

HOLLANDALE SCHOOL DISTRICT

Procedures and Training Manual

SECTION 504

of the

REHABILITATION ACT OF 1973

and

AMERICANS WITH DISABILITIES ACT

PROCEDURES FOR STUDENTS

August 2017

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HOLLANDALE SCHOOL DISTRICT

Section 504 Notice of Nondiscrimination

Applicants for admission and employment, students, parents, employees, sources of referral of applicants for admission and employment, organizations holding professional agreements with the Hollandale School District are hereby notified that this District does not discriminate on the basis of race, color, national origin, sex, age, or disability in admission or access to, or treatment of, or employment in its programs and activities.

Any person having inquiries concerning the District's compliance with the regulations implementing The Americans with Disabilities Act (ADA) or Section 504 is directed to contact

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SECTION 504 OF THE REHABILITATION ACT OF 1973

WHAT THE LAW SAYS:

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disabilities. The law states that no student with disabilities shall, solely by reason of a disability be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. No otherwise qualified individual with a disability in the United States, as defined in Section 705(20) of this title, shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service. 29 U.S.C. Section 794.

HOLLANDALE SCHOOL DISTRICT PROCEDURES

INTRODUCTION

Section 504 of the Rehabilitation Act has been with us since 1973. For many years its main thrust has been in the area of employment for individuals with disabilities. However, within the last several years, the Office for Civil Rights (OCR), charged with enforcement of Section 504, has become pro-active in the field of education of students with disabilities. Advocacy organizations and the legal system likewise have increasingly focused on Section 504's requirements to ensure the education system provides students with a free appropriate public education through the provision of the full range of special accommodations and services necessary for students with special needs to participate in and benefit from public education programs and activities.

All individuals who are eligible under the Individuals with Disabilities Education Act (IDEA) are also protected under Section 504. However, all individuals who have been determined to be eligible under Section 504 may not be eligible under IDEA.

The students who have been determined eligible under Section 504 but not eligible under IDEA require a response from the regular education staff and curriculum. Section 504 protects from discrimination all students with disabilities, defined as those having any physical or mental impairment that substantially limits one or more major life activities. Some examples of possible disabilities under Section 504, which may not be IDEA eligible, include attention deficit disorder (ADD or ADHD), hemophilia, juvenile arthritis, epilepsy, diabetes, drug or alcohol dependency, AIDS, allergies (including food allergies), emotional/ behavioral difficulties, etc. These disabilities, while possibly not rising to the level of IDEA eligibility, may cause "access" issues for the student and should be addressed through an accommodation plan.

The educational program of this District shall be equally accessible to all students at each grade level. All programs must be designed and scheduled so the location of the facility will not deny students with disabilities the opportunity to participate on the same basis as non-disabled student. This includes both academic programs and extracurricular programs, including athletics.

Students who are experiencing disability harassment may be protected under Section 504. Disability harassment occurs when a student with any type of disability (currently eligible or not currently eligible under Section 504) is harassed by another individual because of the student's disability. Schools must address this type of harassment by actively investigating complaints and being proactive in attempts to prevent it from occurring in future situations.

If a student is facing disciplinary action such as expulsion or out-of-school suspension, and the parent claims the student's actions are a result of a disability, the district must determine if it had knowledge that the student had a disability under Section 504 or IDEA prior to the behavior occurring. In this situation, the student's records must be reviewed to determine if there has been a request for an evaluation by the parent, if the teacher or other personnel have expressed concern about the behavior or performance of the child, or if the behavior or performance of the child has demonstrated the need for services.

In the case of a parent's claim regarding disciplinary action as a result of a child's disability, the district must initiate the process to determine eligibility for IDEA and/or Section 504. If the district did have prior knowledge and appropriate services were not provided, disciplinary action may not be taken. Steps should begin immediately to conduct an evaluation to determine if the student is eligible. If no prior knowledge is evident, however, the district may proceed with disciplinary action and conduct an evaluation in an expedited manner.

In summary, it is important to keep in mind that some students who have physical or mental conditions that limit their ability to access and participate in the educational program are entitled to protection under Section 504, even though they may not fall into IDEA categories. It is also important to realize that Section 504 is not an aspect of "special education." Rather, it is the responsibility of the comprehensive general public education system. As such, local superintendents and building administrators are responsible for its implementation within the school district.

