

# **Section 504 Handbook: Procedures for the Identification, Evaluation and Provision of Services**

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**Township High School District 214**

2121 S. Goebbert Ave  
Arlington Heights, Illinois 60005  
Board of Education  
2/2007, 9/2010, 10/2022

To All Staff:

Our work in Township High School District 214 is driven by a crystal clear mission: academic and social-emotional success for every student in every school. All students deserve equal access to meaningful opportunities in every facet of education. Section 504 of the Rehabilitation Act of 1973 ensures students with disabilities a free and appropriate public education, and we are committed to ensuring these rights for students in our District.

This manual is intended to guide you in supporting students with 504 Plans in District 214. Because the details and procedures surrounding Section 504 are multi-faceted and complex, we have devoted considerable time and effort to updating this manual to ensure that our procedures are relevant, organized, and clear. Please review this manual 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,

Kara Kendrick  
Associate Superintendent for Student Services

## **PREFACE**

**Township High School District 214 is committed to the academic and social emotional growth of every student, including those with disabilities. Any student, staff member, parent, or guardian who suspects that a student's education is impacted by the presence of a disability is encouraged to contact a member of the student's student services team for further discussion.**

Three primary pieces of federal legislation address the rights of students with disabilities in schools: The Individuals with Disabilities Education Act (IDEA), Title II of the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act of 1973. Under IDEA, eligible students with disabilities are provided specialized educational services in a special or general education setting, depending on the student's need. A student eligible for special education services under IDEA has an individualized education plan, or an IEP, that outlines the student's individualized goals, services, and accommodations. For additional information about IDEA or special education services in District 214, please contact a member of the student services team.

Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 are federal laws that prohibit public school districts (and other relevant entities) from discriminating against persons with disabilities. In general, Section 504 and Title II nondiscrimination standards are the same within the public school setting. With this in mind, this manual will address Section 504 of the Rehabilitation Act of 1973.

Section 504 of the Rehabilitation Act of 1973 is a civil rights statute designed to protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education. All public and private school districts that receive federal financial assistance must comply with Section 504. Specifically, Section 504 regulations require that a school district provide a "free appropriate public education," or a FAPE, to each qualified student with a disability who lives in the school district's jurisdiction. Under Section 504, a FAPE consists of the provision of regular or special education and related aids and services designed to meet the student's individual education needs as adequately as the needs of nondisabled students are met. Section 504 also requires that a student with a disability receive an equal opportunity to participate in athletics and extracurricular activities and be free from bullying and harassment based on their disability.

The determination of whether a student qualifies under Section 504 must be made on a case by case basis. For each student who qualifies under Section 504, a written Section 504 plan is created. This plan documents the student's access to a FAPE and communicates to school personnel the information needed for successful implementation. Generally, a student's 504 plan outlines the modifications, accommodations, and/or services the student will be provided within a general education setting.

The purpose of this document is to outline the procedures that govern the identification, evaluation, services, and placement of students who may be eligible for a FAPE under Section 504. This document does not address employment under Section 504.

## **SECTION ONE**

### **GENERAL INFORMATION ABOUT SECTION 504 AND PUBLIC SCHOOLS**

#### **GENERAL DEFINITIONS**

**504 Student:** Any student enrolled in school who has, has a record of having, or is regarded as having a physical or mental impairment which substantially limits one or more major life activities.

**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. An adult student shall assume and be entitled to exercise all rights, duties, and responsibilities otherwise granted to their parents by these procedures.

**Parent:** 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 an individual who is legally responsible for the student's welfare.

**Section 504 Coordinator:** A certified 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, psychologist, social worker, or administrator.

**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).

**Reevaluation:** The procedures used to determine the Section 504 Student's continuing eligibility. Reevaluations also occur 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.

**Consent:** The parent or adult student has been fully informed of all information relevant to the activity for which consent is sought in the individual's native language or other mode of communication, and the parent or adult student has agreed to the activity.

**Day:** 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.

**Section 504 Plan:** A Section 504 student's written description of the specific accommodations or other related aids and services to be provided in the general classroom. This plan should be sufficiently detailed to allow teachers to address the individual disability-related needs of the 504 eligible students.

