

# Section 504 Policy and Procedures Manual

*(Updated April 16, 2012)*

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### Forms

- A. Section 504 Referral Form
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- E. Section 504 Plan
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- G. Section 504 Complaint Filing Form
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**POLICY**  
**SECTION 504 OF THE REHABILITATION ACT OF 1973**  
**AND THE ADA AMENDMENTS ACT**

The South Range Local School District will ensure that no student with a disability as defined by Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Americans with Disabilities Act (ADA) within the District's jurisdiction will, because of his/her disability, be denied participation in, the benefits of, or otherwise be subjected to discrimination in any program or activity of this District. The District is committed to ensuring that students with or suspected of having disabilities be identified, evaluated, and provided with a free appropriate public education (FAPE). The District does not discriminate on the basis of disability with regard to admission, access to education services, treatment or employment in its programs and activities.

Effective January 1, 2009, the Amendments Act (ADAAA) amended the Rehabilitation Act of 1973 such that the definition of a disability under the Rehabilitation Act (29 U.S.C. 705) is the same as the definition of a disability under the ADA (42 U.S.C. 12102). This policy incorporates the amendments to the ADA.

The Board of Education directs the Superintendent to promulgate guidelines in accordance with this policy.

**Facilities/Program**

The District's educational program shall be equally accessible to all students at each grade level. Barrier-free access to school facilities shall be provided to ensure that no individual with a disability is denied an opportunity to participate in a District program available to persons without disabilities. Students with disabilities shall have facilities of a type and quality comparable to those of students without disabilities.

**Identification, Evaluation and Placement**

Identification/Child Find

Every year, the District shall make all reasonable efforts to identify and locate every student who resides within the District who may be a student with a disability under Section 504 in order to determine possible eligibility for special education and/or related services or supplementary aids and/or services in accordance with federal and state law and this policy and procedures manual. The District shall notify parents of those students of the District's Section 504 obligations. The District may satisfy the notification obligation by advertising, by posting notices in places likely to be visited by qualified students with disabilities and their parents, by including notices in District publications and on its web site, and by directly contacting parents of those students who the District believes to be eligible. The District must also ensure that the information in its Section 504 notices is written in a manner that is easily understandable to a parent. The notice should also contain the name and contact information for the District's Section 504 coordinator.

A. Referral

A student who, because of a suspected disability, is believed to need services under Section 504 is typically referred for a Section 504 evaluation by a parent, guardian, teacher, other certified school employee, the student if 18 years of age or older, or other concerned adult individual. Upon the receipt of a referral:

- The referral should be reduced to writing.
- The parent should be provided written notice of the referral, and be asked to provide written consent to a Section 504 evaluation.
- The parent should be provided with a copy of "Section 504 Notice of Procedural Safeguards" with notice of the referral.

Once the District has received parent consent to evaluate, the District may begin the evaluation process. If a parent refuses to consent to an initial evaluation, the District may, but is not required to, use due process hearing procedures to seek to override the parent's refusal to consent to the evaluation. Additionally, if a parent refuses to consent to an evaluation that is necessary for a determination of eligibility, the 504 Team may determine that the student is not eligible under Section 504.

### Evaluation

The evaluation is the starting point for determining whether a student is an eligible student under Section 504. The District is required to conduct an evaluation before providing Section 504 services. The nature and extent of the information needed to make a Section 504 eligibility decision is determined on case-by-case basis by a group of persons knowledgeable about the student, the meaning of evaluation data, and the placement options, i.e., the Section 504 team. Information obtained through the evaluation process must be documented and all significant factors must be considered. The District may, but is not required to, use the same evaluation process used to evaluate students under the IDEA. The evaluation must draw upon information from a variety of sources and may include:

- School records review
- Observations of the student
- Standardized tests or other assessments by school staff
- Parent/Student/Teacher interviews
- Behavior rating scales or other checklists
- Pertinent medical information
- Information provided by the parent
- Other relevant information

Where formal testing is determined to be necessary, the evaluation procedures must ensure that:

1. Tests and other evaluation materials 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.

2. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient.
3. Tests are selected and administered so as best to ensure that when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except when those skills are the facets that the tests purport to measure).

A medical diagnosis of a physical or mental impairment does not, in and of itself, determine Section 504 eligibility. As mentioned above, Section 504 requires the District to draw upon information from a variety of sources in making its eligibility determination. A medical diagnosis is only one source of information. Additionally, the District may request, but cannot require a parent to provide a medical statement or authorize the release of the student's medical information as part of the evaluation process. If the District determines, based on the facts and circumstances of the individual case, that a medical assessment is necessary for an appropriate evaluation, the District must ensure that the child receives this assessment at no cost to the parents. If alternative assessment methods meet the evaluation criteria, those methods may be used in lieu of a medical assessment. If a parent refuses to consent to a medical assessment and alternate assessment methods are not available, the 504 Team must proceed to make an eligibility determination based on the information it has on hand.

Absent extenuating circumstances, the District's evaluation and the development of a Section 504 Plan, if necessary, should be completed no later than 30 school days following the District's receipt of the parent's consent to evaluate. If an extension of time is required, the parent must be notified in writing of the extension, the reason for the extension, and the expected date of completion of the process.

### Placement

A free appropriate public education shall be provided for each child determined to be a qualified student with a disability under Section 504. The eligibility determination must be made by a group of persons knowledgeable about the student, the meaning of evaluation data, and placement options and must be documented in writing. The parent of the student should be given a meaningful opportunity to provide input into identification, evaluation, and placement decisions for his/her child. Therefore, the parent should typically be included in this process.

Where a student is found to be eligible under Section 504, the need for a Section 504 Plan must be determined. The Section 504 Team, which should include the parent, will be responsible for determining the services that are needed to provide the student a FAPE. The Plan should specify how services will be provided and by whom. To determine proper placement, the placement team must: carefully consider evaluation information from a variety of sources; document all information carefully considered; not rely on assumptions regarding persons with disabilities or classes of such persons; ensure that students with disabilities are educated with students without disabilities to the maximum extent appropriate to the needs of the student with a disability, unless the education of the student with a disability in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily; and ensure that students with

disabilities participate with students without disabilities in nonacademic services and activities to the maximum extent appropriate to the needs of the student with a disability.

The Section 504 Plan shall be signed by the Section 504 Coordinator/Designee, indicating the District's intent to implement the plan. A copy of the Plan, along with the Section 504 Notice of Procedural Safeguards, must be provided to the parent.

If a Section 504 Plan is developed for a student, all school personnel with implementation responsibilities should be informed of the existence and particulars of the Plan. Failure to implement the Section 504 Plan can result in non-compliance with Section 504.

If the qualified student requires related aids and/or services in a regular education classroom, the student's principal, who is also the school building's 504/ADAAA coordinator, shall involve the student's regular education teacher(s) in the Section 504 evaluation and placement process to ensure that they:

- A. Have knowledge of the law and the relationship between the student's disability and his/her need for regular or special education and/or related aids and/or services;
- B. Have knowledge of the student's needs;
- C. Ensure that the student's individualized needs are met as adequately as the needs of nondisabled students are met.