The principal is responsible for working with the regular education teacher(s) to ensure the teacher:

- 1) Is aware of the requirements of the law
- 2) Makes appropriate accommodations in the instructional program and classroom environment to ensure that the student is given equal opportunity to participate in the educational objectives of his/her program. Examples of accommodations could include but are not limited to:
 - Reorganizing the classroom
 - Preparing alternate lesson plans

- Changing daily schedules
- Rearranging the classroom/students
- Communicating with parents
- Planning alternate methods of instruction
- Providing positive behavioral interventions
- Administering medication

3) Understands the needs of the students and is knowledgeable of how to meet those needs through instruction.

DETERMINING ELIGIBILITY UNDER SECTION 504

Any student who needs or is believed to need special education or related services in order to receive a free appropriate public education may be referred by a parent, teacher, or other certified school employee to the 504 Coordinator to begin the process for identification and evaluation of the student's individual education needs.

If the District has reason to believe that a student may have a disability and may be in need of special education and/or related services in order to participate in the school's programs, the district must first follow its procedures for a comprehensive evaluation for IDEA, including the requirement to implement the Three-Tier Intervention Process (see steps below). If the student is found ineligible for IDEA, then the student shall be considered for eligibility under Section 504. One exception to this rule is that the student may be considered for Section 504 eligibility without going through the Three-Tier Intervention Process if chronic health problems exist (refer to sections below), or if the school and parents agree that the student has a disability that would likely qualify the student for IDEA services and interventions would have little or no impact. Otherwise, the school must follow the Three-Tier Process as mandated by the Mississippi State Board of Education.

The above process also applies to a student who transfers to the District with a current Section 504 eligibility from either out-of-state or from another school district within the State. The District has a right to conduct its own evaluation and will take steps in a timely manner to determine if the student is a student with a disability who requires the provision of reasonable accommodations that cannot be accomplished without a Section 504 Plan. A meeting will be held with the parents and District personnel to determine what accommodations are needed during the pendency of the evaluation process.

Students currently engaged in the illegal use of drugs are not eligible for services under Section 504. This exemption does not apply to alcohol and does not include students who are participating in or who have completed a supervised drug rehabilitation program and are no longer using illegal drugs. Services should be terminated if it is later revealed that the student is a current user of illegal drugs.

A school district may take disciplinary action pertaining to the use or possession of drugs or alcohol against any student with a disability who currently is engaging in the illegal use of drugs or in the use of alcohol to the same extent that such action is taken against

non-disabled students. Therefore, if a student eligible under Section 504 is caught using or possessing drugs or alcohol on campus or at a school function, the school may discipline the student using the same procedures that apply to non-disabled students.

STEPS FOR EVALUATION

Step No. 1: Three Tier Model/Teacher Support Teams (TST) – The State Board of Education in its Policy Number 4300 adopted the 3-Tier Intervention Process. Tier 1 is based on quality classroom instruction aligned to Mississippi’s College and Career Readiness Standards. Tier 2 is focused supplemental instruction, and Tier 3 is intensive interventions specifically designed to meet the individual needs of students.

-Teachers use progress monitoring information to (a) determine if student is making adequate progress, (b) identify students as soon as they begin to fall behind, and (c) modify instruction early enough to ensure each and every student gains essential skills. Monitoring of student progress is an ongoing process that may be measured through informal classroom assessment, benchmark assessments and large-scale assessments.

-If strategies at Tier 1 and 2 are unsuccessful, students must be referred to the local TST committee. The TST committee is the problem-solving unit responsible for interventions developed at Tier 3. Each school must have a Teacher Support Team (TST) implemented in accordance with the process developed by MDE. The chairperson of the TST shall be the school principal as the school’s instructional leader or the principal’s designee. The designee may not be an individual whose primary responsibility is special education. Interventions will be:

1. designed to address the deficit areas;
2. research based;
3. implemented as designed by the TST; and
4. supported by data regarding the effectiveness of interventions.

