

Section: **INSTRUCTION**

Procedure: **Section 504 Process**

1. Refer Student to the Student Support Team (SST)

Any person (e.g. a parent, guardian, school staff, or persons outside the school) can refer a student for evaluation under Section 504. A concerned person should refer a student for evaluation if the person knows or suspects that, due to a physical or mental impairment, the student needs accommodations/services to participate in or benefit from the district's education program. Referral can be made via an SST referral form.

2. Decide Whether to Evaluate the Student under Section 504

The SST reviews the referral, the student's file, and consults with teachers, parent or guardian, the student (if appropriate), and others who have relevant information. The SST decides whether to evaluate the student under Section 504.

If the SST knows or suspects that the student is eligible as a disabled student under the IDEA, is an English language learner, or has other needs, the SST refers the student for evaluation under those processes.

If the SST knows or suspects that the student is eligible as a disabled student under Section 504, the SST provides the parents Notice of Action/Consent and Notice of Rights and refers the student for evaluation. The parent or guardian must provide consent prior to an initial evaluation.

If the referral information indicates that the student is not eligible as a disabled student under Section 504, the SST provides the parents Notice of Action/Consent and Notice of Rights.

3. Evaluate the Student under Section 504

After the parent or guardian has been notified of the decision to evaluate (and has consented if the evaluation is an initial evaluation), qualified persons evaluate the specific areas of the student's educational needs. The parent or guardian may also choose to have the student independently evaluated, at their own expense.

4. Determine the Student's Eligibility under Section 504

After the student has been evaluated, the student's Section 504 Team reviews the evaluation data and decides if the student is eligible as a disabled student under Section 504. At that time, the Section 504 Team fills out the Section 504 Eligibility Determination Form. The Section 504 Team must include persons knowledgeable about the student, the student's evaluation data, and placement options. In making its eligibility decision, the Section 504 Team must consider information

from a variety of sources, including any relevant information submitted by the parent or guardian. The student is eligible as a disabled student under Section 504 if the student has a physical or mental impairment that substantially limits a major life activity.

If the Section 504 Team determines that the student is eligible as a disabled student under Section 504, the Section 504 Team gives the parent or Notice of Action/Consent and Notice of Rights and the Team meets to develop a Section 504 Plan for the student.

If the Section 504 Team determines that the student is not eligible as a disabled student under Section 504, the Section 504 Team gives the parent or guardian Notice of Action/Consent and Notice of Rights.

5. Develop a Section 504 Plan for the Student

After a student is determined eligible under Section 504, the student's Section 504 Team meets to develop a Section 504 Plan for the student. The Section 504 Plan can be developed at the same time that eligibility is established. The Section 504 Plan describes what accommodations/services the student needs to receive a free appropriate public education. The Section 504 Team provides the parent or Notice of Action/Consent and Notice of Rights and a copy of the student's Section 504 Plan. The parent or guardian must provide consent prior to an initial placement.