Hereafter, the policy will refer to Section 504 with the understanding that the ADA also applies.

### **Reevaluation/Significant Change in Placement**

Section 504 requires a periodic meeting to review the plan's efficacy and ongoing need. Additionally, this allows the succeeding teachers and service providers an opportunity to learn of the student's needs and ensure that the plan is implemented at the beginning of each school year. The District requires the student's Section 504 team –identified as persons knowledgeable about the student, the meaning of the evaluation data and the placement options – to conduct the periodic review annually. In addition, the Section 504 Team should be convened and the student's Section 504 Plan updated whenever the student's situation warrants a review (e.g., during natural transition periods, when a teacher or parent raises concerns, or when the student's performance changes).

Additionally, a reevaluation should be completed at least once every 3 years to redetermine eligibility under Section 504 as well as before any significant change in the student's placement. Significant changes of placement include, but are not limited to, graduation and disciplinary removals in excess of ten (10) school days, either consecutively or a series of removals that exceed 10 days in the aggregate. The evaluation requirement may be satisfied with the manifestation determination review according to the guidelines promulgated pursuant to this policy.

## Discipline

The discipline procedures described in the *Student Code of Conduct* shall be used in all situations in which a qualified student with a disability under Section 504 (or suspected qualified disability) may be subject to suspension or expulsion.

Students who are eligible under Section 504 have certain additional protections when charged with a violation of the Code of Student Conduct which may result in a suspension or expulsion that constitutes a significant change in placement. Similar to suspension or expulsion of a student with a disability under the IDEA, it is necessary to conduct a manifestation determination for a Section 504 student when:

- The suspension or expulsion will be for more than 10 consecutive school days; or
- The student has been subjected to a series of suspensions that total more than 10 school days in a school year and a pattern of exclusion exists. Whether a series of suspensions creates a pattern of exclusion is determined on a case-by-case basis taking into account the following factors: the length of each suspension, the proximity of the suspensions to one another, the similarity of the behavior that resulted in the removals and the total amount of time the student is excluded from school.

If either of the situations above applies, then the District is required to conduct a manifestation determination before any significant change in student's placement may occur. The manifestation determination should be conducted within 10 school days of the decision to change the student's placement. The parent must be invited to participate in the meeting and provided a copy of the Section 504 Notice of Procedural Safeguards. The purpose of the manifestation determination is to review whether the student's misconduct was caused by, or had a direct and substantial relationship to the student's disability; or whether the conduct was a direct result of the District's failure to implement the student's Section 504 plan.

This determination should be made by a group of persons knowledgeable about the student, the meaning of evaluation data, placement options, the student's Section 504 Plan, and the disciplinary incident. In making its determination, the Section 504 Team must review all relevant information in the student's file, the student's Section 504 plan, any teacher observations of the student, and relevant information provided by the parent.

If the Section 504 Team concludes that the student's conduct is a manifestation of the student's disability, the student must remain in (or be returned to) his/her current educational placement unless the parent and the District agree to change the student's placement. If the 504 Team concludes that the student's conduct is not a manifestation of the student's disability, the District may apply the relevant disciplinary procedures applicable to all students. Unlike the IDEA, there is no requirement to provide a student whose conduct is not a manifestation of the student's disability educational services during a disciplinary change in placement unless services are provided to similarly-situated non-disabled students.

Please note that Section 504 allows a student to be disciplined, without going through the manifestation determination review process, when the infraction results from the student's current illegal use of drugs or alcohol in violation of the Code of Student Conduct.

In the case of a Section 504 student who carries or possesses a weapon to or at school, on school premises, or to or at a school function, the District may place the student in an interim alternative educational setting for up to 45 school days if a student without a disability would be similarly disciplined. The Section 504 team must meet to develop the interim alternate educational setting after evaluating the student as described above in this Manual. The interim alternate educational setting must be educationally appropriate and the services provided must enable the student to continue to progress in the general curriculum. The interim alternate educational setting must also address the behavior prompting the disciplinary action.

### **IMPARTIAL DUE PROCESS HEARING**

A parent who disagrees with the identification, evaluation, placement, or the provision of a free appropriate public education of a student with a disability under Section 504 has the right to request an impartial due process hearing. Request for a Section 504 due process hearing must be made in writing to the District's Section 504 Coordinator. Upon receipt of such a request, the necessary arrangements will be made by the District, including the selection of a hearing officer. A person who is an employee of the District, or any person having a personal or professional

interest which would conflict with his/her objectivity in the hearing, may not be appointed as a hearing officer.

Any party to a hearing has the right to:

1. Be accompanied and advised by counsel or an individual with special knowledge or training about the problems of children with disabilities;
2. Present evidence and cross-examine witnesses;
3. Obtain a written or electronic verbatim record of the hearing or obtain alternate forms of the verbatim record to be provided in the parent's native language;
4. Obtain written or electronic findings of fact and decisions; and
5. Seek judicial review of a hearing officer decision.

The District will adhere to the following timeframes if a due process hearing is requested:

1. A hearing will be scheduled not more than 30 calendar days following receipt of the parent's written request.
2. The hearing officer will, not later than 30 calendar days after the hearing, draft a written decision (with specific findings of fact) and send a copy of the decision to each party and/or their attorneys/representatives
3. In the absence of an appeal, the District will implement the decision of the hearing officer 15 calendar days of the District's receipt of the decision.

### **GRIEVANCE PROCEDURE**

Any person who believes they have been discriminated against by the District on the basis of disability or who believes the District otherwise violated Section 504 and/or Title II of the Americans with Disabilities Act of 1990 has the right to file a complaint through the District's grievance procedure. A person who wishes to file a complaint should contact:

Shari Lewis  
11300 Columbiana-Canfield Rd.  
Canfield, Ohio 44406  
330-549-2163

A person may file a complaint with the Office for Civil Rights (OCR) if he/she does not wish to use the District's grievance procedure. A person who wishes to file a complaint with OCR should contact:

Office for Civil Rights  
U.S. Department of Education  
600 Superior Avenue East, Suite 750  
Cleveland, OH 44114-2611  
FAX: (216) 522-2573; TDD: (877) 521-2172  
Telephone: (216) 522-4970  
E-mail: OCR.Cleveland@ed.gov

A discrimination complaint may be filed with OCR at any time. Additionally, if a person is dissatisfied with the District's resolution of a complaint, that complaint may be filed with OCR at the address above within 60 days of the District's resolution.

### **Program Evaluation and Compliance**

The District shall evaluate its programs and practices on nondiscrimination and the provision of services under Section 504, in accordance with federal law, and document its findings on an on-going basis and will adjust its practices as needed. The District shall submit assurance of compliance as required by federal law.

