respects the requirements of the laws are different. Students who qualify for services under IDEIA have certain specific types of disabilities that require special education and related services. The Section 504 definition of a disability is much broader, including any physical or mental impairment that substantially limits one or more major life activities. Section 504 covers all students who meet this definition, even if they do not fall within a special education category and do not need special education.

This document is designed to bring the District into legal compliance with the federal statute; and introduce parents and guardians to the District's 504 Disability Program. This document will outline who is, and who is not, eligible for Section 504 assistance, and the procedures that govern the identification, evaluation, services to, and placement of students who may be eligible for a FAPE under Section 504.

This document does not address employment under Section 504.

Table of Contents

- Letter from Superintendent Schuler
- Preface

SECTION ONE: General Information about Section 504 and Public Schools

- A. General Definitions
- B. Free Appropriate Public Education

SECTION TWO: Identification, Referral, Evaluation, and Placement Procedures

- A. Identification Procedures for 504 Students (Child Find Procedures)
- B. Referral, Evaluation, and Placement Procedures
 1. Referral to the School 504 Coordinator/Designee
 2. Referral by Section 504 Coordinator/Designee to the Student Screening Team for Possible Evaluation
 3. Review for Evaluation
 4. Evaluation of the Student
 5. Plan Development and Plan Implementation

SECTION THREE: Annual Reviews and Reevaluations

- A. Annual Section 504 Plan Review
 1. Extend Section 504 Plan
 2. Modify the Section 504 Plan if Needed
 3. Conduct a Reevaluation if Needed
- B. Reevaluation
 1. When a Reevaluation Will Be Conducted
 2. The 504 Team Conducts the Reevaluation

SECTION FOUR: Discipline of Section 504 Students

- A. Discipline and the 504 Student
 1. Change of Placement for Disciplinary Removals
 2. Removals for Ten Days or Less

3. In-School Suspension as a Substitute for Long-term Suspension or Expulsion
 4. Services Required for Removals of More than Ten Days
 5. Discipline for Weapons or Drugs
- B. Manifestation Determination
 1. The Manifestation Determination Process
 2. Functional Behavioral Assessments
 - C. Parent/Guardian Appeal Rights and Student Placement During Appeals
 - D. Protections for Students Not Yet Determined Eligible for Section 504 Services, Accommodations, and Modifications

SECTION FIVE: Transfer To Another School

- A. Students Transferring into the District
- B. Student Leaving the District
- C. Students Changing Schools Within the District

SECTION SIX: Miscellaneous Provisions

- A. Field Trips
- B. Participation In Extracurricular and After School Activities
- C. Participation In Athletics
- D. Participation in Summer Semester
- E. Interpreter Services
- F. Transportation and Section 504

SECTION SEVEN: Physical Modifications To Physical Structures

- A. Consideration by the 504 Team
- B. Referral to District Coordinator for 504–Assistant Superintendent of Student Services

SECTION EIGHT: Investigation and Grievance Procedures For 504 Discrimination Complaints

- A. Informal Complaint Process

B. Formal Complaint Process

SECTION NINE: Procedural Safeguards

A. Hearing Rights for Parents and Students

1. Purpose of a Hearing
2. How to Request a Hearing
3. Selection of a Hearing Officer and Expense of a Hearing
4. Independent Hearing Officer's Response
5. Hearing Rights
6. Time Line for Hearing Officer's Decision
7. Review Procedure
8. Final Decision – Appeal to Court of Law

B. Right to File a Complaint with the Office for Civil Rights

SECTION ONE

General Information About Section 504 and Public Schools

A. GENERAL DEFINITIONS

1. **504 Student:** Any student enrolled in school who has, or has a record of having, or is regarded as having, a physical or mental impairment which substantially limits one or more major life activities such as learning, self-care, walking, seeing, hearing, speaking, breathing, working, and performing manual tasks.
2. **Adult Student:** A Section 504 Student who is eighteen years of age or older and who has not been judged incapacitated by a court of law is considered an adult student. An adult student shall assume and be entitled to exercise all rights, duties, and responsibilities otherwise granted to his/her parents by these procedures.
3. **Parent:** Parent means a natural or adoptive parent, a guardian, an adult person acting as a parent, a foster parent, or a District-appointed surrogate parent. This term includes a person acting in the place of a parent, such as a grandparent, or stepparent with whom the Section 504 student lives, as well as being legally responsible for the student's welfare.
4. **Section 504 Coordinator:** This is a certificated staff member at each school who is designated to coordinate all Section 504 activities within the school and is responsible for coordinating all aspects of the 504 referral and evaluation process. In most instances, schools will designate staff members such as the school nurse, counselor, general education teacher, psychologist, social worker, or administrator.
5. **Initial Evaluation:** A procedure used to determine whether the student has a disability and is Section 504 eligible. These procedures will determine whether the disability substantially limits a major life activity, and the nature and extent of the student's need for services, accommodations, and modifications to receive a free appropriate public education (FAPE).
6. **Reevaluation:** These are the procedures used to determine the Section 504 student's continuing eligibility; before any action with respect to significant changes in placement; and when determining the appropriateness of the services being provided to the student with a disability.
7. **Significant change in placement:** A "significant change in placement" is a placement that changes the nature, type, or duration of the regular or special education and related aids and services that a disabled student is receiving under his/her current Section 504 plan. A minor change in the student's program or services, such as a new teacher or moving to a different classroom or building, does not trigger a re-evaluation; the change must be significant and must relate to the individual disabled child's program or services.

8. **Substantially Limits:** For a student to qualify as a 504 student, he or she must have a mental or physical impairment that substantially limits a major life activity at the current time. Simply having an impairment does not automatically qualify a student for Section 504 services, accommodations, and modifications. The term “substantially limits” means significantly restricted as to the condition, manner, or duration under which a student can perform a particular major life activity as compared to the average student in the general population.

9. **Consent:** This means the parent or adult student has been fully informed of all information relevant to the activity for which consent is sought in his or her native language or other mode of communication and the parent or adult student has agreed to the activity. Note: Under Illinois State Law, students hold the right to consent to the following, without the consent of a parent or guardian:

- Treatment of Sexually Transmitted Diseases (at age 12 or older)
- Outpatient Substance Abuse Treatment (at age 12 or older)
- Outpatient Mental Health Counseling (at age 12 or older)

Do not consult parents regarding these issues unless specifically authorized to do so by the student. If these issues arise in the context of the Section 504 identification, evaluation, implementation, or reevaluation or if the student asserts a right to privacy, contact the assistant principal of student services or the Central Office 504 Coordinator.

10. **Day:** Day means business day or school day. Business day means Monday through Friday, except for federal and state holidays, unless those holidays are specifically included in the designation of a business day. School day means any day, including a partial day, when students are in attendance at school for instructional purposes.