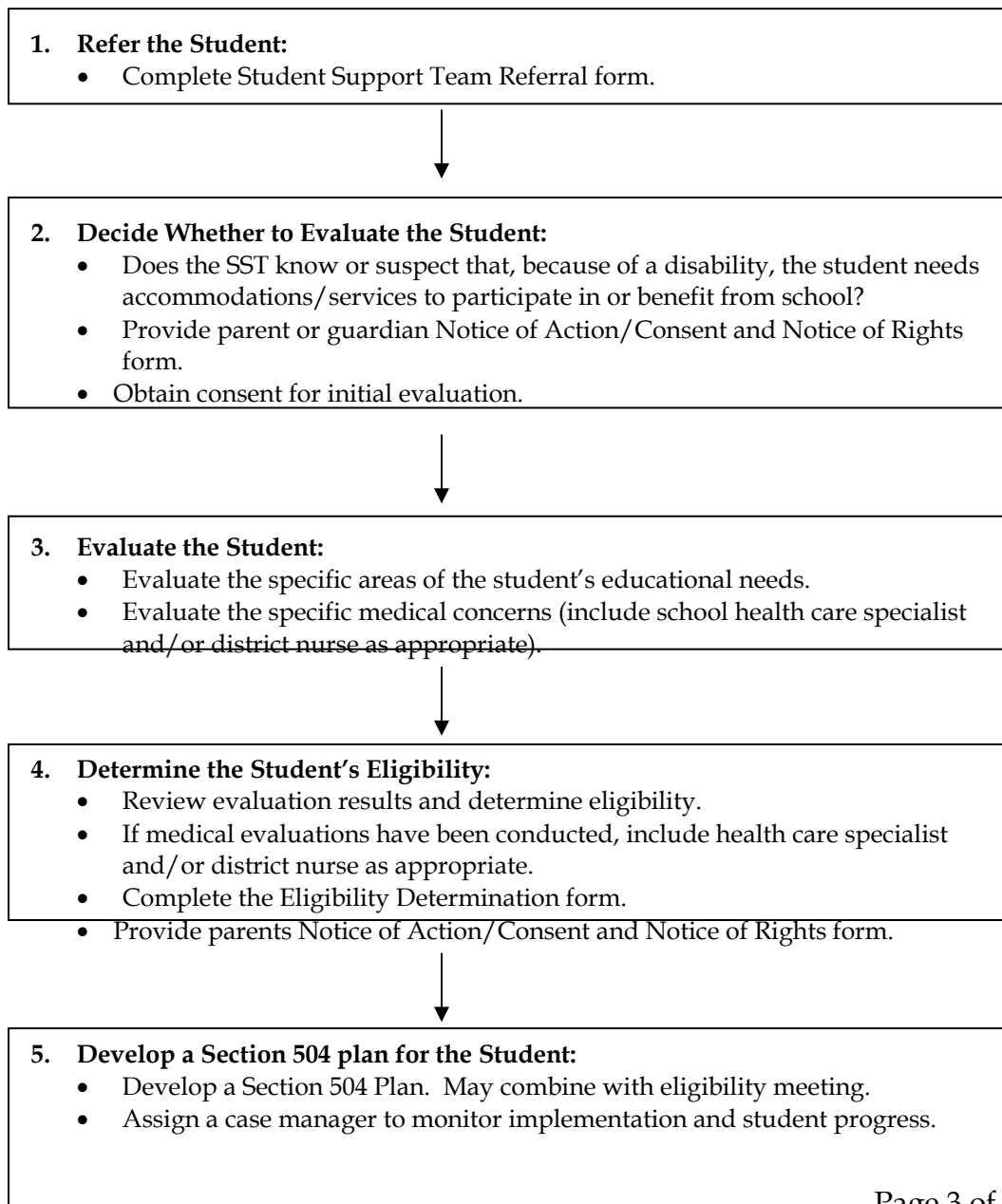
6. Annually Review the Student's Section 504 Plan

A student's Section 504 Team meets annually to review the student's Section 504 Plan to ensure it is meeting the student's needs. If the Section 504 Team decides that the student's Section 504 Plan needs to be revised, the Section 504 Team provides the parent or guardian Notice of Action/Consent and Notice of Rights and a copy of the student's revised Section 504 Plan.

7. Periodically Re-evaluate the Student

A student's Section 504 Team periodically re-evaluates the student to determine continued eligibility and if the student's educational needs have changed. Before a re-evaluation, the Section 504 Team provides the parent or guardian Notice of Action/Consent and Notice of Rights. Re-evaluations must occur at least every three years and before any significant change in a student's placement. Significant changes in placement include initiating or discontinuing a service, significantly increasing or decreasing the amount of a service, and certain disciplinary removals from school (e.g. long-term suspensions and expulsions).

Section 504 Process Flow Chart



Procedure 2162 Cont.

- Provide parent or guardian Notice of Action/Consent and Notice of Rights form and copy of Section 504 Plan.
- Obtain consent for initial placement.