## DEFINITIONS

The Rehabilitation Act of 1973, 29 U.S.C. Sec. 794 *et seq.*:

### Sec. 794

#### **Nondiscrimination under Federal grants and programs;**

“No otherwise qualified individual with a disability in the United States, as defined in Sec. 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. Sec. 794(a))

Individual with disability: Any individual who (A) has a physical or mental impairment that substantially limits one or more of the major life activities of such individual; (B) has a record of such an impairment; or (C) being regarded as having such an impairment. (42 U.S.C. 12102)

Major Life Activities: (A) Include, *but are not limited to*, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. (42 U.S.C. 12102)

(B) Major Bodily Functions include, *but are not limited to*, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. (42 U.S.C. 12102)

Substantially Limits: (A) An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. (B) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. (C) 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 the following examples: medication, medical supplies, equipment, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants, mobility devices, or oxygen therapy equipment and supplies, reasonable accommodations or auxiliary aids and/or services. This list is not exhaustive.

Has a record of: Has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.

Is regarded as: The individual establishes that he or she has been subjected to an action prohibited under this Act 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.

Transitory Impairment: The Act shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of six (6) months or less.

**The following definitions apply:**

The Rehabilitation Act of 1973: Also referred to as Section 504

The Americans with Disabilities Act: ADA, 42 U.S.C. 12101 *et seq.*

Individuals with Disabilities Education Improvement Act: IDEA, 20 U.S.C. 1401 *et seq.*

School Staff: A group of knowledgeable persons familiar with the student and his/her needs. Within the District's Section 504 policy and procedure manual, school staff may include, but are not limited to, the school principal, psychologist, general education teacher, guidance counselor, administrative staff and nurse (if applicable).

## **SECTION 504 PROCEDURES MANUAL ADMINISTRATIVE GUIDELINES**

The Board of Education directs the Superintendent to promulgate these administrative guidelines and procedures for implementation throughout the District.

The following is a description of the rights of District students with qualified Section 504 disabilities or those students suspected of having such disabilities. School staff are to ensure that each student with, or suspected of having, a Section 504 disability, and her/his parent(s) are kept fully informed concerning decisions about the student and about the student's due process rights in case the family disagrees with any decisions made by the District under Section 504.

District staff must ensure that parents of students are provided with *Notice of Parent/Guardian/Student Rights*, which sets forth the following rights for parents of such students:

### **NOTICE OF PARENT/GUARDIAN/STUDENT RIGHTS**

Below is a description of the rights granted by Federal law to individuals with disabilities. It is the intent of Section 504 of the Rehabilitation Act of 1973 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.

You have the right to:

- a) Have your child take part in, and receive benefits from public education programs without discrimination because of his/her disability.
- b) Have the District advise you of your rights under Federal law.
- c) Receive notice with respect to identification, evaluation, or placement of your child.
- d) Have your child receive a free appropriate public education that consists of regular or special education and related aids and/or services designed to meet the student's needs as adequately as the needs of nondisabled students are met. This also includes the right to be educated with non-disabled students to the maximum extent appropriate.
- e) Have your child educated in facilities and receive services comparable to those provided non-disabled students.
- f) Have your child receive special education and related services if s/he is found to be eligible under Individuals with Disabilities Education Improvement Act, and/or regular or special education and related aids and/or services under Section 504.
- g) Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, and are knowledgeable about the evaluation data and placement options, including the child's parents.
- h) Have transportation provided to and from an alternative setting at no greater cost to you than would be incurred if the student were placed in a program operated by the District and not in addition to any cost normally charged to a student without a disability for such transportation.
- i) Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the District.

- j) Examine all relevant records relating to decisions regarding your child's identification, evaluation, education program, and placement.
- k) Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records, the same as for all individuals requesting such records.
- l) A response from the District to reasonable requests for explanations and interpretations of your child's records.
- m) Request amendments of your child's educational records if there is reasonable cause to believe that information contained in the record(s) is inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the District refuses to amend the record(s), you have the right to request a hearing and/or to place in the record a statement of why you disagree with the information it contains.
- n) Request an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational programs, or placement. You and your child may take part in the hearing and be represented. Hearing requests must be made to the Section 504 Compliance Officer.
- o) Receive all information in the parent's native language and mode of communication.
- p) File a local grievance or a complaint with the District or the Office for Civil Rights at any time

The District's Section 504 Compliance Officer, the person in the District responsible for assuring that the District complies with Section 504, is:

Shari Lewis, Director of Special Education and  
Curriculum/Section 504 Compliance Officer  
11300 Columbiana-Canfield Rd.  
Canfield, Ohio 44406  
Add phone number

The Office for Civil Rights of the United States Department of Education enforces the requirements of Section 504 of the Rehabilitation Act of 1973. The address of the Ohio Office is:

Office for Civil Rights, Cleveland Office  
U.S. Department of Education  
600 Superior Avenue East, Suite 750  
Cleveland, Ohio 44114-2611

Telephone: 216.522.4970  
Facsimile: 216.522.2573  
TDD: 877.521.2172  
E-Mail: [OCR.Cleveland@ed.gov](mailto:OCR.Cleveland@ed.gov)

## **REFERRAL**

### **Section 504 Referral Form**

It is the responsibility of the District to identify and evaluate students who, within the intent of Section 504 of the Rehabilitation Act of 1973, require regular or special education and related aids and/or services in order to receive a free appropriate public education (FAPE).

Any student who needs, or is believed to need regular or special education and/or related aids and services not available through existing programs in order to receive a free appropriate public education may be referred by a parent, teacher, or a third party for identification and possible evaluation of the student's individual educational needs.

The school principal is the school building's Section 504 coordinator and shall have ample referral forms (FORM A) available in the main office for parents, teachers and other individuals who request them.

The Section 504 Referral Form (FORM A) must be submitted directly to the school principal and the principal shall sign the original form upon receipt and make three (3) copies. A copy shall be forwarded to (1) the school psychologist; (2) the Section 504 Compliance Officer; and (3) the parent. The original shall be placed in the student's educational record.

Upon referral for an evaluation, the parent/legal guardian, or student if over 18, shall also be provided with a copy of the description of rights granted by the federal law to students with disabilities.

## **SECTION 504 REFERRAL PROCEDURES**

If a parent or school staff member suspects that a child may have a disability and may be entitled to special regular or special education and/or related aids and services under Section 504, the principal shall follow these procedures:

	PROCEDURE	PERSON RESPONSIBLE	FORMS (S)
1.	<p><b>INITIAL REFERRAL FOR SECTION 504 EVALUATION</b></p> <p><b>(When a parent refers a child for a Section 504 evaluation)</b></p> <p>A parent may <i>verbally</i> or <i>in writing</i> request a Section 504 evaluation to the child’s teacher, principal, other administrative staff, school nurse, school psychologist, school social worker or guidance counselor.</p> <ul style="list-style-type: none"> <li>• If the parent requests a 504 evaluation, then the staff member must immediately inform the parent that the parent must fill out a “<i>Referral Form</i>” and that, upon completion, the form must be given directly to the principal.</li> <li>• If the parent requires assistance in writing the referral, the staff member shall assist the parent in filling out the referral form, <u>whether or not the staff member agrees with the grounds for the referral.</u></li> </ul> <p><b>(Referrals from third parties)</b></p> <p>When a third party submits a written referral for a Section 504 Evaluation, <u>the child’s parent/legal guardian must be notified of the referral.</u> If the referral is given to the teacher, then that teacher must immediately forward the form to the principal (or designee) for action.</p>	<p>The staff member receiving the verbal or written request</p> <p>Parent</p> <p>Principal</p>	<p><b>Section 504 Referral Form (FORM A)</b></p> <p><b>Section 504 Referral Form (FORM A)</b> <b>Section 504 Parent Invitation (Form B) &amp; Section 504 Notice to Parents w/ 504 Procedural Safeguards (FORM C)</b></p>
	<b>POST REFERRAL</b>		
2.	<p>The principal signs and dates the referral. Three copies of the referral are made and within a reasonable time, the principal gives a <u>copy</u> of the referral to the</p> <ol style="list-style-type: none"> <li>1. parent</li> <li>2. school psychologist</li> <li>3. District Section 504 Compliance Officer</li> </ol> <p>The original form is placed in the student’s educational record.</p>	Principal	
	<b>INITIAL DETERMINATION OF SUSPICION</b>		
3.	<p>An initial determination is made with deference given to the parent, psychologist and nurse (if applicable), whether the school <i>suspects</i> that the child has a present disabling condition that substantially limits a major life activity. A doctor’s statement does not make the child eligible for a 504 plan. It can be used in conjunction with all data to be reviewed in the team determination.</p> <p>The principal, upon consultation with the school team (which may include the parent, teacher, school psychologist, guidance counselor (if applicable), the child’s doctor and/or school nurse (if applicable)) forwards a Section 504 Notice to Parents with 504 Procedural Safeguards indicating whether or not the school suspects the child has a present disabling condition that substantially limits a major life activity.</p>	Principal	<p><b>Section 504 Notice to Parents w/ 504 Procedural Safeguards (FORM C)</b> <b>Section 504 Parent Invitation (Form B) when appropriate</b></p>

	<p>If the child has gone through the IDEIA referral and evaluation process and is deemed ineligible under IDEIA, the child does not need to start over at the referral stage for Section 504. Current evaluation data can assist in the determination of 504 eligibility.</p> <p>If the school team <b>does not</b> suspect that the child has a disability that substantially limits a major life activity, then the team is not obligated to move forward with a full Section 504 evaluation. The school team should provide the parent with procedural safeguards.</p>		
<b>EVALUATION &amp; ELIGIBILITY DETERMINATION</b>			
	<p>If the school team <b>does</b> suspect that the child may have a disability under Section 504, the team must move forward with a full Section 504 evaluation <u>within sixty (60) calendar days of receipt of the parent’s signed consent</u>. The school team shall make efforts to include the parent and shall include at least one of the child’s general education teacher(s), the school psychologist and school nurse (if applicable) and other applicable support staff, i.e., audiologist, PT, SLP, OT.</p> <p>Parent/legal guardian shall be notified in writing of the Section 504 team meeting to determine eligibility under Section 504.</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> If the student is found to be eligible, the school team should determine if development of a Section 504 plan is necessary at this time. Parent shall be provided a meaningful opportunity to provide input into the decision and given procedural safeguards.</li> <li><input type="checkbox"/> If the student is found to be not eligible, the school team should provide parent with procedural safeguards.</li> </ul>	Principal & Section 504 school team	<p><b>Section 504 Parent Invitation (Form B)</b></p> <p><b>Section 504 Notice to Parents with 504 Procedural Safeguards (FORM C)</b></p>
<b>SECTION 504 PLAN</b>			
4.	Consent of parent/legal guardian is obtained for implementation of the plan.	Principal	<b>Section 504 Evaluation and Plan (FORM E)</b>
5.	<p>After the Section 504 evaluation meeting, the principal shall make four (4) copies of the Section 504 Evaluation and Plan and give a copy to:</p> <ol style="list-style-type: none"> <li>1. parent</li> <li>2. the child’s general education teacher(s)</li> <li>3. school psychologist and/or nurse (if applicable)</li> <li>4. Section 504 Compliance Officer</li> <li>5. student’s educational record (original)</li> </ol>	Principal	
6.	Section 504 plan is implemented with periodic review, at least annually, when conditions warrant, or prior to any subsequent significant change in placement.	General Education Teacher and designated team members	<b>Section 504 Evaluation and Plan (FORM E)</b>

***THIS REFERRAL MUST BE GIVEN TO THE PRINCIPAL UPON COMPLETION***

*This referral is being made by: parent/legal guardian, teacher, principal, other (circle one)*

**I. STUDENT'S PERSONAL INFORMATION**

ID/SS#:	_____	Date of Birth:	_____
Student:	_____	Phone(s):	_____
Parent/Guardian:	_____	School:	_____
Address:	_____	Grade:	_____
Teacher:	_____	Referral Date:	_____
Referred by:	_____		

**II. BACKGROUND INFORMATION:**

**A. Reason for Referral:**

\_\_\_\_\_

An individual has a disability under Section 504 that requires FAPE (**F**ree **A**ppropriate **P**ublic **E**ducation) if he/she:

Has a physical or mental impairment that substantially limits one or more major life activities. Major Life Activities under Section 504 include, but are not limited to, caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating, working, and learning, or the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, or endocrine functions.

**B. Indicate which major life activity(s) appears to be limited:**

- |  |  |  |   |
|--|--|--|---|
| <input type="checkbox"/> caring for self               | <input type="checkbox"/> eating                | <input type="checkbox"/> seeing                | <input type="checkbox"/> hearing        |
| <input type="checkbox"/> sleeping                      | <input type="checkbox"/> breathing             | <input type="checkbox"/> standing              | <input type="checkbox"/> speaking       |
| <input type="checkbox"/> communicating                 | <input type="checkbox"/> concentrating         | <input type="checkbox"/> perform manual tasks  | <input type="checkbox"/> walking        |
| <input type="checkbox"/> lifting                       | <input type="checkbox"/> bending               | <input type="checkbox"/> learning              | <input type="checkbox"/> reading        |
| <input type="checkbox"/> immune system function        | <input type="checkbox"/> respiratory function  | <input type="checkbox"/> normal cell growth    | <input type="checkbox"/> thinking       |
| <input type="checkbox"/> digestive function            | <input type="checkbox"/> bladder function      | <input type="checkbox"/> neurological function | <input type="checkbox"/> working        |
| <input type="checkbox"/> circulatory function          | <input type="checkbox"/> reproductive function | <input type="checkbox"/> endocrine function    | <input type="checkbox"/> brain function |
| <input type="checkbox"/> other (please describe _____) |  |  |   |

**C. Indicate specifically how the major life activity(s) is being limited.**

\_\_\_\_\_

**D. Indicate how severe the major life activity(s) is being limited:**

- Mildly(Negligibly)     Moderately     Substantially

**E. Strategies/interventions to date (attach copies of documentation):**

\_\_\_\_\_

F. List all medications or devices that are currently being used by the student (for background purposes only; consideration must not be given to the use of mitigating measures in determining whether the student has a disability rather, the student must be considered in his/her unmitigated state).