-After a referral is made, the TST committee must develop and begin implementation of an intervention(s) within two weeks. No later than eight (8) weeks after implementation of the intervention(s) the TST must conduct a documented review of the interventions to determine success of the intervention. No later than sixteen (16) weeks after implementation of the intervention(s), a second review must be conducted to determine whether the intervention is successful. **If the intervention(s) is determined to be unsuccessful, then the student will be referred to the Multidisciplinary Evaluation Team (MET) for a comprehensive assessment.**

-A dyslexia screener must be administered to all students during the spring of their kindergarten year and the fall of their first grade year. The screening must include the following components:

- a. Phonological awareness and phonemic awareness;
- b. Sound symbol recognition;
- c. Alphabet knowledge;

- d. Decoding skills;
- e. Encoding skills; and
- f. Rapid naming (quickly naming objects, pictures, colors, or symbols (letters or digits) aloud.

-All students in Kindergarten and grades 1 through 3 shall be administered a state approved Screener within the first 30 days of school and repeated at mid-year and at the end of the school year to identify any deficiencies in reading. In addition to failure to make adequate progress following Tier 1 and Tier 2, students will be referred to the TST for interventions as specified in Response to Intervention guidelines developed by MDE if any of the following events occur:

- a. Grades K-3: A student has failed one (1) grade;
- b. Grades 4-12: A student has failed two (2) grades;
- c. A student failed either of the preceding two grades and has been suspended or expelled for more than twenty (20) days in the current school year;
- d. A student scores at the lowest level on any part of the Grade 3 or Grade 7 statewide accountability assessment; or
- e. A student is promoted from Grade 3 to Grade 4 under a good cause exemption of the Literacy-Based Promotion Act.

-Referrals to the TST must be made within the first twenty (20) school days of a school year if the student meets any of the criteria a-e stated above in Paragraph 7.

-School districts must complete, at a minimum, documentation as required for all students in Tier 2 or Tier 3. All Tier 3 documentation must accompany the student's cumulative folder upon promotion or transfer to a new school.

Source: Miss. Code Ann. § 37-177-1, et seq., (Act) (Revised 8/2016)

Step No. 2: – Following the implementation of the Three-Tier Intervention Process, if the interventions implemented were not successful, the local TST committee may recommend that a student should be considered for a comprehensive evaluation for IDEA. The local committee may suggest that: 1) the interventions being implemented by the school continue; 2) further information is needed before a determination can be made; 3) the student remains in the regular education setting without an assessment or; 4) the student is referred to MET for consideration.

Step No. 3: Comprehensive Evaluation - If the MET determines that the student is in need of a comprehensive evaluation, all the necessary paperwork will be completed in order to conduct the evaluation. The evaluation should be conducted and a determination of eligibility for IDEA made within applicable timelines. (See IDEA 2004).

Step No. 4: IDEA Eligible – Following the comprehensive evaluation and eligibility determination meeting, if the student is found eligible for services under the IDEA, the student shall be offered services. Once the District finds a student to have a disability within the meaning of the IDEA and develops an IEP in accordance with the IDEA,

parents cannot refuse to accept the IDEA services as specified therein and instead require the school district to develop an accommodation plan under Section 504. A rejection of the services offered under an IEP that complies with IDEA requirements amounts to a rejection of services under Section 504 as well.

Step No. 5: IDEA Ineligible – Following the comprehensive evaluation and eligibility determination meeting, if the student is found ineligible for services under IDEA the student should then be considered for services under Section 504. All documents should be forwarded to the Section 504 Coordinator for convening of and review by the Section 504 Committee.

The following data should be reviewed/considered by the Section 504 Committee: information provided by the student's teacher(s), cumulative record, standardized test results, samples of student's work, medical reports, teacher and parent checklists, results of the comprehensive evaluation if conducted, other test results from other professionals, school records from other states or school districts, descriptions of interventions tried in regular class, response to interventions, and any other pertinent data. After review of the above data, the Section 504 Committee will make a determination regarding eligibility for protections under Section 504.

The Office for Civil Rights has interpreted its regulations to require notice when a school district declines to conduct an evaluation requested by the parents.