11. **Services and Accommodations:** Services and accommodations could refer to access to transportation, or such developmental, corrective, preventative and other supportive services as required to assist and provide the Section 504 student a free appropriate public education. These include, but are not limited to, the following: Use of highlighted or underlined reading materials, provide visual aids, provide concrete manipulative materials, provide tape recorded texts, allow use of a calculator, provide materials with wide spaces, provide visual cues, provide organizational aids, utilize peer tutors, use clear and concise directions, provide written steps for student, have student repeat directions to teacher, divide tasks into parts, give one part at a time, provide positive reinforcements, use preferential seating, monitor and redirect student, and other such services and accommodations as deemed appropriate by the 504 team.

12. **Supplementary Aids and Services:** This is the use of related aids, services, and other supports that are provided in the general education classes or other education related settings to enable students with disabilities to be educated with non-disabled students to the maximum extent appropriate in accordance with the student’s Section 504 Accommodation and Intervention Plan. The term “related” is used in the regulation

implementing Section 504 but the distinctions between the two terms are irrelevant for Section 504 purposes.

13. **Section 504 Accommodation and Intervention Plan (Section 504 Plan):** This means a Section 504 student's written description of the specific modifications, adjustments, accommodations, or other related aids and services to be provided in the regular classroom. This plan should be sufficiently detailed to allow teachers to address the individual disability-related needs of the 504 eligible students.
14. **Assistive Technology:** This means any school sanctioned item or product system modified, or customized that is used to increase, maintain, or improve the functional capabilities of 504 students.
15. **Controlled Substance:** This means drug or other substance identified.
16. **Illegal drug:** This means a controlled substance, but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or under any other authority under the Controlled Substances Act or under any other provision of federal law.
17. **Dangerous Weapon:** This means a weapon, device, instrument, material, or substance, animate, or inanimate, that is used for, or is readily capable of, causing death, or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and one half inches.
18. **Substantial Evidence:** This means beyond a preponderance of the evidence.
19. **FAPE:** Free Appropriate Public Education.
20. **Dangerous Behavior:** Behavior that is substantially likely to result in injury to the student or to others even when the school has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services.

B. FREE APPROPRIATE PUBLIC EDUCATION

Section 504 requires the Township High School District 214 to provide a “free appropriate public education” (FAPE) to each qualified person with a disability who is in the District’s jurisdiction, regardless of the nature or severity of the person’s disability.

For secondary education programs, a qualified disabled person is:

1. of an age during which it is mandatory under state law to provide such services to persons with disabilities;
2. of an age during which persons without disabilities are provided such services; or
3. a person to whom a state is required to provide a free appropriate public education under the Individual with Disabilities Education Improvement Act (IDEIA).

An appropriate education is the provision of regular or special education and related aids and services that are designed to meet individual educational needs of disabled persons as adequately as the needs of nondisabled persons are met.

For all Section 504 students an appropriate education will include:

1. Nondiscriminatory evaluation and placement procedures established to guard against misclassification or inappropriate placement of students, periodic reevaluations of eligible students who have been provided services, accommodations, and modifications, and periodic reassessments of eligible students’ services, accommodations, and modifications;
2. Educational services designed to meet the individual educational needs of disabled students as appropriately as the needs of non-disabled students are met;
3. The education of and provision of nonacademic and extracurricular services and activities to a disabled student with non-disabled students, to the maximum extent appropriate to the needs of the student with a disability. Section 504 students will be placed in the same academic setting as non-disabled students unless it is determined that the education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. Non-academic or extracurricular services could include meals, physical education, and recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school, and referrals to agencies that provide assistance to persons with disabilities and employment of students; and
4. A system of procedural safeguards with respect to actions regarding identification, evaluation, services, and educational placement. These include notice, an opportunity for the parents or guardian to examine relevant records, an impartial hearing with opportunity for participation by parents or guardian and representation by counsel, and a review procedure. (See Section Nine of the Procedures)

All Section 504 Plans, Referral Forms, and reevaluation and reassessment information shall be kept in the student's Section 504 file at the school, and the fact that the student has a Section 504 Plan shall be noted in the student's computer file.

SECTION TWO

Identification, Referral, Evaluation, and Placement Procedures

A. IDENTIFICATION PROCEDURES FOR 504 STUDENTS (Child Find Procedures)

Township High School District 214 will conduct child find activities for the purpose of locating, evaluating, and identifying all potential Section 504 eligible students who are enrolled in District schools and/or programs and who are not currently receiving a free appropriate education under 504.

The District and/or individual schools will conduct the activities delineated below which are calculated to reach highly mobile students, such as homeless and migrant students and students who are suspected of being disabled and in need of services, accommodations, and modifications, even though they are advancing from grade to grade. Identification activities shall occur frequently and, therefore no specific timelines are mandated; however, child find activities shall occur during the entire school year and should reach both students who have been in the school all year and newly enrolled students.

- a. Each year information will be made available to parents and guardians regarding potential 504 services. The district pamphlet "What Parents and Guardians Should Know" will be available to all district parents and guardians. The pamphlet will be available either through handout form or through access on the district website. Within the pamphlet will be an explanation of 504 law and services.
- b. Individual schools shall also encourage staff members to identify students they believe are potentially disabled and could be eligible for Section 504 services, accommodations, and modifications. Staff members could include teachers, counselors, nurses, para-professionals, psychologists, social workers, and other staff members who have had personal interactions with the student.
- c. Individual schools shall ensure that the staff members are familiar with the Section 504 Identify Disabled Students Form, the Section 504 Referral Student Form, and/or the 504 Health Form.
- d. Each school shall ensure that its Student Screening Team (SST) includes the 504 Coordinator. The 504 Coordinator is responsible for ensuring that students are evaluated and placed in a timely manner, once the potentially eligible student is identified.
- e. Each school is responsible for informing parents of 504 eligible and potentially 504 eligible students of their rights and providing them with the Notice of

Parent/Student Rights Under Section 504. This should occur on an annual basis.
(Form 504-2)

- f. Each school is responsible for ensuring that child find activities are documented and conducted on a routine and frequent basis.
- g. Individual schools should attempt to identify potentially eligible 504 students whose disabilities are not limited to learning or other academic problems. Students who are having difficulties such as caring for themselves, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working should be identified as potentially eligible for services, accommodations, and modifications under Section 504.

B. REFERRAL, EVALUATION, AND PLACEMENT PROCEDURES

1. Referral to the School 504 Coordinator

Students suspected of having a disability may be referred to the school Section 504 Coordinator for evaluation by any source in writing, (or orally by the parent if the parent does not know how to write or has a disability that prevents a written statement). Sources include, but are not limited to, parents, medical personnel, school district or other public agency personnel, community agencies, civil authorities, and other interested persons. All requests received by school personnel will be referred to the school's Section 504 Coordinator. The school's Section 504 Coordinator is responsible for coordinating all aspects of the 504 referral and evaluation process.