---

G. Attach any additional information (i.e. previous evaluations, medical reports, state/district-wide tests)

- By signing below, I acknowledge receipt of a copy of this referral and a copy of the Notice of Parent/Student Rights
- I further understand that, as parent or guardian, my signature also acts as my written consent to initiate a full Section 504 evaluation and to contact and obtain additional information for my child's pediatrician, doctor, psychologist, psychiatrist, or other health care provider.

\_\_\_\_\_  
\*Parent (or person making referral)

\_\_\_\_\_  
Date

- No, I do not consent to having my child evaluated through the use of individual standardized assessments and/or medical information or evaluation.

\_\_\_\_\_  
Parent Signature

\_\_\_\_\_  
Date

**THIS REFERRAL MUST BE:**

- Provided to the Principal
- Signed by the Principal
- Copied and provided to the referral source
- Copied and provided to the Section 504 Coordinator
- Placed in the student's educational file

\_\_\_\_\_  
\*Signature of Principal

\_\_\_\_\_  
Date of referral receipt

South Range Local School District

SECTION 504 PARENT MEETING INVITATION

TO: \_\_\_\_\_

DATE: \_\_\_\_\_

FROM: \_\_\_\_\_

WRITTEN NOTICE NUMBER: \_\_\_\_\_

I am inviting you to attend a meeting to discuss the educational needs of:

CHILD'S NAME: \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_

PURPOSE FOR MEETING (Check all that apply):

- To determine if a child has a suspected disability under Section 504
To discuss referral
To discuss evaluation/reevaluation
To discuss Section 504 Plan
To discuss misconduct (infraction as it relates to disability)
At your request to discuss:
Other:

THIS CONFERENCE WILL BE SCHEDULED AS A: (check all that apply)

- Face to face meeting
Video conference
Telephone conference/Conference Call

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ LOCATION: \_\_\_\_\_

OTHER PERSONS WHO HAVE BEEN INVITED TO ATTEND THIS MEETING INCLUDE:

- Regular Education Teacher
Intervention Specialist
Speech and Language Pathologist
Student
School Psychologist
District Representative
Other

You are welcome to bring any information, including formal or informal test results, work samples, etc., to the meeting. You may bring someone who has knowledge or special expertise regarding your child or someone to assist you at the meeting.

If you would like to schedule the conference at a different time, date, or location, or schedule a different type of meeting, or if you require an interpreter, please contact:

CONTACT: \_\_\_\_\_ PHONE: \_\_\_\_\_

CUT \_\_\_\_\_

RESPONSE TO PARENT INVITATION

COMPLETE AND RETURN TO THE CHILD'S SCHOOL

CHILD'S NAME: \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_

- I will attend/participate
I will not attend/participate
Another/Others will accompany me (optional)

I would like the location of this meeting changed to: \_\_\_\_\_

I would like to change the type of meeting to: \_\_\_\_\_

I would like this meeting rescheduled for the following suggested date and time: \_\_\_\_\_

- A bilingual or sign language interpreter is requested.

Desired language/mode of communication \_\_\_\_\_

PARENT SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

SECTION 504 NOTICE TO PARENT

(This form serves as the response to the parent of the District's initial determination of eligibility)

STUDENT'S PERSONAL INFORMATION

ID/SS#: \_\_\_\_\_ Student: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Parent/Guardian: \_\_\_\_\_ Phone(s): \_\_\_\_\_ Address: \_\_\_\_\_ School: \_\_\_\_\_ Teacher: \_\_\_\_\_ Grade: \_\_\_\_\_ Referred by: \_\_\_\_\_ Referral Date: \_\_\_\_\_

Notice to Parent or legal guardian of the Section 504 Referral Form (FORM A) Your child has been referred to the Section 504 School Team because of a concern that s/he may have a physical or mental disability that substantially limits a major life activity.

Notice to Parent of initial determination. The principal, upon consultation with the school psychologist and/or nurse, has reviewed the referral and the provided documentation. The review may have also included consideration of your child's educational record and consultation with his or her teachers, the school counselor, you, your child, your child's doctor and/or other professionals.

The following initial determination has been made:

Your child DOES NOT have a suspected mental or physical impairment that substantially limits a major life activity and requires further evaluation for qualification under Section 504. The referral and documentation reviewed is insufficient to warrant a suspected disability. However, your child may be referred to the school's Intervention Assistance Team (IAT) for general education interventions.

The District DOES suspect that your child may have a mental or physical impairment that requires further evaluation for possible determination of eligibility under Section 504. You are invited to a team meeting on (day) \_\_\_\_\_, (date) \_\_\_\_\_, 201 \_\_\_\_\_ at (time) \_\_\_\_\_. The meeting will take place in room \_\_\_\_\_.

Upon review of your child's referral and supporting documentation, your child may have a mental or physical impairment that may substantially limit one or more major life activities and requires special education and/or related aids and services. Your child has been referred for a multifactored evaluation.

Your child's Section 504 school team determined, after a reevaluation and Section 504 meeting with you on \_\_\_\_\_ that your child NO LONGER QUALIFIES for a Section 504 Plan and has terminated the plan.

Please be advised that you have procedural due process rights by which to challenge these determinations. A notice of these rights are attached to this notice.

Signature of Principal

Date forwarded to parent with Procedural Safeguards

## Notice of Parent/Guardian/Student Rights

Below is a description of the rights granted by Federal law to individuals with disabilities. It is the intent of Section 504 of the Rehabilitation Act of 1973 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.

You have the right to:

- a) Have your child take part in, and receive benefits from public education programs without discrimination because of his/her disability.
- b) Have the District advise you of your rights under Federal law.
- c) Receive notice with respect to identification, evaluation, or placement of your child.
- d) Have your child receive a free appropriate public education that consists of regular or special education and related aids and/or services designed to meet the student's needs as adequately as the needs of nondisabled students are met. This also includes the right to be educated with non-disabled students to the maximum extent appropriate.
- e) Have your child educated in facilities and receive services comparable to those provided non-disabled students.
- f) Have your child receive special education and related services if s/he is found to be eligible under Individuals with Disabilities Education Improvement Act, and/or regular or special education and related aids and/or services under Section 504.
- g) Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, and are knowledgeable about the evaluation data and placement options, including the child's parents.
- h) Have transportation provided to and from an alternative setting at no greater cost to you than would be incurred if the student were placed in a program operated by the District and not in addition to any cost normally charged to a student without a disability for such transportation.
- i) Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the District.
- j) Examine all relevant records relating to decisions regarding your child's identification, evaluation, education program, and placement.
- k) Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records, the same as for all individuals requesting such records.
- l) A response from the District to reasonable requests for explanations and interpretations of your child's records.
- m) Request amendments of your child's educational records if there is reasonable cause to believe that information contained in the record(s) is inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the District refuses to amend the record(s), you have the right to request a hearing and/or to place in the record a statement of why you disagree with the information it contains.
- n) Request an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational programs, or placement. You and your child may take part in the hearing and be represented. Hearing requests must be made to the Section 504 Compliance Officer.
- o) Receive all information in the parent's native language and mode of communication.
- p) File a local grievance or a complaint with the District or the Office for Civil Rights at any time.