CHRONIC HEALTH PROBLEMS

Long term/chronic health impairments (cancer, food allergies, epilepsy, heart disease, diabetes) that require accommodations/modifications beyond those normally available in the regular education environment should be referred to the Section 504 Coordinator so that a meeting can be arranged for 504 consideration. If the student is in need of services under IDEA (there is evidence that his/her disability adversely impacts his educational performance), this student should be referred to the MET from the district. This student would not go through the school's intervention process because interventions would not change the status of the student's chronic impairment.

The District routinely provides appropriate modifications/adaptations for any student who experiences chronic medical problems such as arthritis, diabetes, epilepsy, or cancer. Eligibility determinations must be made on a case-by-case basis with respect to each individual student who needs or is believed to need special education or related aids and services because of a disability. Procedural safeguards, including the right to request an impartial hearing, are available for parents to utilize under both IDEA and Section 504 when disagreements occur.

If a comprehensive evaluation was not conducted to determine that the student has a disability under IDEA, there must be medical reports from physicians that indicate the disability.

Once the Section 504 Coordinator is contacted regarding the need to consider protections under Section 504 for the student with chronic health problems, he/she will contact the

Section 504 Committee to schedule a meeting. The Section 504 Committee will determine whether a student has a physical or mental impairment that substantially limits one or more major life activities and how that impairment impacts the child's educational performance.

The following information, if available, should be reviewed by the Section 504 Committee: information provided by the student's teacher(s), cumulative record, standardized test results, samples of student's work, medical reports, teacher and parent checklists, results of the comprehensive evaluation if conducted, other test results from other professionals, school records from other states or school districts, descriptions of interventions and responses tried in regular class and any other pertinent data.

PLAN FOR SERVICES

The 504 Accommodation Plan - Upon determination of eligibility under Section 504, a team of individuals, including the parents, who have knowledge of the child as well as factors relating to the disability shall be responsible for determining what special services are required to provide the student with a free appropriate public education. In making this determination, the team shall consider all available relevant information including parent input, outside evaluation if available and comprehensive assessments conducted by the District. The parent or guardian must be invited to attend any meetings where services for the student will be determined, and must be given an opportunity to examine all relevant records.

The team will notify the parents or guardian in writing of its decision concerning the services to be provided. In addition, all school personnel who work with the student must be informed of the plan.

The plan should be designed for the provision of reasonable accommodations and modifications in order to meet the individual educational needs of the student with disabilities as adequately as the needs of a non-disabled child are met.

School personnel will monitor the progress of the student with disabilities regarding the effectiveness of the student's education plan to determine whether the services are appropriate or whether they continue to be necessary.

REEVALUATION

Periodic reevaluations of students eligible under Section 504 must occur. Although there is no specific time frame for conducting the reevaluation, it is suggested by the Office for Civil Rights that one should be conducted at least every three years in accordance with IDEA regulations.

A copy of the Notice of Parent and Student Rights must be given each time parents are notified that a Section 504 evaluation is to be conducted for their child.

PROCEDURAL SAFEGUARDS

The parents or guardian shall be notified in writing of all District decisions concerning the identification, evaluation, or educational placement of students eligible under Section 504. Procedural safeguards under Section 504 will be given at a minimum each time parents are notified that a Section 504 meeting or evaluation is to be conducted for their child and at any time there is a disagreement between the parents and school personnel regarding identification, evaluation, placement, and/or the provision of services under Section 504.

DEFINITIONS

ACCOMMODATION

An accommodation alters the academic setting or environment and enables the student to accurately demonstrate what he/she has learned. Provisions are made so that a student can access information or demonstrate mastery of a standard.

ACCOMMODATION PLAN (AP)

A plan that describes routine strategies and techniques provided to the student who is experiencing minor or moderate limitations that do not rise to the level of substantial limitations of a major life activity.

AGGRAVATING MEASURES (AM)

Aggravating measures include medications, treatments and devices, etc., while intended to improve a student's performance of a MLA/MBF may actually result in the substantial limitation of another MLA/MBF. For example, a student with ADHD may be taking a medication that improves the level of "off task" behaviors and concentration, but results in extreme lethargy. Aggravating measures should be considered when developing Section 504 plans for eligible students.