Persons who make oral requests to school staff for a Section 504 referral should be directed by school staff to also make their request in writing. If an oral request has been made, the referral process will not be delayed by lack of a written request for referral. The party wishing to make a referral should send to the school's Section 504 Coordinator a written statement stating the name of the student to be referred, as well as any relevant information that may help the school determine whether the student should be evaluated for Section 504 eligibility. Such information should include the nature of the suspected disability, if known. Form 504-4 may be used to refer a student to the Section 504 Coordinator.

2. Referral by Section 504 Coordinator or Designee to the Student Screening Team for Possible Evaluation

Within ten school days of receipt of a request for referral, the school Section 504 Coordinator should refer the student to the Student Screening Team for consideration of a Section 504 evaluation. A referral should also be made in the following circumstances:

- a. When a student is referred for IDEIA, but the decision is not to evaluate;

- b. When a student is evaluated for IDEIA, but is deemed ineligible;
- c. When a student is suspected of having a disability;
- d. When a student continues to display behavior problems; or
- e. When a student has a major health concern.

The Section 504 Coordinator or designee will complete the Section 504 Referral Form (Form 504-4).

Notice to Parent/Guardian: The parent/guardian will be notified of the Section 504 Coordinator's action on the student's referral. The parent/guardian may challenge a decision to not refer the student to the Student Screening Team through the Section 504 hearing process.

Consent of Parent/Guardian: Consent of the parent/guardian is not required for referral to the Student Screening Team.

3. Review for Evaluation

The Section 504 Coordinator will coordinate a meeting of the Student Screening Team (SST) to consider the referral. The SST is made up of the school Section 504 Coordinator, or designee, at least one staff member who is knowledgeable about the student and representatives of differing disciplines as is determined appropriate. The makeup of the SST will vary, depending on who is referred and the nature of the suspected disability. The SST is encouraged to invite parents to this review; however, parent attendance and consent is not required at this stage.

The SST should review the referral, collect and examine existing school, medical and other records in the possession of the parent, school District or other public agency, and determine whether or not to conduct an evaluation. The SST decision will be made within 15 school days of receiving the referral. The decision shall be written and shall include the names of the persons making the decision.

Notice to Parent/Guardian: Parents/Guardians will be notified of the SST decision. The parent may challenge a decision to not evaluate the student through the Section 504 hearing process.

Consent of Parent/Guardian: Parental consent is needed to conduct an initial evaluation.

4. Evaluation of the Student

Members of the SST for Evaluation

Each student will be evaluated for Section 504 eligibility by the SST. The section 504 coordinator or designee will facilitate the assembly of the SST. The SST will consist of qualified professionals who are knowledgeable about the student and/or the student's suspected disability. Members of the team could include the parent, school nurse, the

student's teacher, counselor, school psychologist, social worker, the principal, the assistant principal of student services, and any other appropriate school personnel member. At a minimum the team shall include:

- *At least one person knowledgeable about the suspected disability;*
- *At least one person knowledgeable about the meaning of the evaluation data;*
- *At least one person who can administer tests;*
- *At least one person knowledgeable about the child; and*
- *At least one person knowledgeable about the placement options.*

Each professional member of the SST shall be licensed, registered, credentialed, or certificated, according to his or her professional standards in accordance with state statutes and rules.

Evaluation Procedures

The SST is responsible for ensuring that the student receives an appropriate evaluation consistent with Section 504 standards. The SST must determine what information is needed in order to make an informed and accurate determination as to whether or not the student has a disability. The SST shall use the following procedures in every evaluation or reevaluation of an eligible or potentially eligible Section 504 student:

- The evaluation shall be sufficient to identify the regular or special education and related aids and services needed to provide a free appropriate public education to the student. The SST should use assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the student.
- The SST will gather data and information from a variety of sources. Sources of evaluation data may include, among others, formal testing, student grades, health information, parent information, teacher comments, standardized test scores, and disciplinary referrals. The SST will determine the scope of data to be gathered and reviewed.
- Tests selected and administered in the evaluation process should:
 - + be selected and administered so as not to be racially or culturally discriminatory;
 - + be administered in the student's native language or other mode of communication, unless it clearly not feasible to do so;
 - + be tailored to assess specific areas of educational need; and
 - + include assessments tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
- Based on the review, the SST will identify what additional information, if any, is needed to fully evaluate the student.

- If the SST determines that additional information is necessary, the team will identify how this information will be obtained and who will have responsibility for obtaining it.
- If the SST determines that it needs additional testing or medical evaluations in order to conduct an appropriate evaluation, apparent consent will be obtained and forwarded to the assistant principal of student services.
- After reviewing and carefully considering all information obtained by the SST, the team will make the following determinations:
 - + Whether the student has a physical or mental impairment; and
 - + Whether the student's physical or mental impairment substantially limits one or more major life activities.
- If the SST determines that the student is disabled, the SST will propose services, accommodations, and modifications to address the student's disability related needs.
- The SST will prepare a report detailing the determinations, accommodations, intervention plans, and recommendations. (Form 504-12) The report shall be signed by each member of the SST, and sent to the parents/adult student along with a notice of procedural safeguards, including information on the process for challenging the SST's determination.
- Students who have drug and alcohol issues, pregnancy issues, and who are getting mental health services may have the option of not having a full complete SST but instead may have a determination and accommodation completed by one person, i.e. drug/alcohol counselor. In those unique cases, the one member SST team shall sign the report. A student should not be excluded from receiving a 504 plan because of current or past drug use. Instead, determination for a 504 should be based on the manifestations of the alleged disability.

Eligibility Considerations

The SST will take the following guidance into account in reaching its decision regarding eligibility under Section 504. Should questions arise regarding these considerations, the school SST should consult with the assistant principal of student services or the District's Section 504 Coordinator.

• Temporary Medical Conditions

In order for a medical condition to be considered a disability under Section 504, the condition must substantially limit one or more major life activities. Temporary, non-chronic impairments that do not last for a long time, and that have little or no long-term impact are generally not considered to be a disability under Section 504. For example, a temporary impairment such as a broken leg, is not commonly regarded as a disability, and

only in rare circumstances would the degree of the limitation and its expected duration be substantial.

- **Medically Fragile Student**

A medically fragile student shall mean a child with an illness or condition that requires an immediate response to specific symptoms or sequela that if left untreated, may lead to a potential loss of life such as, but not limited to, the use of an inhaler for an asthma attack, use of an adrenaline injection to treat a potential anaphylactic reaction, an insulin injection or insulin pump to treat hyperglycemia, or glucagon injection to treat hypoglycemia.

The administration and school nurse shall ensure that students identified as medically fragile by a physician, shall not be discriminated in any way in the administration of medication, access to facilities and programs, participation in school sanctioned activities such as field trips, after school activities, clubs or events.