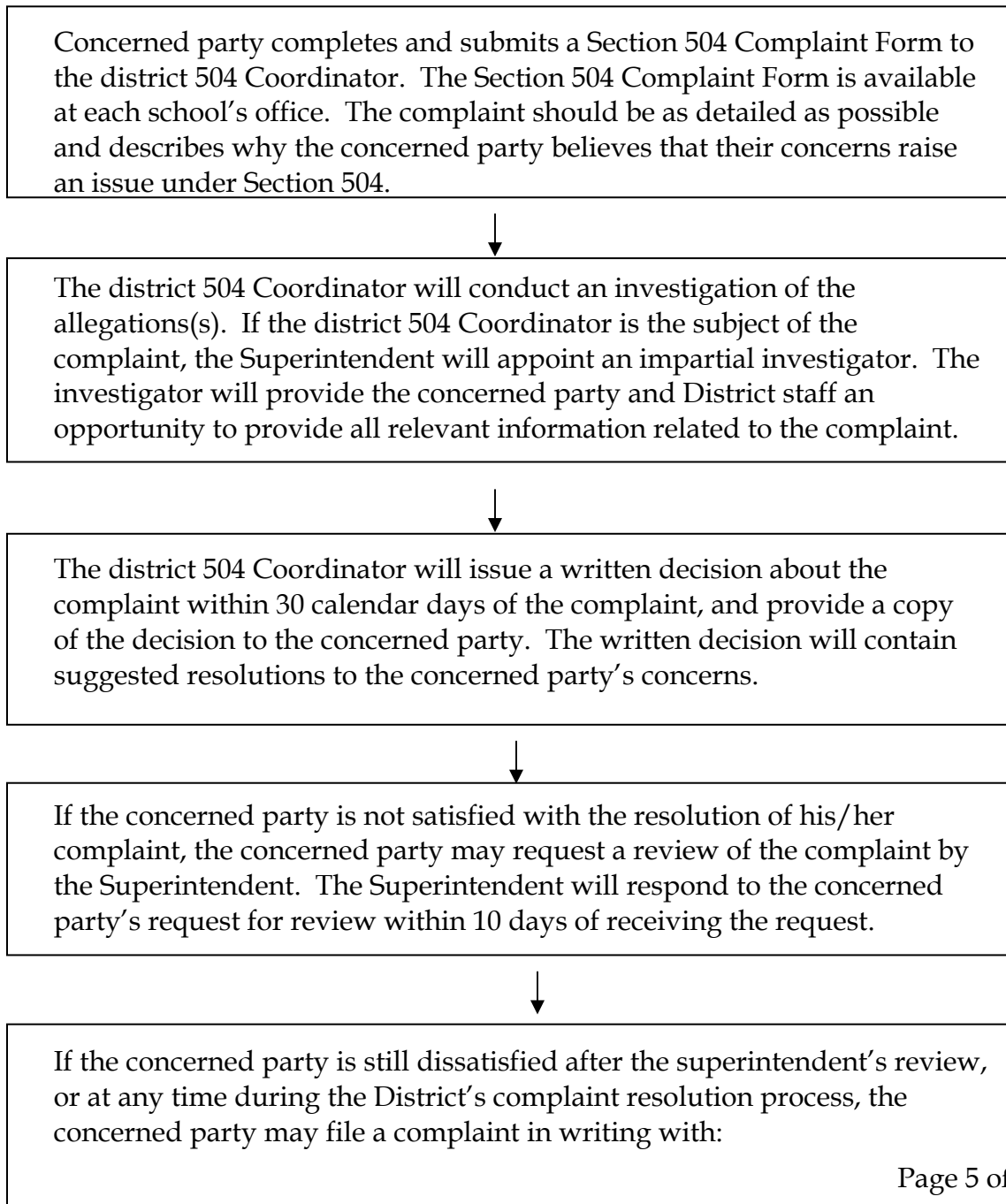
- 6. Annually Review the Student's Section 504 Plan**
- Review and revise the student's Section 504 Plan.
 - Provide parent or guardian Notice of Action/Consent and Notice of Rights form.



- 7. Periodically Re-Evaluate the Student:**
- At least every three years.
 - Before any significant change in placement.
 - Provide parent or guardian Notice of Action/Consent and Notice of Rights.

Grievance Procedure For Section 504 Complaints

The best solutions to parent, employee or citizen concerns over Section 504 disability issues often occur at the school level. Therefore, the District encourages concerned parties to attempt to resolve concerns by working with the building principal, building 504 Coordinator, and other appropriate staff to reach a joint resolution of the issue. However, if a concerned party is unable to resolve the issue at the building level, a concerned party may file a formal complaint under section 504 through the following process:



Procedure 2162 Cont.

U.S. Department of Education, Office for Civil Rights
915 Second Avenue, Room 33109, Seattle, WA 98174-1099

Section 504 Complaint Form

Date _____

Your School _____

Your Name _____

Your Phone _____

Your Address _____

Person discriminated against/relationship to you _____

Please describe your concerns and why you believe they raise an issue under Section 504. Include a description of what happened, when and where it happened, and who was involved. (Feel free to attach additional pages if necessary)

Explain the steps you have already taken to resolve the issue, if any.