AMERICAN WITH DISABILITIES ACT AMENDMENTS ACT OF 2008

The ADAAA08 is a civil rights law that amended the ADA by reversing the effects of court decisions and administrative regulations which had the effect of restricting eligibility. The ADAAA08 restored the "broader" umbrella of coverage first envisioned by Congress in the ADA legislation.

CONSENT FOR EVALUATION

Written parental approval is required by both the IDEA and Section 504 before conducting an evaluation. Consent is required prior to conducting an "active evaluation" of an individual student or prior to a "passive evaluation" in which existing student information is used to determine Section 504 eligibility.

CONSENT FOR PLACEMENT - Consent for placement means parent permission is obtained before initiating Section 504 services. However, neither Section 504 regulations nor OCR explicitly require consent for placement.

DISABILITY HARASSMENT

Disability harassment under Section 504 is intimidation, abusive behavior, or any conduct directed toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the school's program. Harassing conduct may take many forms, including verbal acts and name-calling, as well as nonverbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating.

FREE APPROPRIATE PUBLIC EDUCATION (FAPE) – The provision of regular or special education and related aids and services that are designed to meet individual educational needs of students with disabilities as adequately as the needs of nondisabled persons are met. (34 C.F.R. Section 104.33)

HAS A RECORD OF SUCH AN IMPAIRMENT

Has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities. (34 C.F.R. Section 104.3)

INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

Established by Congress to ensure that children with disabilities have instruction that meets their unique needs. The IDEA is the Federal law that requires public schools to provide a Free Appropriate Public Education (FAPE) to children with disabilities.

INDIVIDUAL WITH DISABILITIES

Any individual who:

1. Has a physical or mental impairment that substantially limits one or more of such person's major life activities;
2. Has a record of such impairment; or
3. Is regarded as having such impairment. (29 U.S.C. Section. 706 (8))

NOTE: Unless a student actually has a disabling condition, the mere fact that he/she has a "record" or is "regarded as" disabled is insufficient by itself to trigger 504's protections that require a free appropriate public education or reasonable accommodation.

INTERVENTION

An intervention consists of strategies and techniques to assist a student to acquire a specific skill and is considered part of the District's standard procedure to assist a student to improve his or her educational performance. If ongoing interventions are successful and the student does not need or is not believed to need special education or related aids and services, there is no need to refer a student for an evaluation under Section 504 or IDEA. When interventions do not provide for a student's educational progress, then a referral should be made for evaluation.

IS REGARDED AS HAVING AN IMPAIRMENT

An individual meets this definition if the individual establishes that he/she has been subjected to an action prohibited under the law because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. (42 U.S.C. Section 12102(3))

MITIGATING MEASURES (MM)

Mitigating measures are measures that eliminate or reduce the symptoms of impact of impairment. Examples of mitigating measures include, but are not limited to, such things as medication, medical equipment and devices, prosthetic limbs, low vision devices, reasonable accommodations and behavioral modifications. The corrective effect of mitigating measures may not be used to rule out Section 504 eligibility except for ordinary glasses and contact lenses.

MAJOR LIFE ACTIVITIES AND MAJOR BODILY FUNCTIONS (MLA/MBF)

Major life activities included functions such as caring for one's self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. Major bodily functions include, but not limited to, functions of the immune system, bowel, brain, endocrine, normal cell growth, respiratory, reproductive, digestive, neurological and circulatory systems. The list of examples is not exhaustive as other functions may be considered major life activities. In addition, in accordance with the ADA08, one need not have substantial limitation in but one major life activity for eligibility purposes.

MODIFICATION

A modification is a change that fundamentally alters the work or activity required in some way that makes it different from the work required of other students in the same class or activity. Modifications change the expectation of what or how the student is to learn. Some examples of modifications include requiring the student to learn less material, revising the content of/shortening tests, changing the test format from narrative to multiple choice, giving a student a modified grade, allowing alternative assessment methods, story board instead of a written book report, etc.

PHYSICAL OR MENTAL IMPAIRMENT

1. Any physiological disorder or condition, cosmetic disfigurement, anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory; including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine.
2. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. (34 C.F.R. Section 104.3).