Additionally, the school nurse shall insure to the maximum extent appropriate, that those staff who have the need to have knowledge of, or awareness regarding a student's health condition, are informed through an emergency action plan that outlines the student's special health care needs and staff responsibilities when a predictable emergency occurs.

If necessary and appropriate, the school nurse shall consult with each identified student's parents and physician regarding the rules of confidentiality, special health care needs, program accommodations, administration of medication, medical interventions and/or procedures.

1. If necessary and appropriate, the school nurse shall consult with the parents regarding the guidelines on the self-administration of medication and initiate if practicable.
2. If necessary and appropriate, the school nurse shall request from the parent's release of pertinent medical information from the child's physician.
3. If necessary and appropriate, the school nurse shall initiate, in consultation with the Assistant Principal for Student Services, action to obtain a court order in the case of a physician issued, "do not resuscitate order."

Dissemination of Information

If a medically fragile student requires predictable staff intervention, the school nurse, clearly defining staff responsibilities, required intervention(s) and other pertinent information, will prepare an emergency action plan.

If the medically fragile student does not require specified staff intervention, but has medical needs requiring staff awareness, the school nurse or designee shall consult with each staff member who may be responsible for the identified student.

1. The school nurse shall consult with the student's teachers and inform them of the student's special health care needs.
2. The staff member will initial and date the medical information identification form confirming that they have been made aware of the student's special health care needs.

- **Serious or Specific Medical Conditions**

Serious or specific medical conditions, such as diabetes, may require the development of a health plan. This plan may be written as a district health plan or a district 504 plan.

- **Parental Placements in Private Schools or in Home School**

Section 504 requires the District to provide FAPE to all secondary students with disabilities. If the parent declines to enroll the student in the District's education program that provides FAPE and instead enrolls the student in a non-district program, the District is not required to provide FAPE/Section 504 services, accommodations or modifications to the student. IDEIA may require that students in non-district programs be provided certain services. Students covered by IDEIA should be reviewed under the District's IDEIA procedures.

- **Section 504 Students Who Receive a Standard High School Diploma**

Section 504 requires that FAPE be provided to secondary students that are of an age and served under IDEIA. When a student with a disability meets all District standards for receipt of a standard high school diploma and is awarded such a diploma, the District is no longer required to provide FAPE and the District's Section 504 responsibilities to provide FAPE end.

The SST will make its decision and submit its report (Form 504-12) within 35 school days after written consent for an evaluation has been provided by the parent(s) or the adult student.

Notice to Parent/Guardian: It is recommended that parents be provided the opportunity to participate in the SST's decision-making process. Parents/Guardians will be notified of the SST's decision and parents may challenge the decision through the Section 504 hearing process.

Consent of Parent/Guardian: Consent or concurrence with the SST's decision is not required.

5. Plan Development and Plan Implementation

Developing the Section 504 Plan

Once the SST has determined that the student is eligible for Section 504 services (Form 504-13) and has completed the evaluation report (Form 504-12), the SST will meet and determine the appropriate services, accommodations, and modifications that will be provided to address the student's disability-related needs. If possible, the SST creating services, accommodations, and modifications should also include any of the student's teachers relevant to the plan and the parent/guardian. The SST shall develop the Section 504 Accommodation and Modifications Plan (Form 504-12, Part 2). This form should incorporate all services, accommodations, and modifications that will be provided and indicate who is to provide each service and/or accommodation.

The student's Section 504 plan will be developed no more than 20 school days after the evaluation report is issued by the SST.

Notice to Parent/Guardian: It is recommended that parents/guardians be invited to participate in the plan development process. Parents/Guardians will be notified of the placement decision and may challenge the decision through the District's Section 504 hearing process.

Consent of Parent/Guardian: Parental consent is needed before implementing the Section 504 plan.

If consent is not obtained, the District may choose to initiate procedures to override the lack of parental consent.

Implementing the Section 504 Plan

Once the student's Section 504 plan is finalized, and parent/adult student consent is received, the 504 Coordinator shall immediately notify each of the student's teachers about the services, accommodations, and modifications, and shall insure that all services, accommodations, and modifications are provided.

SECTION THREE

Annual Reviews and Reevaluations

A. ANNUAL SECTION 504 PLAN REVIEW

An Annual Review of each Section 504 student's services, accommodations, and modifications by the 504 team shall be completed each school year. Each school must ensure that the annual review process is completed and any necessary evaluations and program changes are in place by ten school days after developing the new plan.

Students new to the district may have a new plan, may have a former plan adopted if appropriate, or may enter a period of "impact consideration". This period should be a reasonable amount of time (no more than one quarter) so as to allow observation and data gathering to determine the full impact of the disability and determine the most appropriate accommodations/modifications.

The 504 team for the annual review should include at least one person knowledgeable about the student, at least one person knowledgeable about the disability, the 504 Coordinator, and at least one of the student's teachers.

The annual 504 team review of the Section 504 Plan is not conducted to evaluate whether the student continues to be eligible for Section 504 services and accommodations, but rather to determine whether the services and accommodations that are currently being provided continue to be appropriate. The 504 team completes a file review and observation of the student, if observations are determined to be necessary.

The 504 team may determine that:

1. the plan continues to be appropriate;
2. modifications in the plan may be needed; or
3. the student should be referred for a reevaluation.

1. Extend the Section 504 Plan

If the 504 team determines that no new services, accommodations, and/or modifications are necessary, the 504 team will validate the current Section 504 Plan by extending the Section 504 Plan for another year and documenting the extension on the Section 504 Plan (Form 504-12).

Notice to Parent/Guardian: The parent/guardian should be notified if the student's Section 504 Plan is validated for another year.

Consent of Parent/Guardian: Consent or concurrence with the SST decision to validate is not required.

2. Modify the Section 504 Plan if Needed

The 504 team will determine what modifications, if any, are necessary to the Section 504 Plan. The new Plan will be completed and the Section 504 Coordinator will provide a copy to the teachers.

On occasion some services, accommodations, and/or modifications may require additional resources that the school alone is unable to provide. In these situations the school Section 504 Coordinator will promptly communicate with the assistant superintendent of student services to ensure that necessary central support is available to ensure that the services, accommodation and/or modifications are provided. (Form 504-12)

The new services, accommodations and/or modifications will be implemented within ten school days.

Notice to Parent/Guardian: It is recommended that parents be invited to participate in the plan development process. Parents/Guardians will be notified of the SST decision and parents may challenge the decisions through the District's Section 504 hearing process

Consent of Parent/Guardian: Parental consent is needed before implementing the changes to the Section 504 plan. If consent is not obtained the District may choose to initiate procedures to override the lack of parental consent.

3. Conduct a Reevaluation if Needed

The SST will conduct the reevaluation using procedures consistent with the District's initial evaluation and reevaluation procedures. The new services and accommodations will be implemented within ten school days.