#### **FREE APPROPRIATE PUBLIC EDUCATION**

Section 504 requires 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 Individuals with Disabilities Education Act (IDEA).

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

For a student to qualify as a student with a 504, the student 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.*

For all Section 504 students an appropriate education will include:

- 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 and accommodations, and periodic reassessments of eligible students’ 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;
- Educational services designed to meet the individual educational needs of disabled students as appropriately as the needs of non-disabled students are met;
- The education of and provision of nonacademic and extracurricular services and activities to a student with a disability with non-disabled students, to the maximum extent appropriate. 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;
- The provision of supplementary aids and services, which are supports 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 Plan. Non-academic or extracurricular services could include physical education, 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
- A system of procedural safeguards with respect to actions regarding identification, evaluation, services, and educational placement. These include: notice, an opportunity for parents or guardians to examine relevant records, an impartial hearing with opportunity for participation by parents or guardians and/or representation by counsel, and a review procedure.

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 temporary record and district student information system.

## **SECTION TWO**

### **IDENTIFICATION, REFERRAL, EVALUATION, ELIGIBILITY, AND PLAN DEVELOPMENT AND IMPLEMENTATION**

#### **IDENTIFICATION (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 are not currently receiving a free appropriate education under Section 504.

The District and/or individual schools will conduct the activities delineated below which are calculated to reach highly mobile students, 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; 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.

- Each year, information will be made available to parents and guardians, through both the district website and the Student/Parent Handbook, regarding the 504 evaluation process, 504 services, and parent/guardian rights. Individual schools shall also encourage staff members to identify students they believe 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.
- Each school shall ensure that its Problem Solving Solution Focused Team includes the 504 Compliance Manager. The 504 Compliance Manager is responsible for ensuring that students are evaluated and placed in a timely manner, once the potentially eligible student is identified.
- 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 annually.
- Each school is responsible for ensuring that Child Find activities are documented and conducted on a routine, at least monthly, basis.
- 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.

#### **REFERRAL PROCEDURES**

##### **REFERRAL TO THE SCHOOL 504 COMPLIANCE MANAGER OR COUNSELOR**

An adult who suspects a student of having a disability may refer the student to the school Section 504 Compliance Manager or counselor for potential evaluation. Referral 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 Problem Solving or Solution Focused Team. The school's Section 504 Compliance Manager is responsible for coordinating all aspects of the 504 referral and evaluation process.

Persons who make 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 Compliance Manager 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.

#### **REFERRAL TO THE STUDENT PROBLEM SOLVING/SOLUTION FOCUSED TEAM FOR POSSIBLE EVALUATION**

Within 14 school days of receipt of a request for referral, the school Section 504 Compliance Manager or designee should refer the student to the Student Problem Solving Team for consideration of a Section 504 evaluation and respond to parents/guardians regarding the decision to evaluate. A referral should also be made in the following circumstances:

- When a student is referred for IDEA, but the decision is not to evaluate;
- When a student is evaluated for IDEA, but is deemed ineligible;
- When a student is suspected of having a disability;
- When a student continues to display behavior problems; or
- When a student has a major health concern.

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

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

#### **REVIEW FOR EVALUATION**

The Section 504 Compliance Manager will coordinate a meeting of the Student Problem Solving Team to consider the referral. The Problem Solving Team 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 associate principal for 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 Problem Solving Team shall be licensed, registered, credentialed, or certified according to professional standards and in accordance with state statutes and rules.

The Problem Solving Team is encouraged to invite parents to this review; however, parent attendance and consent is not required at this stage.

The Problem Solving Team 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 Problem Solving Team decision will be made within 14 school days of receiving the referral.

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

**Consent of Parent/Guardian:** Written consent from the parent/guardian is needed to conduct an initial evaluation.



### EVALUATION OF THE STUDENT

Upon receiving written consent for an evaluation from a parent/guardian, the Section 504 Compliance Manager or designee will facilitate the assembly of the Problem Solving Team to evaluate the student for Section 504 eligibility.