SUBSTANTIAL LIMITATION

Restricted as to condition, manner, or duration in performance of basic life activity compared to the average person in the general population. An impairment does not need to prevent, or significantly or severely restrict, the individual from performing a major life activity in order to be considered substantially limiting. Nonetheless, not every impairment will constitute a disability under Section 504. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when it is active. The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures

such as medication, prosthetics, hearing aids, mobility devices, etc. The ameliorative effects of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

TEACHER SUPPORT TEAM (TST)

The Teacher Support Team is comprised of the student's teacher, the principal/ designee, school counselor, and other individuals who have knowledge of the regular education curriculum requirements for the grade level or subjects of the student under review. The TST is one of the multidisciplinary teams involved in determining a student's individual educational needs.

HOLLANDALE SCHOOL DISTRICT

NOTICE OF PARENT AND STUDENT RIGHTS IN IDENTIFICATION, EVALUATION AND PLACEMENT UNDER SECTION 504

Under Section 504 of the Rehabilitation Act of 1973 you have a right to be informed by the school district of your rights under Section 504 of the Rehabilitation Act of 1973. The purpose of this notice is to advise you of those rights. The following is a description of the rights granted by federal law to students with disabilities. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

If your child is determined to be a child with a disability, he/she has the following rights:

1. Your child has the right to a free appropriate public education designed to meet his/her individual needs as adequately as the needs of nondisabled students are met.
2. Your child must be provided an equal opportunity to participate in nonacademic and extracurricular services and activities offered by the district to the same extent as nondisabled students.
3. Your child has the right to free educational services except for those fees that are imposed on nondisabled students or their parents.
4. Your child has a right to placement in the least restrictive environment.
5. Your child has a right to an evaluation prior to an initial placement and any subsequent significant change in placement.
6. Testing and other evaluation procedures must conform to the requirements of Section 504 regarding test validity, proper method of administration and appropriate test selection. The district will consider information from a variety sources in making its determinations, including, for example: aptitude and achievement test, teacher recommendations, reports of physical condition, social and cultural background, adaptive behavior, student grades, progress reports, state-wide testing results, and parent input.
7. Placement decisions regarding your child must be made by a group of persons knowledgeable about your child, the meaning of the evaluation data, the placement options, the requirement that to the maximum extent appropriate, disabled children should be educated with nondisabled children and the requirement that students with disabilities must have access to comparable facilities as nondisabled students.

8. If your child is eligible for services under Section 504, periodic reevaluations will be conducted to determine if there has been a change in educational needs. Generally, a reevaluation will take place every three years.
9. You have the right to be notified by the district prior to any action regarding the identification, evaluation, or placement of your child.
10. You have the right to examine all relevant education records relating to the decisions regarding your child's identification, evaluation, program, and placement. You also have the right to obtain copies of education records at reasonable cost unless the cost would deny you access to the records.
11. You have the right to request amendments of your child's record if you believe information contained in the record is inaccurate or misleading. If the school district refuses to amend the record, you will be notified of that decision within a reasonable time and you then have a right to request a hearing.
12. You have the right to an impartial hearing if you disagree with the district's actions regarding your child's identification, evaluation, or educational placement. However, if any portion of your complaint is also part of a due process hearing pursuant to the Individuals with Disabilities Education Act (IDEA), that part of the complaint will be set-aside until the conclusion of the due process hearing.
13. If an issue is raised in a Section 504 complaint that has previously been decided in a due process hearing pursuant to the IDEA involving the same parties, the due process hearing decision is binding on that issue.
14. The District shall publish its policy of nondiscrimination against persons with disabilities and shall inform parents of their rights under Section 504.