Notice to Parent/Guardian: It is recommended that parents be provided the opportunity to participate in the 504 team's decision-making process. Parents will be notified of the 504 team's decision and parents may challenge the decision through the Section 504 hearing process.

Consent of Parent/Guardian: Consent or concurrence with the 504 team's decision is not required.

B. REEVALUATION

The purpose of the reevaluation is to determine if the student continues to be qualified for Section 504 services, modifications, and accommodations because the student continues to have an impairment, which substantially limits a major life activity. The reevaluation also provides information for decisions about the appropriateness of the Section 504 plan.

1. A Reevaluation Will Be Conducted When:

- a. It has been 3 years since the previous evaluation.
- b. There is a significant change in placement. A reevaluation is not required when the student graduates with a regular high school diploma.
- c. A reevaluation has been requested by either parents/adult students or the school.

2. The 504 Team Conducts the Reevaluation

Within 35 school days from the initiation of the reevaluation process, the 504 team will:

- a. Review existing evaluation data and obtain input from the student's parents on the student, including:
 - (1) Prior evaluations and information provided by the parents of the student;

- (2) Current classroom-based assessment and observations; and
- (3) Observations by teachers and related services providers.

b. Identify and obtain what additional data, if any, is needed to determine:

- (1) Whether the student continues to have a disability;
- (2) Whether the student continues to need services, modifications, and accommodations under Section 504;
- (3) Whether more tests and evaluations are needed to make a determination of the nature and amount of services, modifications and accommodations; and/or
- (4) If no other data is needed then eligibility can be established using current data.

Notice to Parent/Guardian: Parents/Guardians will be provided with written notice consistent with the notice requirements for the initial evaluation prior to conducting the reevaluation.

Consent of Parent/Guardian: Consent is not required before reviewing existing data as part of the reevaluation or administering tests or other evaluations that are administered to all students unless consent is required of every student. Parental consent is not required for reevaluation if the school can demonstrate that it has taken reasonable measures to obtain that consent and the student's parents have failed to respond.

The 504 team may conduct and complete the review without meeting, but if a meeting is required, the Section 504 Coordinator will provide the parent(s) with notice and an opportunity to participate in the meeting. If the 504 team determines that it needs testing or medical evaluations in order to conduct an appropriate evaluation, the team will submit Form 504-10 requesting approval of such testing or medical evaluations to assistant principal of student services who will promptly respond to the team's request, in writing using Form 504-6.

- c. If the 504 team determines that the student is no longer eligible for services, accommodations, and modifications under Section 504, the team will document the reasons for the determination (Form 504-12). The Section 504 Coordinator will ensure that the student's teachers are informed of the determination. (Form 504-16)

Notice to Parent/Guardian: Parents/Guardians will be notified of the SST's decision and the parents may challenge the decision through the Section 504 hearing process.

Consent of Parent/Guardian: Consent or concurrence with the SST's decision is not required.

- d. If the SST determines that the student continues to be eligible and in need of services, accommodations, and modifications under Section 504, Form 504-12 is to be completed by the SST within 30 school days from the completion of the reevaluation.

Notice is sent to the parent of the eligibility decision, the present levels of performance and the educational needs of the student, and whether any additions or modifications are needed to enable the student to have a free appropriate public education, within ten school days after completion of the reevaluation. (Form 504-13)

The Section 504 plan will be developed and implemented in a manner consistent with the initial plan development and implementation procedures of the District. There will be no interruption of services, accommodations and/or modifications while the reevaluation is being completed.

Notice to Parent/Guardian: Parents/Guardians will be notified of the Evaluation Team's decision.

Consent of Parent/Guardian: Consent or concurrence with the Evaluation Team's decision is not required.

SECTION FOUR

Discipline of Section 504 Students

A. DISCIPLINE AND THE 504 STUDENT

1. Change of Placement For Disciplinary Removals

A significant change of placement occurs (1) if the 504 student is removed for more than ten consecutive school days, or (2) when the student is subjected to a series of removals that constitute a pattern because they cumulate to more than ten school days in a school year and because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

2. Removals For Ten Days or Less

If non-disabled students are disciplined by a removal for periods of less than ten days, schools may remove the Section 504 student for not more than ten consecutive school days for any violation of school rules, and additional removals of not more than ten consecutive school days in the same school year for separate incidents of misconduct as long as those removals do not constitute a significant change of placement under these procedures.

3. In-School Suspension as a Substitute for Long-term Suspension or Expulsion

To be considered as a substitute for suspension without being a significant change of placement, an in-school suspension must provide an educational benefit equivalent to that provided to students who are in school. For Section 504 students with certain disabilities, the school must consider whether an in-school suspension that normally expects students to work semi-independently in an environment where they are subject to restricted

movements, have limited restroom breaks, and must be silent for extended periods provides an educational benefit equivalent to that provided to students in regular classrooms. In some cases, particularly for periods greater than ten days, in-school suspension may constitute a significant change in a Section 504 student's placement because it may interrupt the educational programming called for in the student's Section 504 Plan.

4. Services Required for Removals of More Than Ten Days

When a Section 504 student has been removed from his/her current placement for more than ten days in the current school year, the school shall provide services equivalent to those provided to nondisabled students.

5. Discipline for Weapons or Drugs

In cases where a Section 504 student has weapons or drugs, the SST may recommend, and a school principal may order a change of placement for the student to an appropriate interim educational setting, provided that it is for the same amount of time that a student without a disability would be subject to, but it may not be for more than 45 school days. This action may be taken if (1) the Section 504 student possesses a weapon or carries a weapon to school or to a school function, or (2) the Section 504 student knowingly possesses or uses illegal drugs or sells/distributes or solicits the sale of a controlled substance while at a school function.

B. MANIFESTATION DETERMINATION

A manifestation determination must be conducted by the 504 team when Section 504 student's placement may be significantly changed by disciplinary action for his/her misconduct. Usually, a short-term suspension of ten days or less does not constitute a significant change in the student's placement. Therefore, a manifestation determination is not necessary when a student is short-term suspended when the suspension does not constitute a significant change in placement.

A manifestation determination must be made if a Section 504 student is to be long-term suspended or expelled from school or there is a pattern of exclusion, because this constitutes a significant change in placement for the student. If the 504 team determines that the student's misconduct was not a result of his/her disability, or the result of an inappropriate placement, the student may be given the same sanction as would be given to a non-disabled student under the same circumstances.

It is the responsibility of the building principal, assistant principal of student services or designee for discipline, to monitor Section 504 students who receive discipline to ensure that a manifestation determination is made before the number of days a student is excluded from the educational program due to disciplinary action constitutes a significant change in placement.

1. The Manifestation Determination Process

The 504 team shall meet to conduct a manifestation determination within ten school days of the disciplinary removal. In the review the 504 team must consider all relevant information in terms of the behavior being disciplined, including:

- a. Evaluation and diagnostic results, including other relevant information provided by the parents;
- b. Observations of the student;
- c. The student's Section 504 plan with an explanation of the student's disability; and
- d. The student's related behavior management/discipline plan, if one exists.