The District's Section 504 Compliance Officer, the person in the District responsible for assuring that the District complies with Section 504, is:

Shari Lewis, Director of Special Education and Curriculum  
Section 504 Compliance Officer  
11300 Columbiana-Canfield Rd.  
Canfield, Ohio 44406  
330-549-4071

The Office for Civil Rights of the United States Department of Education enforces the requirements of Section 504 of the Rehabilitation Act of 1973. The address of the Ohio Office is:

Office for Civil Rights, Cleveland Office  
U.S. Department of Education  
600 Superior Avenue East, Suite 750  
Cleveland, Ohio 44114-2611  
Telephone: 216.522.4970  
Facsimile: 216.522.2573  
TDD: 877.521.2172  
E-Mail: OCR.Cleveland@ed.gov

**THIS NOTICE TO PARENT MUST BE:**

- Provided to the Parent
- A copy placed in student's educational record
- Forwarded to the Section 504 Compliance Officer



**Section 504 Eligibility Form**

Conference Date: \_\_\_\_\_  
Student Name: \_\_\_\_\_ DOB: \_\_\_\_\_  
School: \_\_\_\_\_ Grade: \_\_\_\_\_  
Student Address: \_\_\_\_\_  
Parent Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

\_\_\_\_\_ The Notice of Parent/Student Rights distributed on: \_\_\_\_\_  
\_\_\_\_\_ The Parent was invited but did not attend. Notice of Rights was mailed on: \_\_\_\_\_

Type of Evaluation: \_\_\_\_\_ Initial \_\_\_\_\_ Re-evaluation/annual review \_\_\_\_\_ Case Review

Background Information/Reason for Referral:

\_\_\_\_\_  
\_\_\_\_\_

Sources of information considered by team to determine eligibility: (check all that apply)

\_\_\_\_\_ Parent Recommendation \_\_\_\_\_ Physician Diagnosis \_\_\_\_\_ Educ/Psych Evaluation  
\_\_\_\_\_ Teacher Recommendation \_\_\_\_\_ Aptitude/Achievement Tests \_\_\_\_\_ Standardized Tests  
\_\_\_\_\_ Adaptive Behavior \_\_\_\_\_ Other: \_\_\_\_\_

Section 504 Team Determinations:

1. The student has a mental or physical impairment. \_\_\_\_\_ Yes \_\_\_\_\_ No  
a. If yes, what is the impairment? (DSM IV or other source if not excluded ie. illegal drug use)

\_\_\_\_\_

b. If no, the student is not eligible for regular or special education and/ related aids and services under Section 504. The child may be eligible for classroom interventions.

2. If the student has an impairment in #1, the impairment must substantially limit a major life activity. The student's impairment is limiting a major life activity in the following way:  
\_\_\_\_\_ Mildly (Negligibly) \_\_\_\_\_ Moderately \_\_\_\_\_ Substantially (Extremely)

Indicate specifically how the major life activity(s) (identified in 1 above) is limiting to the child.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List all medications or devices (such as hearing aids, glasses, etc.) that are currently being used by the student. While important to note, these mitigating measures are no longer considered in determining eligibility.

\_\_\_\_\_  
\_\_\_\_\_

**The Section 504 Team has evaluated the student and determined:**

\_\_\_\_\_ The student **DOES NOT** have a mental or physical impairment that substantially limits one or more major life activities. The student is not a student with a disability under Section 504.

The student should be referred to the IAT team for development of classroom interventions.

\_\_\_\_\_ The student **DOES** have a mental or physical impairment that substantially limits one or more of the following major life activities:

- caring for self       eating       seeing
- hearing       sleeping       breathing

- standing
- concentrating
- other (describe) \_\_\_\_\_
- speaking
- bodily system
- communicating

- The student will have a Section 504 plan developed.
- The student is determined eligible under Section 504 however at this time does not require a Section 504 plan. Send Prior Written Notice to parent.

\_\_\_\_\_ The student **DOES** have a mental or physical impairment that substantially limits one or more major life activity and will be referred for a multi-factored evaluation under the Individual's with Disabilities Education Improvement Act of 2004.

Section 504 Team Members		Check Areas of Knowledge		
Name	Title	Child	Evaluation Data	Placement

\*Adapted with permission from Perry A. Zirkel, Author of *Section 504, the ADA and the Schools*.

## Notice of Parent/Guardian/Student Rights

Below is a description of the rights granted by Federal law to individuals with disabilities. It is the intent of Section 504 of the Rehabilitation Act of 1973 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.

You have the right to:

- a) Have your child take part in, and receive benefits from public education programs without discrimination because of his/her disability.
- b) Have the District advise you of your rights under Federal law.
- c) Receive notice with respect to identification, evaluation, or placement of your child.
- d) Have your child receive a free appropriate public education that consists of regular or special education and related aids and/or services designed to meet the student's needs as adequately as the needs of nondisabled students are met. This also includes the right to be educated with non-disabled students to the maximum extent appropriate.
- e) Have your child educated in facilities and receive services comparable to those provided non-disabled students.
- f) Have your child receive special education and related services if s/he is found to be eligible under Individuals with Disabilities Education Improvement Act, and/or regular or special education and related aids and/or services under Section 504.
- g) Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, and are knowledgeable about the evaluation data and placement options, including the child's parents.
- h) Have transportation provided to and from an alternative setting at no greater cost to you than would be incurred if the student were placed in a program operated by the District and not in addition to any cost normally charged to a student without a disability for such transportation.
- i) Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the District.
- j) Examine all relevant records relating to decisions regarding your child's identification, evaluation, education program, and placement.
- k) Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records, the same as for all individuals requesting such records.
- l) A response from the District to reasonable requests for explanations and interpretations of your child's records.
- m) Request amendments of your child's educational records if there is reasonable cause to believe that information contained in the record(s) is inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the District refuses to amend the record(s), you have the right to request a hearing and/or to place in the record a statement of why you disagree with the information it contains.
- n) Request an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational programs, or placement. You and your child may take part in the hearing and be represented. Hearing requests must be made to the Section 504 Compliance Officer.
- o) Receive all information in the parent's native language and mode of communication.
- p) File a local grievance or a complaint with the District or the Office for Civil Rights at any time.

The District's Section 504 Compliance Officer, the person in the District responsible for assuring that the District complies with Section 504, is:

Shari Lewis, Director of Special Education and Curriculum/Section 504  
Compliance Officer  
11300 Columbiana-Canfield Rd.  
Canfield, Ohio 44406  
330 549-2163

The Office for Civil Rights of the United States Department of Education enforces the requirements of Section 504 of the Rehabilitation Act of 1973. The address of the Ohio Office is:

Office for Civil Rights, Cleveland Office  
U.S. Department of Education  
600 Superior Avenue East, Suite 750  
Cleveland, Ohio 44114-2611  
Telephone: 216.522.4970  
Facsimile: 216.522.2573  
TDD: 877.521.2172  
E-Mail: OCR.Cleveland@ed.gov

THIS NOTICE TO PARENT MUST BE:

- Provided to the Parent
- A copy placed in student's educational record
- Forwarded to the Section 504 Compliance Officer

**SECTION 504 EVALUATION/MANIFESTATION DETERMINATION REVIEW**

Student's Name: \_\_\_\_\_ ID# \_\_\_\_\_ Grade: \_\_\_\_\_ DOB: \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
Last, First

Principal, 504 Coordinator: \_\_\_\_\_ Date of Evaluation: \_\_\_\_\_

**PARENT CONTACT**

The parent was contacted to participate in the manifestation determination review:

Method of Contact \_\_\_\_\_ By \_\_\_\_\_ Date \_\_\_\_\_ Result \_\_\_\_\_

If the parent could not be reached, document additional contact:

Method of Contact \_\_\_\_\_ By \_\_\_\_\_ Date \_\_\_\_\_ Result \_\_\_\_\_

**Upon consideration of a significant change of placement due to discipline, the Section 504 Team must conduct an evaluation, including review of pertinent information from a variety of sources, to determine whether the child's disability was directly related to the code of conduct violation.**

1. Description of behavior subject to disciplinary action:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Description of proposed disciplinary action:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Does the proposed disciplinary action constitute a change of placement (*e.g., more than 10 consecutive days OR constitute the accumulation of more than a total of 10 days within the school year?*)

- If **NO**, proceed with disciplinary action pursuant to the Student Code of Conduct.
- If **YES**, continue

**Upon completion of the evaluation:**

1. Did the 504 Team review relevant information in the student's file?  Yes  No

Please specify:

\_\_\_\_\_  
\_\_\_\_\_

2. Did the 504 Team review the student's current 504 plan?  Yes  No

3. Did the 504 Team consider information provided by parent/legal guardian?  Yes  No

4. Did the 504 Team determine that the conduct in question was caused by/or had a direct relationship to the child's disability?  Yes  No

5. Was the child's conduct a direct result of the district's failure to implement the 504 plan?  Yes  No

- (i) ***If the answer to 4 or 5 above is “yes” then the behavior was A MANIFESTATION OF THE STUDENT’S DISABILITY AND THE student shall not be suspended/expelled.***
- (ii) ***If the answer to 4 or 5 above is “no” then the behavior was not A MANIFESTATION OF THE STUDENT’S DISABILITY AND THE student shall be subject to disciplinary action in the same manner as A NONDISABLED STUDENT UNDER THE Student Code of Conduct.***

**THE BEHAVIOR SUBJECT TO DISCIPLINARY ACTION:**

- WAS NOT a **manifestation of the student’s disability**; the student may be disciplined according to the *Student Code of Conduct* in the same manner a similarly situated nondisabled student would be.
- WAS a **manifestation of the student’s disability**. The student may not be suspended or expelled but other appropriate measures may be taken.

**Based upon review of all relevant information and in consideration of the specifics of the code of conduct violation, the 504 Team has determined that the behavior subject to disciplinary action:**

Was     Was Not            a manifestation of the student’s disability.

Signature: \_\_\_\_\_ Signature: \_\_\_\_\_

Signature: \_\_\_\_\_ Signature: \_\_\_\_\_

Signature: \_\_\_\_\_ Signature: \_\_\_\_\_

**Parent Notice and Agreement**

- I was notified by the District of the initial decision to take disciplinary action.
- I agree with this manifestation determination review.
- I disagree with this manifestation determination review and was provided with procedural safeguards.

**Parent Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## GRIEVANCE PROCEDURE

The District has adopted the following Grievance Procedure for addressing complaints of discrimination under Section 504 of the Rehabilitation Act of 1973 and/or Title II of the Americans with Disabilities Act of 1990. A person is not required to use this procedure and may instead file a complaint directly with the U.S. Department of Education's Office for Civil Rights, 600 Superior Avenue East, Suite 750, Cleveland, OH 44114-2611:

### Step 1:

A person who believes that he/she has been discriminated against by the District is encouraged, but is not required, to discuss the matter informally with the appropriate building principal, in the case of a student, or his/her immediate supervisor, in the case of an employee. [NOTE: If the building principal or the immediate supervisor is the subject of the complaint, or the grievant is not a student or employee, the grievant may, instead, contact the District's Section 504 Compliance Officer]. The person receiving the complaint shall verbally convey his/her findings to both the person who alleged the violation and the person who is the subject of the complaint within 10 business days.

### Step 2:

If the informal Step 1 process does not resolve the matter, or if the grievant does not wish to use the informal procedures set forth in Step 1, a written complaint may be submitted to the District's Section 504 Compliance Officer who will investigate the complaint. Complainants are encouraged to file a written complaint within 30 calendar days of the alleged discrimination. [NOTE: If the Section 504 Compliance Officer is the subject of the complaint, the complaint should be submitted to the Superintendent who will appoint another administrator to conduct the investigation]. The complaint shall be signed by the grievant and include 1) the grievant's name and contact information; 2) the facts of the incident or action complained about; 3) the date of the incident or action giving rise to the complaint; 4) the type of discrimination alleged to have occurred; and 5) the specific relief sought. Names of witnesses and other evidence as deemed appropriate by the grievant may also be submitted. An investigation of the complaint will be conducted within 10 business days following the submission of the written complaint. The investigation shall include an interview of the parties and witnesses, a review of relevant evidence, and any other steps necessary to ensure a prompt and thorough investigation of the complaint. A written disposition of the complaint shall be issued within 10 business days of completion of the investigation, unless a specific written extension of time is provided to the parties. Copies of the disposition will be given to both the grievant and the person who is the subject of the complaint. If discrimination or harassment was found to have occurred, the disposition will include the steps that the District will take to prevent recurrence of any discrimination/harassment and to correct its discriminatory effects on the grievant and others, if appropriate.

### Step 3:

If the grievant wishes to appeal the decision in Step 2 above, he/she may submit a signed, written appeal to the Superintendent within 10 business days after receipt of the written disposition. The Superintendent or his designee shall respond to the complaint, in writing, within 10 business days of the date of the appeal. Copies of the response shall be provided to both the grievant and the person who is the subject of the complaint.

The District hereby provides assurance that it strictly prohibits any form of retaliation against persons who utilize this Grievance Procedure. If you have questions regarding these procedures or desire to file a complaint, please contact the District's Section 504 Compliance Officer:

Shari Lewis/Director of Special Education and Curriculum  
11300 Columbiana-Canfield Rd.  
Canfield, Ohio 44406  
330 549-2163

**Section 504 Complaint Filing Form**

If you believe that disability discrimination has occurred, such as different treatment or disability harassment, this form serves as a written complaint to be submitted to the Section 504 Compliance Officer. [Please note that the appropriate process for challenging a District decision regarding identification, evaluation, or educational placement of a student with a disability or suspected of having a disability is to request a due process hearing.]