HOLLANDALE SCHOOL DISTRICT

SECTION 504 COMPLAINT/GRIEVANCE PROCEDURES

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against students with a disability in any program receiving Federal financial assistance. No discrimination against any student with a disability will knowingly be permitted in any of the programs and activities of the school district. To ensure the District's compliance with Section 504 as it applies to students with disabilities, the following procedures have been adopted:

1. If a student claims that he/she has been subjected to discrimination on the basis of his/her disability, in violation of Section 504 of the Rehabilitation Act of 1973, or if the District has reason to believe that a student has a disability requiring special education or related services and the student is ineligible for services under the IDEA, a team of people who are knowledgeable of the student's educational needs shall be convened to review and consider all pertinent information related to the suspected disability. This team should be a multi-disciplinary team including, where possible, the student's teachers, parents, principal or designee, and someone qualified to interpret test scores. Information such as grades, classroom documentation, comprehensive assessment data, and other relevant information should be examined. This meeting shall be convened within fifteen (15) calendar days after the District receives a written statement describing the specific discriminatory conduct or as soon after the date as practical when the District becomes aware of the student's disability requiring special instruction or related services.
2. The team described in paragraph #1 above shall determine (i) whether the student is disabled under Section 504, and (ii) whether that student, because of the disability, requires special instruction or related services. If the student meets both criteria, the team must determine what services are required to allow the student an equal opportunity to participate and progress in school and school-related activities.
3. If the student's parents disagree with the District's conclusion and recommendations, the parents shall be informed of their right to request an impartial hearing to decide the matter. Hearing requests shall be made in writing to Kanasha Smith, Director of Exceptional Education, within five (5) calendar days of the District's conclusion and recommendations regarding services. The request shall give specific reasons describing the discriminatory actions by the District and why the District's recommendations are not appropriate. The hearing request shall include a list of services requested by the parents and an explanation of why such services are appropriate, along with copies of any documents upon which the parents rely for support.

4. An impartial hearing shall be held within thirty (30) calendar days of receipt of the written request. The District shall obtain as a hearing officer an individual who is not an employee of the District and who is knowledgeable of Section 504. The District may agree with another school district to obtain the services of that district's Section 504 Coordinator to serve as the hearing officer. The parent and student may take part in the hearing and have an attorney represent them at their own expense. Counsel also may represent the District.
5. The hearing officer shall conduct the hearing so as to give the parents an opportunity to present evidence supporting their claim that their child has been subjected to discriminatory treatment in violation of Section 504. The District shall be given the opportunity to present evidence supporting its position with respect to the student. The District will make a tape recording of the hearing and a copy of the tape recording will be provided to the parents.
6. The impartial hearing will be conducted in an informal manner with the hearing officer directing the meeting and presentation of evidence.
7. The hearing officer shall make a decision within fifteen (15) calendar days after the conclusion of the hearing. The decision shall be given in writing to the District's Section 504 Coordinator and the parents.
8. The decision made by the hearing officer shall be final, except that any party aggrieved by the findings and decision shall have the right to file a civil action with respect to the issues of the due process hearing. Such action may be brought in any court of competent jurisdiction.
9. The District shall publish its policy of nondiscrimination against persons with disabilities and shall inform parents of their rights under Section 504.

HOLLANDALE SCHOOL DISTRICT

Section 504 Parent Consent Form

Student Name: _____ Date of Birth: _____

School Attending: _____ Grade: _____

Parent/Guardian Name:

Address: _____

Phone: _____ Email: _____

CONSENT FOR SECTION 504 EVALUATION

I understand that my child has been referred for an evaluation under Section 504. The evaluation will draw upon information from a variety of sources, which may include, but is not limited to: a school record review, observations of the student, parent/child/teacher input or interviews, assessments, and/or other relevant information. The purpose of this evaluation is to determine whether my child is eligible for services under **Section 504**.

(Check all that apply)

- I have received a copy of the *Section 504 Student and Parent Rights*
- I consent to the Section 504 evaluation
- I DO NOT consent to the Section 504 evaluation

Signature of Parent/Guardian

Date

Please return this form to: _____ (name, title)

_____ (address)

_____ (phone)

For School Use Only

Date consent form received by school: _____

HOLLANDALE SCHOOL DISTRICT

Section 504 Eligibility Determination

Name: _____ Date: _____

Date of Birth: _____ Age: _____

School: _____ Grade: _____

The determination of whether a student has a substantial limitation in a major life activity must be made on a case-by-case basis. In trying to decide the question of “substantially limits,” the following general factors should be considered: 1) the nature and severity of the impairment, 2) the duration or expected duration of the impairment, and 3) the permanent, long-term impact or expected impact of the impairment.