The 504 team must determine the following:

- a. Were the student's services, accommodations, modifications, interventions, and placement appropriate?
- b. Were the supplementary aids, services, and behavior intervention strategies provided consistent with the student's Section 504 program and placement?

If either question a. or b. is answered no, the student may not be disciplined in the same manner as non-disabled students.

- c. Did the student's disability impair the ability of the student to control the behavior or understand the consequences of his/her actions; and
- d. Was the student's behavior a result of (or caused by) the student's disability?

If either questions c. or d. is answered yes, the behavior must be considered a manifestation of the student's disability and the student may not be disciplined under the District's discipline process.

If the results of the manifestation review indicate that the behavior of the Section 504 student was not a manifestation of his/her disability or the result of an inappropriate placement, the student may be disciplined as students without disabilities would be disciplined for the same behavior. A free appropriate public education should continue to be made available to those students consistent with these procedures.

The results of the manifestation determination will be documented by the 504 team making the decision along with any proposed interim alternative educational placement and sent to the parent within three school days of the determination. The notification will inform the parents of their right to initiate a due process hearing to challenge the team's decision. (See Form 504-15)

2. Functional Behavioral Assessments

A school should conduct a functional behavioral assessment and implement a behavioral

intervention plan for any Section 504 student who has been removed from school more than ten days during the current school year, even if their original disability was not behavior related. The 504 team should review the behavioral plan after each removal and exclusion from school to determine whether modifications to the plan are needed. If one or more team members believe modifications are needed, the 504 team will meet to consider modification of the plan and implementation procedures.

C. PARENT/GUARDIAN APPEAL RIGHTS AND STUDENT PLACEMENT DURING APPEALS

If a student's parent/guardian disagrees with a determination that the student's behavior was not a manifestation of the student's disability or with any decision regarding change of placement for disciplinary purposes, the parent/guardian may request a hearing to appeal the determination and/or the placement under Section Nine of the Handbook. (See Form 504-14) the principal or assistant superintendent of student services will arrange an expedited hearing with an independent hearing officer.

In reviewing a decision with respect to the manifestation determination, the hearing officer shall determine whether the student's behavior was a manifestation of the student's disability. The independent hearing officer will also review the appropriateness of the proposed interim alternative educational placement.

If a parent/guardian requests a hearing to challenge the interim alternative education setting or the manifestation determination, the student remains in his/her current setting pending the decision of the hearing officer UNLESS the disciplinary action is related to removal for weapons or drugs or dangerous behavior. In the case of removal of a Section 504 student for weapons, drugs or dangerous behavior, the student must remain in the interim alternative educational setting pending the decision of the hearing officer or until the 45-day time period expires, whichever occurs first, unless the parent/guardian and school agree otherwise.

D. PROTECTIONS FOR STUDENTS NOT YET DETERMINED ELIGIBLE FOR SECTION 504 SERVICES, ACCOMMODATIONS, AND MODIFICATIONS

A student who has not been evaluated and made eligible for Section 504 protection may assert any of the protections provided for in these procedures if the school or school District had knowledge that the student was a Section 504 student before the behavior that precipitated the disciplinary action occurred. A school is deemed to have knowledge that a student is a Section 504 student if one of the following has occurred:

1. The parent/guardian of the student has expressed concern in writing (or orally if the parent/guardian does not know how to write or has a disability that prevents a

- written statement) to personnel of the appropriate school that the student is in need of services, accommodation, and modifications.
2. School personnel have observed that the behavior or performance of the student demonstrates a need for services, accommodations, and modifications as a result of a suspected disability.
 3. A student is suspected of having a disability, either under Section 504 or IDEIA.
 4. A student continues to display behavior problems.
 5. A student has a major health problem.

SECTION FIVE

Transfer To Another School

A. STUDENTS TRANSFERRING INTO THE DISTRICT

The District is responsible for identifying students who had Section 504 Plans in the last District they attended and for obtaining a copy of their current Section 504 Plan.

Parents/Guardians of students transferring into the District can also identify their child's need for services, accommodations, and/or modifications by requesting consideration for a 504 plan.

Section 504 Plans are archived by the school's Section 504 Coordinator. If the student is returning to the District the building Section 504 Coordinator should be contacted to retrieve a copy of any prior Section 504 Plan.

B. STUDENTS LEAVING THE DISTRICT

Schools will forward the transferring student's current Section 504 Plan to the receiving District upon receipt of a request for the student's file from the receiving District or school. Parents/Guardians of Section 504 students should also inform their child's new school of the existence of a Section 504 Plan.

C. STUDENTS CHANGING SCHOOLS WITHIN THE DISTRICT

When students move to a new school, the Section 504 Coordinator in the school the student previously attended is responsible for passing the student's Section 504 file on to the student's new school assignment. Parents/Guardians of Section 504 students should also inform their child's new school of the existence of a Section 504 Plan. For mid-year school moves, the sending school should advise the new school as soon as possible, preferably before an anticipated move, so that the new school can implement any services, accommodations and/or modifications without unnecessary delay.

SECTION SIX

Miscellaneous Provisions

A. FIELD TRIPS

Section 504 students must be provided an equal opportunity to participate in school sponsored activities and programs, such as field trips.

When questions arise regarding a student's ability to participate in a field trip due to disability, the 504 team should consider supplementary aids and services, program modifications or support for school personnel that can be provided to enable the student to participate without changing the basic purpose and nature of the program. The student's Section 504 plan shall include any services, accommodations, and/or services needed to help the student participate in field trips.

If problems arise after the student is allowed to attend field trips, please reconvene the student's Section 504 team to discuss whether there are any services, accommodations, and/or modifications that could be given so that the student can continue to participate in these activities.

If the student is not able to participate in field trips even with the use of supplementary aids and services, then an alternative educational program should be provided, as appropriate, to substitute for the field trip or activity.

B. PARTICIPATION IN EXTRACURRICULAR AND AFTER SCHOOL ACTIVITIES

The 504 team must consider the appropriateness of the student's participation in extracurricular and other nonacademic activities, and include in the student's Section 504 Plan any program modifications or supports for school personnel that will be provided to help the student take part in extracurricular and nonacademic activities.

District staff must take reasonable precautions and supervise the extracurricular activities disabled students participate in, including informing the supervisors of the activity in question of potential dangers and other foreseeable risks related to their disabilities and having plans to protect from such risks.

C. PARTICIPATION IN ATHLETICS

Disabled students who wish to participate in athletic activities are protected under Section 504. When a disabled student requests services, accommodations, and/or modifications so that he or she can participate in the athletic activity, such a request should be evaluated by the 504 team. If the services, accommodations, and/or modifications needed by the student in order to participate create a fundamental alteration in the nature of the program or activity, the student may not be qualified to participate.