The Problem Solving Team is responsible for ensuring that the student receives an appropriate evaluation consistent with Section 504 standards. The following procedures should guide 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 Problem Solving Team should use assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the student.
- The Problem Solving Team 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 Problem Solving Team will determine the scope of data to be gathered and reviewed.
- Tests selected and administered in the evaluation process should: a) be selected and administered so as not to be racially or culturally discriminatory; b) be administered in the student's native language or other mode of communication, unless it clearly not feasible to do so; c) be tailored to assess specific areas of educational need; and d) include assessments tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
- The Problem Solving Team will prepare a report detailing the determinations, accommodations, intervention plans, and recommendations of the team. The 504 evaluation team will meet with the parent and review the results of the evaluation and subsequent determination of eligibility under Section 504.

### ELIGIBILITY CONSIDERATIONS

After reviewing and carefully considering all information obtained by the Problem Solving Team, the team will make the following determinations: a) Whether the student has a physical or mental impairment; and b) Whether the student's physical or mental impairment substantially limits one or more major life activities.

The Problem Solving Team will take the following guidance into account in reaching its decision regarding eligibility under Section 504. Should questions arise regarding these considerations, the school Problem Solving Team should consult with the associate 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. Medically fragile students could include, but are not limited to those who require: the use of an inhaler for an asthma attack, 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 against in any way in the administration of medication; access to facilities and programs; or participation in school sanctioned activities such as field trips, after school activities, clubs, or events.

If necessary and appropriate, the school nurse shall:

- consult with each identified student's parents/guardians and physician regarding appropriate confidentiality, special health care needs, program accommodations, administration of medication, medical interventions and/or procedures.
- consult with the parents regarding the guidelines on the self-administration of medication and initiate if practicable.
- request from the parents a release of pertinent medical information from the child's physician.

In the case that a physician has issued a "Do Not Resuscitate" order, the school nurse, in conjunction with building or district administration, will initiate action to obtain a court order.

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

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 teacher and other staff members who may be responsible for the identified student. The school nurse shall inform them of the student's special health care needs. Staff members will also access information regarding the student's health care needs within the student information system.

#### **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. IDEA may require that students in non-district programs be provided certain services. Students covered by IDEA should be reviewed under the District's IDEA 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 eligible for services under IDEA. 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's Section 504 responsibilities to provide FAPE end.

### **504 PLAN DEVELOPMENT AND IMPLEMENTATION**

Once the Problem Solving Team has determined that the student is eligible for Section 504 services, the team will meet to develop the Section 504 Plan. At this point, the team will determine the appropriate services, accommodations, and modifications that will be provided to address the student's disability-related needs. When possible, the parents/guardians and student's teacher(s) should be included in this process.

The student's Section 504 plan will be developed no more than 30 calendar days after the evaluation report is issued by the Problem Solving Team. The plan should incorporate all services, accommodations, and modifications that will be provided and indicate who is to provide each service and/or accommodation.

**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.

### **PLAN IMPLEMENTATION AND COMMUNICATION**

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

## **SECTION THREE**

### **ANNUAL REVIEWS AND REEVALUATIONS**

#### **ANNUAL SECTION 504 PLAN REVIEW**

An Annual Review of each Section 504 student's services, accommodations, and modifications shall be completed each school year. The annual 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 will review existing information and determine whether:

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

If the 504 team and parents/guardians deem that no modifications are necessary, the 504 case manager will provide parents/guardians with a copy of their student's current Section 504 plan and offer the opportunity to meet to review the plan. If parents decline to meet, no changes will be made and the plan will continue for the following year. Parent/guardian consent or concurrence to continue the plan is not required.

If it is determined that modifications may be necessary, parents/guardians will be invited to participate in a meeting to modify the 504 plan. 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.

If a reevaluation is deemed necessary, the Problem Solving Team will conduct the reevaluation using procedures consistent with the District's initial evaluation and reevaluation procedures (see below). The new services and accommodations will be implemented within 10 school days.

#### **REEVALUATION**

The purpose of the reevaluation is to determine whether the student continues to have an impairment which substantially limits a major life activity and therefore continues to qualify for Section 504 services, modifications, and accommodations. The reevaluation also provides information that may guide decisions about the Section 504 plan.

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 "significant change in placement" is a placement that changes the nature, type, or duration of the regular or special education student's education. This includes significant changes to related aids and services that a disabled student is receiving under their current Section 504 plan. Extended or repeated removal from school due to exclusionary discipline may also constitute a significant change of placement (see Section Four). 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 reevaluation; the change must be significant and must relate to the individual disabled child's program or services. 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, and the school Problem Solving Team is in agreement that a reevaluation is necessary.