Describe what resolution to your concerns you would like to see.

Please attach any documents or other information you think will help with the investigation of your complaint.

NCR - Original to District 504 Coordinator
Yellow to Parent/Guardian
Pink to Building Principal 504 file

APPENDIX C #1

Section 504 Student Support Team Referral Form

Student Name: _____ Sex: _____ DOB: _____ Age: _____

Address: _____ Parent/Guardian: _____

Parent/Guardian Contact Information (e.g. home/work/cell phone nos., email addresses): _____

District/School: _____ Grade/Teacher(s): _____

Description of Concern(s): _____

Information to substantiate concern(s) (e.g. medical diagnostic information, disciplinary information, anecdotal data, observations, examples of student's work). Please attach all relevant information.

Referral made by: _____ Date: _____

This referral has been discussed with the student's parent/guardian: Yes ___ No__ Date _____

STUDENT SUPPORT TEAM RECOMMENDATIONS:

- _____ Refer for evaluation under Section 504
- _____ Refer for evaluation under IDEA
- _____ Refer to ESL
- _____ Other, Specify _____

SST Members (name/position): _____

Date of Meeting: _____

NCR - Original to District 504 Coordinator
Yellow to Parent/Guardian
Pink to Building Principal 504 file

APPENDIX C #2a

Notice of Action/Consent Form

To: _____ Date: _____
(Name of parent/guardian/adult student)

Student's name: _____ DOB: _____

Student ID No. _____

I. Notice of Action The purpose of this written notice is to inform you that we are:

_____ proposing **to** _____ initiate **a/an**
_____ refusing _____ change

Mark all items below that apply:

_____ evaluation _____ 504 plan _____ eligibility
_____ re-evaluation _____ disciplinary action _____ other: _____

Description of the proposed or refused action: _____

Reason why we are proposing or refusing to take the action: _____

Signature _____
(Name/title of responsible district staff person)

Date: _____

II. Parent Consent (Required only for initial evaluation and initial placement.)

_____ Yes, I do consent to an initial evaluation of my child.

_____ No, I do not consent to an initial evaluation of my child.

_____ Yes, I do consent to initial placement of my child on a Section 504 plan.

_____ No, I do not consent to initial placement of my child on a Section 504 plan.

Signature _____
(Parent/adult student/guardian)

Date: _____

NCR - Original to District 504 Coordinator
Yellow to Parent/Guardian
Pink to Building Principal 504 file

Section 504 Notice of Parent/Guardian and Student Rights

This is a notice of your rights under Section 504. These rights are designed to keep you fully informed about the district's decisions about your child and to inform you of your rights if you disagree with any of those decisions.

You have the right to:

- Have your child participate in and benefit from the district's education program without discrimination based on disability.
- An explanation of your and your child's rights under Section 504.
- Receive notice before the district takes any action regarding the identification, evaluation, or placement of your child.
- Refuse consent for the initial evaluation and initial placement of your child.
- Have your child receive a free appropriate public education. This includes your child's right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have the district provide related aids and services to allow your child an equal opportunity to participate in school activities.
- Have your child educated in facilities and receive services comparable to those provided to non-disabled students.
- Have your child receive special education services if she/he needs such services.
- Have evaluation, educational, and placement decisions for your child based upon information from a variety of sources, by a group of persons who know your child, your child's evaluation data, and placement options.
- Have your child be provided an equal opportunity to participate in non-academic and extracurricular activities offered by the district.
- Have educational and related aids and services provided to your child without cost except for those fees imposed on the parents/guardians of non-disabled children.
- Examine your child's education records and obtain a copy of such records at a reasonable cost unless the fee would effectively deny you access to the records.
- A response to your reasonable requests for explanations and interpretations of your child's education records.
- Request that Kelso School District schedule and conduct an impartial hearing if a disagreement occurs regarding the identification, evaluation or placement of your child.
- File a local grievance or a complaint with the U.S. Department of Education Office for Civil Rights.

The person in this district who is responsible for ensuring that the district complies with Section 504 is: The Student Services Director.