The 504 team should consult with the assistant principal of student services or with the athletic directors for advice or assistance when necessary. No two situations are alike, and no general advice will suffice. Parents/students will be notified, in writing, of 504 team

decisions and reasoning. When disputes exist between the student/parent and the 504 team over athletic participation or the services, accommodations, and/or modifications to be provided, the District's internal due process and/or grievance procedures should be utilized. Please use these procedures to ensure fairness to disabled athletes.

Note: Considerations applicable to interscholastic athletics also apply to physical education programs.

D. PARTICIPATION IN SUMMER SEMESTER

The District is committed to a positive and productive educational environment free from discrimination in its educational programs, including summer programs offered to all qualified students. No disabled student may be excluded from the summer program if that student is considered an "otherwise qualified individual with a disability."

- Step One: Schools will be given the names of students whose parents have submitted an application for the summer program and where the student has been identified as a special education and/or Section 504 eligible student.
- Step Two: The 504 team will review the impact of the student's disability and make recommendations for reasonable modifications.

In some instances, a student with a disability under Section 504 may require some services, accommodations, and/or modifications during the summer in order to receive a FAPE. If the 504 team identifies a service that needs to be provided in the summer for the student to receive a FAPE, such services will be provided.

E. INTERPRETER SERVICES

When a student with a disability needs interpreter services for educational purposes or for after school and extra curricular activities, the school should follow the process outlined in Section Two of this manual for referral, evaluation and plan development. These procedures are for 504 interpreters and do not apply or include interpreters provided by the bilingual or special education departments for academic programming.

Once the student is made eligible under 504 and if the 504 team determines that the building cannot fund the interpreter service, the team will submit Form 504-5 requesting approval of such service to the assistant superintendent of student services. The assistant superintendent for student services will promptly respond to the 504 team's request, in writing. In addition to the guidelines in Section Two, the process outlined below must be followed.

1. The 504 team must make their request for an interpreter prior to the class or event taking place. At minimum, a two-week period is needed to secure an interpreter. Failure to do so will result in the building providing the funding for the interpreter for that class and/or event.

2. Once the interpreter service has been approved by the assistant superintendent for student services, the school 504 Coordinator will be contacted to recruit applicants through the human resources department.

F. TRANSPORTATION AND SECTION 504

All Section 504 students requiring accommodations for transportation services will be identified to the transportation supervisor by the school's 504 coordinator. Unless a specific transportation service is identified as a necessary service by the 504 team, 504 students are subject to the same eligibility criteria as all other students.

Procedure

1. Determining Eligibility: Section 504 students eligible for special services transportation will be identified by the student's SST team. Each student's name, address, telephone number, and emergency number, school with its starting and dismissal times, and special instructions related or pertinent to the nature of his or her disability, should be submitted to the transportation supervisor by the school's 504 coordinator.
2. Assigning Transportation: The modes of transportation selected for students with disabilities will be based upon their individual needs as determined by their 504 teams in cooperation with the transportation supervisor. The modes used are:
 - a. Yellow school bus - curb pick up
 - b. Yellow school bus - corner pick up
 - c. Taxi
 - d. Yellow school bus or van with "lift"
 - e. In-lieu transportation (private vehicle)
3. Schools Serviced By Transportation: When a disabled student receives transportation to and from school, schools should follow their normal procedures unless the student requires services, accommodations, and/or modifications in order to access transportation services. If a deviation from the departure schedule is required, the transportation supervisor must be notified.
4. Student Records: The transportation supervisor maintains a computer record for each student receiving 504 transportation services. These records are used to update information pertaining to the student (residence changes, school changes, etc.) and to maintain statistical data for the program.

5. Carrier Notification of Student Status Change: When students change their residence or school, or when students are added to or deleted from the special services program, the transportation supervisor must be notified by the special services program specialists. Changes to routes may require two to three school days from the time of notification.
6. Special Equipment: Special equipment that may be required for busing student with disabilities, such as restraining harnesses, seatbelts, lap belts, etc., will be provided from District resources. Parents or guardians must provide individual personal items, such as wheelchairs and banana carts.
7. Discipline: Discipline, to the extent feasible, will be maintained on buses in compliance with state and local requirements. In cases where normal corrective procedures are inappropriate, due to the nature of the disability, alternative approaches will be taken through principals/directors or designee and the 504 team. The principal, dean, assistant principal of student services or designated representative, is responsible for disciplining students.
8. Medication: Bus drivers are not authorized to carry medication for students on buses. Parents or guardians are responsible for bringing to the school any medication required for the children.

SECTION SEVEN

Physical Modification To Physical Structures

A student's access to educational facilities is an inherent right of all students who attend District schools and barriers to that access must be removed if possible, and if not, the student must be immediately without delay relocated to another school site. The process for requesting modification to the physical structure is the same as any other accommodation and must follow the same procedures outlined in Section Two of this manual.

1. Consideration by the 504 team

When reviewing a request for physical modifications the 504 team must consider not only the student's disability but also how the disability affects the student's access to the programs inside and out of the building. The team should consider:

- a. The student's disability (evaluate to qualify for 504 if not already qualified).
- b. How the student's disability affects their access to the building.
- c. What other alternatives may be available to meet the student's disability-related needs before changing the physical structure.
- d. Any interim measures necessary to achieve immediate access, including temporary relocation if necessary.

2. Referral to District coordinator for 504 -assistant superintendent of student services

If the 504 team determines that the building is in need of physical modification in order to provide access for the student, the team will submit Form 504-5 requesting approval of such modifications to the assistant superintendent for student services. The assistant superintendent for student services will contact central maintenance to have an estimate completed for the final approval of the superintendent's team.

SECTION EIGHT
Investigation And Grievance Procedures For 504
Discrimination Complaints

The District prohibits discrimination and harassment based on national origin, race, economic status, sex, sexual orientation, pregnancy, marital status, or disability. Section 504 is a federal law that prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance. The District, which receives federal money, does not discriminate on the basis of disability. Any student, parent or guardian who believes that they have been discriminated against by or within the District has the option of using the complaint procedures outlined below.

There are two complaint processes: The Informal Complaint Process and the Formal Complaint Process.

A. INFORMAL COMPLAINT PROCESS

Anyone may use the informal complaint procedures to report and resolve complaints of disability discrimination. Use of the informal complaint process is not required prior to filing a formal complaint. Informal reports may be made to any staff member. The complainant should be informed of the right to file informal and/or formal complaints of disability discrimination. Complaints should be reported to the assistant principal of student services.

The complainant will be provided an opportunity to explain their allegation of disability discrimination. Informal remedies include the complainant agreeing not to pursue a formal complaint until the District does a preliminary investigation of the allegations. The preliminary investigation will be completed within five school days from the date the verbal or written complaint is received by the associate superintendent of student services. The District and the complainant may identify an agreeable remedy to the dispute during the informal process. Informal complaints may become formal complaints at the request of the complainant or because the District believes the complaint needs to be more thoroughly investigated.