#### **THE 504 TEAM CONDUCTS THE REEVALUATION**

Within 60 school days from the initiation of the reevaluation process, the 504 team will review existing evaluation data and obtain input from parents/guardians and staff members about the student's functioning. This data may include prior evaluations (including school-based evaluations and/or information from private providers), classroom-based assessments and observations, and observations by teachers and related service providers.

After reviewing existing data, the team will determine whether any additional data is needed. If so, this data will be identified and obtained in accordance with the procedures outlined in Section Two. If no other data is needed, the team may establish eligibility using the current data.

**Notice to Parent/Guardian:** Prior to conducting a reevaluation, parents/guardians will be provided with written notice consistent with the notice requirements for the initial evaluation. Within 10 school days after completion of the reevaluation, parent/guardian will receive notice of the eligibility decision, the present levels of performance and the educational needs of the student, and the determination of whether any additions or modifications are needed to enable the student to receive a free appropriate public education. Parents may challenge the decision through the Section 504 hearing process.

**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. If a team determines that additional data is needed, parental consent is required. Parental consent is not required for reevaluation if the school can demonstrate that it has taken reasonable measures to obtain that consent, including using multiple modes of communication, and the student's parents have failed to respond.

#### **THE 504 TEAM DETERMINES ELIGIBILITY AND DEVELOPS A PLAN, IF ELIGIBLE**

The team will review the data to determine: a) whether the student continues to have a disability; and b) whether the student continues to need services, modifications, and accommodations under Section 504.

If the student continues to be eligible for a Section 504 Plan, the plan will be developed and implemented. If the student is no longer eligible for services, accommodations, and modifications under Section 504, the team will document the reasons for the determination. The Section 504 Compliance Manager will ensure that the student's teachers are informed of the determination.

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 504 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**

#### **DISCIPLINE AND THE 504 STUDENT**

##### **CHANGE OF PLACEMENT FOR DISCIPLINARY REMOVALS**

A significant change of placement occurs (1) if the 504 student is removed for more than 10 consecutive school days, or (2) if the student is subjected to a series of removals that constitute a pattern because they accumulate to more than 10 school days in a school year. Exclusionary discipline may only be used for students who pose a threat to the school community or who substantially disrupt, impede, or interfere with the learning environment.

##### **OUT OF SCHOOL SUSPENSIONS**

If non-disabled students are disciplined by a removal for periods of less than 10 days, schools may remove the Section 504 student for not more than 10 consecutive school days for any violation of school rules. In addition, the student may be removed additional days - but not more than 10 cumulative school days in the same year - for separate incidents of misconduct as long as those removals do not constitute a significant change of placement under these procedures.

Out-of-school suspensions of three days or less may only be used as a disciplinary consequence if the student's presence on the school campus, as assessed by school administrators, poses a threat to school safety or a disruption to the learning environment.

Out-of-school suspensions lasting longer than 3 days, expulsions, or referrals to alternative schools may only be used as a disciplinary consequence if:

- The school has exhausted all other forms of disciplinary intervention; AND
- The student's presence on the school campus poses a threat to the safety of members of the school community, OR
- The student's presence would "substantially disrupt, impede or interfere with the operation of the school."

##### **SERVICES REQUIRED FOR REMOVALS OF MORE THAN FOUR DAYS**

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

If a student is suspended out-of-school for more than four days, the school needs to provide the student with "appropriate and available" support services for the duration of the student's out-of-school suspension.

##### **IN-SCHOOL SUSPENSION AS A SUBSTITUTE FOR LONG-TERM SUSPENSION OR EXPULSION**

To be considered as a substitute for suspension without constituting 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 10 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.

**DISCIPLINE FOR WEAPONS OR DRUGS**

In cases where a Section 504 student is found in possession of weapons or drugs, the Problem Solving Team 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 not 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. This 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.

**MANIFESTATION DETERMINATION**

A manifestation determination must be conducted by the 504 team when a Section 504 student's placement may be significantly changed by disciplinary action for the student's misconduct. Usually, a short-term suspension of 10 days or less does not constitute a significant change in the student's placement. Therefore, a manifestation determination is generally not necessary when a student is short-term suspended for the first time.