Indications of Difficulty in Learning/Behavior

The team should determine whether the student’s impairment “substantially limits” a major life activity by considering the following:

- | | | |
|------------|-----------|---|
| Yes | No | Does the student have excessive tardiness or absenteeism due to a physical or mental impairment? |
| Yes | No | If so, do those tardies/absences significantly interfere with the student’s educational progress? |
| Yes | No | Has the student been retained one or more years or is the student two or more years older than students in the same grade? |
| Yes | No | Are the majority of the student’s grades unsatisfactory during the past two semesters? |
| Yes | No | Are there other factors not caused by the student’s physical or mental impairment that may have caused the student’s grades to decline? |
| Yes | No | Does the student consistently demonstrate a need for substantially more time to complete in-class assignments and/or homework assignments than that required by nondisabled students? |
| Yes | No | Does the student have significant difficulty staying on-task, organizing and completing school-related assignments or activities? |

- Yes No** Have at least two interventions been attempted in the classroom?
- Yes No** If interventions have been attempted, does the student continue to have significant problems?
- Yes No** Does the student have a history of significant discipline problems that are due to other factors not caused by the student's physical or mental impairment?
- Yes No** Do behaviors exhibited in class frequently interfere with the student's educational progress?

For a student to qualify as having a disability under Section 504, at least one of the following questions must be answered "yes."

- Yes No** Does the student have a physical or mental impairment which substantially limits one or more major life activities?
- Yes No** Does the student have a record of such an impairment?*
- Yes No** Is the student regarded as having such an impairment?*
- Yes No** Does the student's impairment substantially limit the student's access to a free appropriate public education?

*These factors by themselves do not trigger Section 504's protections that require a free appropriate public education or reasonable accommodations.

If a comprehensive evaluation was not conducted to determine that the student has a disability, there must be medical reports from physicians supplied by the parent that indicate the disability.

Other Factors:

The team of people who are knowledgeable of the student and his/her educational needs reviewed and considered the following information:

The team made the following recommendation: (Check appropriate statement.)

- Eligible for services under Section 504
- Not eligible for services under Section 504.

The above recommendation was based on:

HOLLANDALE SCHOOL DISTRICT

**Documentation of Participation in
Section 504 Eligibility/Placement Meeting**

The following individuals participated in the determination of eligibility and placement for _____.

Name	Position
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of Meeting: _____

My rights and those of my child regarding procedural safeguards have been fully explained;

____ I understand that my child has a disability under Section 504 of the Rehabilitation Act of 1973; I hereby give consent for my child to receive accommodations based on his/her Section 504 Plan.

____ I understand that my child does not qualify for services under Section 504.

Parent Signature _____ Date _____

____ Copy of Section 504 Plan provided to the Parent(s)

____ Copy of suggested strategies for school and/or home provided to the parent if student is not eligible for services and if strategies are needed.

HOLLANDALE SCHOOL DISTRICT

Section 504 Accommodation Plan

Initial Plan Re-evaluation More Frequent Re-evaluation Transfer in/out-of-state

Initial Placement Date ___/___/___

Scheduled One Year Re-evaluation Date ___/___/___

DEMOGRAPHIC INFORMATION

Student Name:	DOB: ___/___/___	
Gender:	Race:	MSIS #:
Current School:	Grade:	
Section 504 Condition:		

MEDICAL INFORMATION (IF APPLICABLE)

Name of Physician(s):	Phone:
Medication _____ Dosage: _____ Administration Schedule: _____ Medication issue/side effects: Person(s) responsible: <input type="checkbox"/> Teacher(s) <input type="checkbox"/> Nurse <input type="checkbox"/> 504 Designee <input type="checkbox"/> Other _____	
Other medical implications/medications: 	

This plan will be monitored by: _____ (Position)

This plan will be monitored: _____ daily; _____ weekly; _____ other (explain)

This plan should be reviewed/revised at the beginning of next school year; _____

other (explain) _____

The Section 504 eligible student requires the following classroom accommodations:

The Section 504 eligible student requires the following accommodations on state/district assessments:
