



SECTION 504 PROCEDURES AND PROCEDURAL SAFEGUARDS

1. LOCATION OF AND NOTICE TO STUDENTS WITH DISABILITIES

On an annual basis, the School District will attempt to identify and locate every qualified student with a disability who resides within the District who is not receiving a free appropriate public education and will take appropriate steps to notify such students and their parents or guardians of the District's duties under Section 504 of the *Rehabilitation Act of 1973*.

2. EVALUATION OF STUDENTS WITH KNOWN OR SUSPECTED DISABILITIES

In evaluating students who need or are believed to need special education and/or related aids and services designed to meet their individual educational needs, the District will establish standards and procedures to ensure that:

- a. A parent's informed written consent is obtained prior to any initial evaluation or reevaluation;
- b. A reevaluation is conducted prior to any significant change in placement, including any disciplinary removal that constitutes a significant change in placement;
- c. Tests and other evaluation materials used have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;
- d. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not solely those which are designed to provide a single general intelligence quotient; and
- e. Tests are selected and administered so as best to ensure that the test results accurately reflect the student's aptitude or achievement level or whatever factor the test purports to measure, rather than the student's impaired skills (except where those skills are the factors that the test purports to measure).

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3. PLACEMENT OF STUDENTS WITH DISABILITIES

In interpreting evaluation data and in making placement decisions, the District will establish procedures to ensure that:

- a. Information is drawn from a variety of sources, including parent input, aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;
- b. Information obtained from all sources is documented and carefully considered;
- c. The placement decision is made by a group of persons that includes persons knowledgeable about the child, the meaning of evaluation data, and the placement options; and
- d. Students with disabilities are educated and participate in nonacademic and extracurricular services and activities, to the maximum extent appropriate, in settings with students who are not disabled.

4. REEVALUATION OF STUDENTS WITH DISABILITIES

The District will periodically reevaluate students who have been provided Section 504 services, consistent with the requirements of Paragraphs 2 and 3 herein.

5. MANIFESTATION DETERMINATION REVIEW

- a. If a student is removed from his/her current placement for more than ten school days in a school year and the removal constitutes a significant change in placement, the Section 504 team must meet to conduct a manifestation determination review.
- b. When conducting a manifestation determination review, the team will review relevant information, including, for example, staff observations, evaluation, diagnostic results, and the student's most recent Section 504 evaluation and plan, to determine:

- (i) if the misconduct in question was caused by, or had a direct

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and substantial relationship to, the child's disability; or

(ii) if the misconduct in question was the direct result of the District's failure to implement the Section 504 plan.

If the team determines that either of the above statements apply, then the misconduct is a manifestation of the student's disability.

c. If the team determines that the misconduct was not a manifestation of the child's disability, then the District's regular disciplinary procedures will apply.

d. If the team determines that the conduct was a manifestation of the child's disability:

(i) the team will conduct a functional behavioral assessment (with parent consent) and implement a behavior intervention plan ("BIP"), if this has not already been done prior to the current misconduct;

(ii) if a FBA and BIP have already been developed, the team will review and modify them, as necessary, to address the misconduct in question; and

(iii) the team will review the student's current Section 504 plan and educational placement to determine if they remain appropriate. If the team believes that a significant change in placement may be necessary, the team must initiate a reevaluation of the student.

6. DISCRIMINATION AGAINST STUDENTS WITH DISABILITIES

Section 504 protects qualified students with disabilities from being excluded from participation in, being denied the benefits of, or being subjected to discrimination on the basis of disability in any school program or activity. Board Policy 2:260 (Uniform Grievance Procedure) sets forth the District's procedures for addressing complaints of discrimination and is available in the District's Administrative Office and on the District's website; individuals may also contact the District's Section 504 Coordinator for a copy (see contact information below).