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 the student's 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, associate principal for student services, or designee for discipline to monitor Section 504 students who receive discipline to ensure that a manifestation determination is made before a student experiences a significant change of placement due to exclusionary discipline.

**THE MANIFESTATION DETERMINATION PROCESS**

The 504 team shall meet to conduct a manifestation determination within 10 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/diagnostic results and 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 question 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 the student's 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 in this circumstance.

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.

#### **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 10 days during the current school year. 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.

#### **PARENT/GUARDIAN APPEAL RIGHTS AND STUDENT PLACEMENT DURING APPEALS**

If a student's parent/guardian disagrees with the determination of whether the student's behavior was 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. The principal, director for student services, or designee 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 the current setting pending the decision of the hearing officer unless the disciplinary action is related to removal for weapons or drugs or 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). 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.



**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 described in these procedures if the school or 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:

- The parent/guardian of the student has expressed concern to personnel of the appropriate school that the student is in need of services, accommodation, and modifications.
- 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.
- A student is suspected of having a disability, either under Section 504 or IDEA.
- A student continues to display behavior problems.
- A student has a major health problem.

## **SECTION FIVE**

### **STUDENT TRANSFERS**

#### **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 Compliance Manager. If the student is returning to the District, the building Section 504 Compliance Manager should be contacted to retrieve a copy of any prior Section 504 Plan.

#### **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.

#### **STUDENTS CHANGING SCHOOLS WITHIN THE DISTRICT**

If a student moves to a new school within the District, the Section 504 Compliance Manager 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**

#### **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 a disability, the 504 team should consider supplementary aids and services and/or 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, the student's Section 504 team should convene to discuss whether there are any services, accommodations, and/or modifications that could be provided 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.

#### **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 in which Section 504 students participate, including informing the supervisors of the activity of potential dangers and other foreseeable risks related to their disabilities and having plans to protect from such risks.

#### **PARTICIPATION IN ATHLETICS**

Section 504 students who wish to participate in athletic activities are protected under Section 504. When a student with a disability requests services, accommodations, and/or modifications in order to 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 associate principal for student services or 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. If disputes arise 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 athletes with disabilities.

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

### 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 student with a disability may be excluded from the summer program if that student is considered an “otherwise qualified individual with a disability.” The process for including Section 504 students in summer coursework is as follows:

**Step One:** The Accommodations Coordinator for Summer Programming identifies the accommodations needed for each student with a 504 Plan attending summer school. If more information or clarification is needed, coordination with the student’s 504 Case Manager will occur.

**Step Two:** If necessary, 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.

### INTERPRETER SERVICES

When a student with a disability needs interpreter services for educational purposes or for after school and extracurricular 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.

If a student is made eligible under 504 and the 504 team determines that the building cannot fund the interpreter service, the team will contact the District 504 Coordinator for next steps.

### TRANSPORTATION AND SECTION 504

All Section 504 students requiring accommodations for transportation services will be identified to the district transportation supervisor by the school’s 504 Compliance Manager. 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

**Determining Eligibility:** Section 504 students eligible for special services transportation will be identified by the student’s 504 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 the student’s disability, should be submitted to the transportation supervisor by the school’s 504 Compliance Manager.

**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.

**Schools Serviced By Transportation:** When an eligible student receives transportation to and from school, schools should follow their typical 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 district transportation supervisor must be notified.

**Student Records:** The district 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.

**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 504 Case Managers. Changes to routes may require three school days from the time of notification.

**Special Equipment:** Special equipment that may be required for busing students 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.

**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; division head for student success, safety & wellness; associate principal for student services; or designated representative is responsible for disciplining students.

**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. Any support with medical needs while a student is in transport will be determined through the Section 504 Plan with the 504 team. This includes supplementary aides, training, or necessary medical personnel.

## **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. Barriers to that access must be removed if possible, and if not, the student must immediately and without delay be 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.

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:

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

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 request approval of such modifications to the District 504 Coordinator. The District 504 Coordinator will contact central maintenance to have an estimate completed for the final approval of the superintendent's team.

## SECTION EIGHT

### CONFLICT RESOLUTION

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. 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.

#### 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 associate principal for 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 director for student services or designee. 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.

#### FORMAL COMPLAINT PROCESS

Anyone may use the formal complaint procedures to resolve complaints of disability discrimination. Written complaints should be submitted to the associate principal for student services. The following process will be followed:

- The director for student services or other designee of the superintendent shall receive and investigate all formal, written complaints of disability discrimination or information in the District's possession that the superintendent or designee believes requires further investigation.
- 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 that may constitute disability discrimination. The director's designee may draft the complaint, based upon the report of the complainant, for the complainant to review and sign.
- 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.
- At the completion of the investigation, the director for student services or 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.
- The written report will be provided to the complainant within 30 calendar days of the date the complaint was filed with the director for student services. 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 director. The director shall respond in writing to the complainant within 30 calendar days after request for review is received.
- Corrective measures deemed necessary by the director for student services will be instituted as quickly as possible, but in no event more than 30 calendar days after the director's written response. In the case that staff is appealing the imposition of discipline, the District may be prevented by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded.

## **SECTION NINE**

### **PROCEDURAL SAFEGUARDS**

#### **HEARING RIGHTS FOR PARENTS AND STUDENTS**

##### **PURPOSE OF A HEARING**

The student's parent, guardian, the student (if 18 years old or older), 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:

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

##### **HOW TO REQUEST A HEARING**

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

- 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.
- Be mailed to: Township High School District 214, Attention: Director for Student Services, 2121 South Goebbert Road, Arlington Heights, Illinois 60005. Requests can also be sent via email. The director 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.

##### **SELECTION OF A HEARING OFFICER AND EXPENSE OF HEARING**

The hearing will be conducted by an independent hearing officer at the expense of the District.

The hearing shall be conducted by a qualified person selected and appointed by the director for student services or a designee.

The person selected shall not have a personal or professional interest which would conflict with their objectivity in the hearing and will not be a District employee.

A person who otherwise qualifies to conduct a hearing pursuant to this section is not an employee of the school District because this person is paid to serve as a hearing officer.

The hearing shall be conducted in accordance with the administrative procedures.

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.



### **INDEPENDENT HEARING OFFICER'S RESPONSE**

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

- The date, time, and place of hearing.
- The issue to be addressed at the hearing to the extent the issues have been identified at the time of the notice.
- The rights, procedures, and other matters to be discussed.
- The 45 calendar day timeline for completing the hearing process, beginning the day the director for student services receives the written request for a due process hearing.

### **HEARING RIGHTS**

The following hearing rights apply:

- Both parties (parents/guardians and individual schools) have the right to be accompanied and advised by persons with special knowledge or training with respect to the problems of Section 504 students.
- Both parties have the right to be advised and/or represented by an attorney.
- 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.
- 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.
- Both parties have the right to have all evaluations, and the recommendations contained in written reports from those evaluations completed at least five days before the hearing, or two business days if the hearing is expedited.
- A hearing officer may bar any party that fails to comply with the five-day rule from introducing relevant evaluation information or recommendations at the hearing without consent of the other party.
- Both parties have the right to obtain a written decision containing findings of fact, conclusions of law, and a decision.
- Parents/Guardians who are a party to the hearing have the right to have the student who is the subject present at the hearing.
- There shall be no cost to the parent/guardian for the hearing other than their own attorney's fees and related costs.
- Each hearing shall be conducted at a time and place that is reasonably convenient to the parent/guardian and student involved.

The hearing will be held at the District administrative offices at 2121 South Goebbert Avenue, Arlington Heights, Illinois 60005. By agreement of both parties the hearing may be held in the evening.

### **TIMELINE FOR HEARING OFFICER'S DECISION**

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

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

**REVIEW PROCEDURE**

Review of the decision of the due process hearing officer by the Board of Education or designee may be requested within 10 days of the decision. A decision on the review will be provided to the parties within 10 days after the Board of Education has heard the review.