Child's Name \_\_\_\_\_ D.O.B. \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Address \_\_\_\_\_ School \_\_\_\_\_

Parent's Name (print) \_\_\_\_\_

Home Phone \_\_\_\_\_ Cell Phone \_\_\_\_\_ Work \_\_\_\_\_

Telephone Number \_\_\_\_\_ Email \_\_\_\_\_

Nature of your complaint. (Please describe the policy or action you believe may be in violation of Section 504. Please also identify any person(s) you believe may be responsible.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please provide your proposed remedy to this alleged violation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Complaining Party \_\_\_\_\_ / \_\_\_\_ / \_\_\_\_ Date

\_\_\_\_\_  
Signature of Person Receiving Complaint

\_\_\_\_\_  
Date \_\_\_\_/\_\_\_\_/\_\_\_\_ Location \_\_\_\_\_

**THIS FORM SHOULD BE FORWARDED WITHIN THIRTY CALENDAR (30) DAYS OF THE ALLEGED VIOLATION OF SECTION 504 TO:**

Section 504 Compliance Officer: Shari Lewis, Director of Special Education and Curriculum  
11300 Columbiana-Canfield Rd.  
Canfield, Ohio 44406

## **MEDIATION AND HEARING PROCEDURES**

### **SECTION 504 MEDIATION AND HEARING PROCEDURES**

Mediation procedures for Section 504 are voluntary and are not intended to delay or hinder the parent/legal guardian's right to move directly to an impartial due process hearing. Rather, they are intended to assist the parent/legal guardian in resolving differences and in obtaining a free appropriate public education for their child.

When the parent/legal guardian does not agree with the Section 504 evaluation findings and/or the Section 504 Plan, the following may occur:

1. The school principal arranges a conference that includes the parent/legal guardian, the classroom teacher(s), and/or participants as needed. The parent/legal guardian is given a copy of the Section 504 Procedural Safeguards. If the parent/legal guardian is non-English speaking, an interpreter is provided.
2. The school principal conducts the conference and an informal resolution of differences is sought.
  - (a) The school principal explains to the parent/legal guardian that this process does not interfere with his/her right to file a formal complaint or to request an impartial due process hearing.
  - (b) The school principal/designee summarizes the results of the conference in writing, sends copies to the parent/legal guardian and places copies in the student's educational record.

### **Impartial Due Process Procedures**

The procedures for Section 504 due process hearings ensure that:

1. A parent/legal guardian or the school district may initiate a hearing on matters dealing with identification, evaluation or the provision of a free appropriate public education.
2. The district may initiate a hearing to override a parent's refusal or revocation of consent for a Section 504 evaluation.
3. Parents will receive timely notice of the date and time of the hearing, which shall be mutually convenient.
4. An impartial hearing officer will be selected by the District
5. The hearing officer shall not be:
  - a. Employed by an agency involved with the care or education of the student subject to the hearing.
  - b. A person having a professional or personal interest that would conflict with his/her objectivity in a hearing.

## **Due Process Hearing Rights and Procedures**

The parties to a Section 504 Due Process Hearing have a right to:

1. Be accompanied and advised by an attorney or representative.
2. Have the assistance of an interpreter (if the parent's natural language is not English and given adequate notice to the District).
3. Present evidence and examine witnesses.
4. The hearing officer shall render a decision, subject to judicial review that is binding on all parties, except that in all cases any action taken must comply with the current Ohio Revised Code and federal court decisions.
5. The party initiating the due process hearing will bear the burden of proof.
6. Parents or the District may initiate a due process hearing on a matter related to (1) eligibility and related procedures, (2) procedural safeguards, or (3) provision of a free and appropriate public education to the student.
7. Requests for a due process hearing must be submitted in writing to the Superintendent.
8. The request shall include:
  - The name of the student
  - The name of the parent or legal guardian
  - The address and telephone number of the legal guardian
  - The name of the school the child attends
  - A statement of the issues to be presented at the hearing.
  - A statement of the remedy requested of the hearing officer.

### **Decision of the Hearing Officer**

The hearing officer shall review all relevant facts and render a decision.

A copy of the hearing officer's decision shall be delivered to the District and the parent/legal guardian within forty-five (45) days from the date of the hearing.

Notification will include a statement that either party may appeal the decision to a district court of competent jurisdiction.

**AUTHORIZATION TO RELEASE/SHARE CONFIDENTIAL INFORMATION**

I, (Name of Parent) \_\_\_\_\_ hereby authorize (Name of School District) \_\_\_\_\_ and (Name of Provider) \_\_\_\_\_ to release and share educational records/information related to my child \_\_\_\_\_, (D.O.B.) \_\_\_\_\_.

This Authorization permits the sharing of personally identifiable information between the above-named parties. The records authorized to be disclosed include:

- Attendance records
- Classroom observations
- Classroom testing & work samples
- Course history reports
- Grade reports/Transcripts
- Interim progress reports
- Section 504 plans
- Other necessary information below
- Standardized/group testing
- Evaluation Team Reports (ETRs)
- Individualized Education Programs (IEPs)
- Expulsion notices
- Office referrals
- Suspension notices
- School health records
- Immunizations records

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I understand that information provided between the above-named parties will be used solely for the purpose of making educational decisions on behalf of my child. I further understand that I can revoke this authorization at any time by providing a written request to (title) \_\_\_\_\_, (name) \_\_\_\_\_ at (address and phone number) \_\_\_\_\_. Otherwise, this authorization is valid for 180 days from the date of my signature below.

I understand that I have a right to receive a copy of this Authorization, and that any modification or revocation of this Authorization must be in writing.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Relationship to Child: \_\_\_\_\_

cc: Student's educational record  
Parent/Guardian

**DISTRICT NAME \_\_\_\_\_**

**SECTION 504 PLAN**

*(Services necessary to ensure provision of a free appropriate education or FAPE)*

Date Written: \_\_\_\_\_ Date Last Reviewed: \_\_\_\_\_

Student Name: \_\_\_\_\_

DOB: \_\_\_\_\_

Building: \_\_\_\_\_

Grade: \_\_\_\_\_

Parent (Guardian) Name: \_\_\_\_\_

Date of Eligibility Determination: \_\_\_\_\_

Type of Plan: \_\_\_ Initial \_\_\_ Annual Review \_\_\_ Case Review \_\_\_ Monitoring only

Date of initiation of service: \_\_\_\_\_

Date of review: \_\_\_\_\_

Area of disability and Explanation of How Disability Substantially Limits a Major Life Activity: \_\_\_\_\_

Required Regular or Special Education or Related Aids and Services	Person Responsible	When/How Will Progress be Reviewed/Assessed
Academic, Nonacademic, Extracurricular – if applicable		

Participation in state and district-wide assessments:  No accommodations  Accommodations as indicated with (\*) above

**Team Members:**

\_\_\_\_\_ **Parent (Guardian)**      \_\_\_\_\_ **Classroom Teacher(s)**      \_\_\_\_\_ **Member/Position**

\_\_\_\_\_ **Administrator/504 Designee**      \_\_\_\_\_ **Member/Position**      \_\_\_\_\_ **Member/Position**

All necessary individuals have been informed of this plan.  Yes  No

\*A “monitoring only” plan would be used for eligible students whose disability does not require any regular or special education or related aids and/or services at this time. Such students remain protected as students with disabilities under Section 504 and the ADA from disability discrimination, including disability harassment or retaliation.

I have been informed of the Section 504 plan for my child and have received a copy of the Notice of Parent/Guardian/Student Rights.

\_\_\_\_\_  
Parent/Guardian Signature      \_\_\_\_\_  
Date