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7. PROCEDURAL SAFEGUARDS

a. With respect to identification, evaluation, placement, or provision of a free appropriate public education to students who need or are believed to need Section 504 services, the District, through the Section 504 Coordinator, has established and implemented a system of procedural safeguards that includes:

(i) Notice (i.e., notices of Section 504 conferences, evaluation and reevaluation decisions, evaluation results and eligibility decisions, programmatic/placement decisions, termination of eligibility or services, and procedural safeguards);

(ii) An opportunity for the parents or guardian of the student to examine relevant records;

(iii) An impartial hearing with opportunity for participation by the student's parents or guardian and representation by counsel; and

(iv) A review procedure.

The District's Section 504 Coordinator is:

Name and Title:

Office Address:

E-mail Address:

Telephone:

b. The District's impartial due process hearing and review procedures are as follows:

(i) Impartial Due Process Hearing

- A request for an impartial hearing regarding the District's identification, evaluation, placement, or provision of a free appropriate public education to a student under Section 504 must be submitted to the Section 504 Coordinator (see contact information above).

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- The hearing request must be in writing, signed and dated by the parent or guardian (or, in the case of a student over age 18, the student). It should include a description of the issues and facts that serve as the basis of the hearing request, as well as a description of the relief being sought, to the extent it is known. The Section 504 Coordinator will be available to provide assistance to the parent/guardian as needed in the preparation and processing of the complaint and in the review procedures.

- The Section 504 Coordinator will appoint an impartial hearing officer who is not employed by the District within 3 business days after receipt of the written request for a Section 504 hearing.

- A hearing will be scheduled by the appointed hearing officer within a reasonable time no later than forty-five (45) days after the date that the hearing officer is appointed, unless the parent/guardian and the Section 504 Coordinator agree otherwise or there are extenuating circumstances which warrant an extension of this timeline as determined by the hearing officer.

- The parent/guardian and the District will have the right to present evidence relevant to the issue raised in the complaint. The parent/guardian and the District have the right to be represented by counsel.

- The hearing officer will limit his/her decision to the issue or issues presented by the parent/guardian in the written hearing request. The hearing officer's decision must be written and include a summary of the evidence and the reasons for the decision, which will be based on the hearing officer's interpretation of the meaning or application of Section 504 to the issue(s) and evidence presented.

- The hearing officer will send a copy of the decision to the parent/guardian and the Section 504

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Coordinator within five (5) school days after the conclusion of the hearing.

- The decision of the hearing officer will be final unless appealed pursuant to Paragraph 5(e)(ii) (see below).
- The District may also request an impartial due process hearing to challenge the refusal of a parent/guardian to provide consent for a Section 504 evaluation or reevaluation. In such cases, the due process hearing and review procedures herein will apply.

(ii) Review Procedure

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

c. Right to File Complaint with U.S. Department of Education's Office for Civil Rights

A parent/guardian may terminate the due process hearing/review or grievance process at any time and initiate a formal complaint with the Office for Civil Rights (OCR). A parent/guardian may also file a complaint with OCR as an alternative to the District's impartial hearing/ review or grievance procedures. OCR may be contacted as follows:

U.S. Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education
Building

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400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Telephone: 800-421-3481
Facsimile: 202-453-6012
TDD: 800-877-8339
Email: OCR@ed.gov

Complaints may also be sent to OCR using its electronic complaint form at the following website:
<https://www.ed.gov/laws-and-policy/civil-rights-laws/file-complaint/or-cr-discrimination-complaint-form>.

d. Retaliation Prohibited

Retaliation against any person who utilizes the District's impartial hearing and review procedures or grievance procedure or who files a complaint with the OCR is prohibited.

LEGAL REF: Section 504 of the *Rehabilitation Act of 1973*, 29 U.S.C. 701 et seq.
34 C.F.R. Part 104

CROSS REF: 6:120 (Education of Children with Disabilities), 7:10 (Equal Educational Opportunity), 7:20 (Harassment of Students Prohibited), 7:180 (Preventing Bullying, Intimidation and Harassment), 2:260 (Uniform Grievance Procedure)

REVISED:

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