Section 504 Student Eligibility Determination Form

Name: _____ Date of Meeting: _____

DOB: _____ School: _____ Grade: _____

1. Describe the nature of the concern: _____

2. What is the student's mental or physical disability? _____

3. Describe the basis for the determination of disability: _____

4. Describe the educational impact of the disability on the student: _____

5. The student is eligible under Section 504? Yes: _____ No: _____
• If no, Team recommendations: _____

• If yes, recommended accommodations/services: _____

<u>Participant's Name</u>	<u>Title</u>	<u>Date</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Pink to Building Principal 504 file

SECTION 504 PLAN

Student's Name: _____ Date: _____

Disability: _____ DOB: _____

School: _____ Grade: _____

Describe the accommodations/services that the student needs to receive a free appropriate public education:

Instructional: _____

Environmental/ Accessibility: _____

Behavioral/Social: _____

Assessment/Testing/WASL: _____

Medical: _____

Other: _____

Implementation Date: _____ Review Date: _____

Evaluation Date: _____ Next Evaluation Due: _____

Participant/Title

Date

Attach: Notice of Action/Consent and Notice of Parent/Guardian/Student Rights

NCR - Original to District 504 Coordinator

Yellow to Parent/Guardian

Pink to Building Principal 504 file

Section 504 Manifestation Determination Form

Name of Student: _____ Date: _____

School: _____ Grade: _____

Disability: _____

Behavior Subject to Disciplinary Action: _____

The Section 504 Team has reviewed the student's evaluation and diagnostic data and Section 504 Plan, observations of the student, and information provided by the student's parent. Based on this review, the Section 504 Team concludes:

QUESTION 1: The student's Section 504 Plan and placement were appropriate, and the accommodations/services identified in the Plan were properly provided.

- AGREE DISAGREE

QUESTION 2: The student's disability did not impair his/her ability to understand the impact and consequences of the behavior subject to discipline.

- AGREE DISAGREE

QUESTION 3: The student's disability did not impair his/her ability to control the behavior subject to discipline.

- AGREE DISAGREE

DETERMINATION: The behavior subject to discipline is a manifestation of the student's disability or due to an inappropriate placement.

- YES NO

Name/Title of Persons Who Made This Determination:

1. If any of the three questions are answered "DISAGREE," the behavior subject to discipline must be considered a manifestation of the student's disability and the student cannot be suspended for more than 10 consecutive school days.

Procedure 2162 Cont.

2. If the determination is answered "NO," the student may be disciplined in the same manner as non-disabled students are disciplined and all educational services to the student may cease.

NCR - Original to District 504 Coordinator
Yellow to Parent/Guardian
Pink to Building Principal 504 file

Section 504 Impartial Hearing Procedure

- The parent requests an impartial hearing by filing a written request with district 504 Coordinator. The district 504 Coordinator is the Director of Student Services. The written request shall be submitted on the District's Section 504 Complaint Form.
- The 504 Coordinator arranges for an impartial hearing officer.
- Either the 504 Coordinator or the hearing officer gives notice of the time and place of the hearing at least 10 calendar days before the hearing. Either party may request that the hearing be rescheduled.
- The hearing officer holds a telephone conference with the parties to clarify the issues at least 7 calendar days before the hearing.
- The parties will provide any documents or other evidence they plan to present at the hearing to the other party and the hearing officer at least 5 business days before the hearing.
- Both parties have the right to accompanied and advised by counsel or other representative. The parents have the right to open the hearing to the public.
- The parties will not communicate with the hearing officer about any issue of fact or law unless the other party has notice and opportunity to participate in the communication.
- The parents present their arguments and evidence first, followed by the school district.
- The hearing will be recorded by mechanical device. The parties have the right to request a verbatim record of the hearing.
- The hearing officer will issue a decision in writing after considering the whole record, but not more than 45 calendar days after the district received the hearing request.
- If the parents or school district do not agree with the written decision, either party may file a written request for review with the Superintendent's office within five school business days after receipt of the decision. The written request shall set forth the specific issues to which the parent or school district takes exception. If the Superintendent has participated in the hearing process or has previously reviewed the complaint under the Section 504 grievance procedure, the Superintendent shall appoint another administrator who has not been involved in the dispute to act on his or her behalf. The Superintendent or appointee shall issue a written decision within ten school business days following receipt of the request for review.

Adopted: March 6, 2007