**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.

**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:

**Office for Civil Rights**

U.S. Department of Education  
John C. Kluczynski Federal Building  
230 S. Dearborn Street, 37th Floor, Chicago, IL 60604  
Telephone: 312-730-1560  
Fax: 312-730-1576  
TDD: 800-877-8339  
Email: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)  
Website: [www.ed.gov/OCR](http://www.ed.gov/OCR)

**PROCEDURAL SAFEGUARDS**

Under Section 504, parents/guardians have the right:

- If the parent/guardian's child is eligible under Section 504, for the child to participate in school district programs and activities, including extracurricular programs and activities, to the maximum extent appropriate, without discrimination based on disability. This includes the right to be educated with other students without disabilities to the extent appropriate for the child;
- To receive written notice in the parent/guardian's native language regarding the identification, evaluation, and placement of the child and about the child's educational programs and activities;
- To refuse consent for the evaluation and placement of the child;
- To have evaluation, placement, and other educational decisions regarding the child be based upon a variety of sources and be made by a group of people who know the child, the child's evaluation data, and the relevant placement options;
- To provide the parent/guardian's input regarding evaluation, placement, and other educational decisions regarding the child;
- For a child who is eligible under Section 504, to reevaluations of the child, including periodic reevaluations and a reevaluation whenever there is a significant change in the child's placement;

- If the child is eligible under Section 504, to a manifestation determination review to determine if misconduct by the child is related to his or her disability, if discipline for that misconduct would be a significant change in placement;
- To review, receive copies of, and request amendment of the child's records relevant to decisions regarding the child's identification, evaluation, educational program, and placement. Copies will be provided at a reasonable fee or at no cost if the fee would effectively deny access to the records. If the parent/guardian believes the child's records are inaccurate, misleading, or otherwise in violation of the privacy rights of the child, the parent/guardian can request that they be amended. If the school denies that request, parents/guardians have the right to be notified of that denial in a reasonable time period, to be notified of the rights to a hearing on the denial decision, and to place an explanatory letter in the child's file explaining why they feel the records are misleading or inaccurate;
- To file a grievance under the District's Uniform Grievance Policy regarding any complaints that allege action prohibited by Section 504, and to appeal any decision under that grievance to the extent allowed by District policy;
- To request an impartial hearing and to have representation at the hearing if the parent/guardian has been unable to resolve disagreements with the District relative to the identification, evaluation, or educational placement of the child, and to seek review of the Impartial Hearing Officer's decision by a court of competent jurisdiction;
- To file a complaint regarding Section 504 with the U.S. Department of Education Office for Civil Rights, Illinois Regional Office, John C. Kluczynski Federal Building, 230 South Dearborn Street, 37th Floor, Chicago, IL 60604.

#### **IMPARTIAL HEARING PROCEDURES**

If parents/guardians disagree with the district relative to their child's identification, evaluation, or educational placement, including any special services or change or termination of services under Section 504, they should notify the District's 504 Coordinator and attempt to resolve their differences informally. If informal procedures fail, the parents/guardians may request a hearing before an impartial hearing officer. The due process review procedures set forth in the IDEA and in Article 14 of the Illinois School Code shall not be employed unless the parents are contesting or asserting a right to special education services under Article 14 or IDEA. The parents' request for a hearing shall be submitted in writing to the director for student services within 10 days of the date of the decision to be reviewed. The director shall then appoint the impartial hearing officer.

The parents/guardians shall be provided with written notice of the hearing, which shall include the time, date, and location of the hearing and the identity of the hearing officer. Generally, the notice shall be sent at least five business days in advance of the hearing. The notice shall inform the parents/guardians that they have the right to review any relevant records before the hearing. The parents/guardians shall have the right to be represented by counsel at the hearing and shall have the opportunity to participate in the hearing. The decision of the impartial hearing officer shall be in writing and shall be rendered within 10 days of the hearing.

Either party may seek review of the Hearing Officer's decision by a court of competent jurisdiction.

Parents/guardians may also file a grievance under the District's Uniform Grievance Policy regarding any complaints that allege action prohibited by Section 504, and may appeal any decision under that grievance to the extent allowed by District policy.

**CONCLUSION**

Township High School District 214 is committed to the academic and social emotional growth of every student, including those with disabilities. Students with 504 Plans are entitled to a free appropriate public education, or a FAPE, which consists of regular or special education and related aids and services designed to meet the student's individual education needs.

The purpose of this document is to outline the procedures that govern the identification, evaluation services, and placement of students who may be eligible for a FAPE under Section 504. With any additional questions or concerns, please contact a member of the student services staff or administration.