B. FORMAL COMPLAINT PROCESS

Anyone may use the formal complaint procedures to resolve complaints of disability

discrimination. Written complaints should be submitted to the assistant principal of student services. The following process will be followed:

1. The assistant superintendent for student services or other designee of the associate superintendent shall receive and investigate all formal, written complaints of disability discrimination or information in the District's possession that the superintendent or his or her designee believes requires further investigation.
2. All formal complaints shall be in writing; shall be signed by the complainant; and shall set forth the specific acts, conditions or circumstances alleged to have occurred and which, may constitute disability discrimination. The associate superintendent's designee may draft the complaint, based upon the report of the complainant, for the complainant to review and sign. (Form 504-17)
3. The investigation will be adequate to address the allegations raised and conducted in an impartial manner, including providing the complainant the opportunity to provide witnesses and other information.
4. When the investigation is completed the associate superintendent of student services' designee shall compile a full written report of the complaint, the results of the investigation, and corrective measures, if any, deemed necessary based on the record compiled. The report may also conclude that the investigation is incomplete to date and will be completed by a specific date.
5. The written report will be provided to the complainant within 30 days of the date the complaint was filed with the assistant principal of student services. If the matter is resolved, the corrective measures will be promptly implemented but in no event more than 30 days after the report is submitted to the associate superintendent and the complainant. If the matters have not been resolved to the satisfaction of the complainant, within 15 days from the date of receipt of the investigative report the complainant may file for a review by the associate superintendent.
6. The associate superintendent shall respond in writing to the complainant within 30 days after request for review is received.
7. Corrective measures deemed necessary by the associate superintendent will be instituted as quickly as possible, but in no event more than 30 days after the associate superintendent's written response, unless staff is appealing the imposition of discipline and the District is prevented by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded.

SECTION NINE
Procedural Safeguards

A. HEARING RIGHTS FOR PARENTS AND STUDENTS

1. Purpose of a Hearing

The parent/adult student or an individual school have a right to initiate a 504 hearing to challenge or to show appropriateness of a proposal or refusal by the individual school to initiate or change the following:

- a. The identification of the student;
- b. The evaluation of the student;
- c. The educational placement of the student; or
- d. The provision of FAPE to the student pursuant to these procedures.

2. How to Request a Hearing

A request by the parent/adult student or the school for a hearing pursuant to this section should:

- a. Be in writing; specify the school, explain the concerns of the parents or adult student, or the school in general or specific terms; and provide other information regarding the request for hearing. (Form 504-14)
- b. The request should be mailed to: Township High School District 214, Attention: Associate Superintendent of Student Services, 2121 S. Goebbert Road, Arlington Heights, Illinois 60005. The assistant superintendent for student services will forward a copy of the parent's request to the individual school and a copy of the school's request to the parent with attachments.

3. Selection of a Hearing Officer and Expense of Hearing

- a. The hearing will be conducted by an independent hearing officer at the expense of the District.
- b. The District will ensure that the hearing is tape recorded by the hearing officer.
- c. The hearing shall be conducted by a qualified person selected and appointed by the associate superintendent or his designee.
- d. The person selected shall not have a personal or professional interest which would conflict with his or her objectivity in the hearing and will not be a District employee.
- e. A person who otherwise qualifies to conduct a hearing pursuant to this section is not an employee of the school District because she or he is paid to serve as a hearing officer.
- f. The hearing shall be conducted in accordance with the administrative procedures.
- g. The District will keep a list of persons who serve as hearing officers. The list must include a statement of the qualifications of each of those persons.

4. Independent Hearing Officer's Response

The hearing officer should send the parent and the individual school a Notice of Hearing and that Notice of Hearing should include the following information:

- a. The date, time, and place of hearing.
- b. The issue to be addressed at the hearing to the extent the issues have been identified at the time of the notice.
- c. The rights, procedures, and other matters to be discussed.
- d. The forty-five day time line for completing the hearing process shall be from the day the associate superintendent of student services receives the written request for a due process hearing.

5. Hearing Rights

Both parents/guardians and individual schools have the following hearing rights:

- a. Both parties have the right to be accompanied and advised by persons with special knowledge or training with respect to the problems of Section 504 students.
- b. Both parties have the right to be advised and/or represented by an attorney.
- c. Both parties have the right to present evidence, including the opinions of qualified experts, and to confront, cross-examine, and compel the attendance of school personnel.
- d. Both parties have the right to prohibit the introduction of any evidence at the hearing that has not been disclosed to the other party at least five days before the hearing, or two business days if the hearing is expedited.
- e. Both parties have the right to have all evaluations completed, and the recommendations contained in written reports from those evaluations at least five days before the hearing, or two business days if the hearing is expedited.
- f. A hearing officer may bar any party that fails to comply with the five-day rule from introducing relevant evaluation or recommendations at the hearing without consent of the other party.
- g. Both parties have the right to obtain a written decision containing findings of fact, conclusions of law, and a decision.
- h. Parents/Guardians who are a party to the hearing have the right to have the student who is the subject present at the hearing.
- i. There shall be no cost to the parent/guardian for the hearing other than own attorney's fees and related costs.
- j. The hearing will be held at the District administrative offices at 2121 S. Goebbert Ave, Arlington Heights, Illinois 60005. By agreement of both parties the hearing may be held in the evening.
- k. Each hearing shall be conducted at a time and place that is reasonably convenient to the parent/guardian and student involved.

6. Time Line for Hearing Officer's Decision

No later than 45 days after the date of the receipt of a request for a hearing:

- a. A final decision should be reached in the hearing;
- b. A copy of the decision should be mailed to each party; and
- c. A hearing officer may grant specific extensions of time beyond the period that is allowed in this section.

7. Review Procedure

Review of the decision of the due process hearing officer by the Board of Education or designee may be requested within ten days of the decision. A decision on the review will be provided to the parties within ten days after the Board of Education has heard the review.

8. Final Decision – Appeal to Court of Law

A decision made pursuant to these procedures is final unless modified or overturned by a court of law. A parent/guardian aggrieved by the findings and decision made in a hearing who does not have the right to appeal under these procedures has the right to bring a civil action. Parents/Guardians should consult with their legal representative for a fuller explanation of their rights under law.

B. RIGHT TO FILE A COMPLAINT WITH THE OFFICE FOR CIVIL RIGHTS

Parents have the right to file a complaint with the Office for Civil Rights (OCR), the body that enforces Section 504. OCR resolves disability related complaints but does not address educational disputes. The address of the regional office that covers Chicago is:

U.S. Department of Education
Office for Civil Rights Region V
233 N. Michigan Ave
Suite 240
Chicago, Illinois 60601
312-886-2359
Web Site: www.ed.gov/OCR