



Section 504 Handbook

Dunlap CUSD #323

January 2021

TABLE OF CONTENTS

INTRODUCTION

Section 504	3
Terms and Definitions	4-6

CONSIDERATION OF SECTION 504.....	7
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STEP BY STEP PROCESS.....	8-10
---------------------------	------

DISTRICT POLICY AND PROCEDURES EXHIBITS

Parent Rights in Brief.....	11
Parent Rights under Section 504	12-13
Section 504 Grievance Procedures	14
Section 504 Due Process Hearing Procedure	15
Right to File a Complaint	16

EXHIBITS

Referral for Section 504 Evaluation.....	17
Sample 504 Plan Documents	18-32

SECTION 504

“Section 504” is a federal anti-discrimination, civil rights statute, which is part of the Rehabilitation Act of 1973 that prohibits discrimination based upon disability. It is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive Federal financial assistance from the U.S. Department of Education. Section 504 provides: “No otherwise qualified individual with a disability in the United States... shall, solely by reason of her or his disability, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activitie receiving Federal financial assistance...”

Section 504 and its implementing regulations, issued by the U.S. Department of Education, requires school districts to provide a free appropriate public education (“FAPE”) to qualified students in their jurisdictions who have a physical or mental impairment that substantially limits one or more major life activities. *The Americans with Disabilities Act Amendments of 2008* substantially broadens the interpretation of disability and provides that the determination of whether an impairment substantially limits a major life activity must be made without regard to the “ameliorative effects of mitigating measures” (e.g. medication, prosthetics, etc).

The school district has specific responsibilities under these laws and regulations, which include the responsibility to find, identify and evaluate students suspected to have a mental or physical impairment, and if the child is determined to be eligible under Section 504, to afford appropriate educational services through a written 504 plan.

The school district must also provide notice and due process among other procedural safeguards. If the parent/guardian disagrees with the determination made by the professional staff of the school district, he/she has a right to a hearing with an impartial hearing officer, as outlined in the Parent’s Rights Notice.

The School District is responsible for and strives to provide students with disabilities the same opportunity to succeed in school as provided to those students without disabilities by providing reasonable accommodations and modifications for instructional purposes. Section 504 overlaps the requirements of IDEA in several respects and school districts should coordinate their IDEA and Section 504 procedures.

TERMS AND DEFINITIONS

Section 504 states that, “No **otherwise qualified individual with a disability** in the United States, as defined by 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...” (29 USC Section 794

Otherwise Qualified means of an age at which it is mandatory under state law to provide preschool, elementary, secondary, or adult education to individuals with disabilities.

Individual with Disabilities is any person who:

1. Has a **physical or mental impairment** which **substantially limits** one or more **major life activities**;
2. Has a record of such an impairment; or
3. Is regarded as having such impairment.

Physical Impairment is any physiological disorder or condition, cosmetic disfigurement, or 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. This definition may include, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; attention deficit disorder (ADD); attention deficit hyperactivity disorder (ADHD); acquired immune deficiency syndrome (AIDS); and human immune deficiency virus (HIV).

Mental Impairment is any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities.

NOTE: A physical or mental impairment should be documented by a statement from a physician, psychiatrist, psychologist, or other licensed professional in the field of the disability.

Substantially limits means that one is unable to perform a major life activity that the average person can perform and/or one is significantly restricted as to the condition, manner, or duration under which an individual can perform a particular major life activity as compared to how an average person can perform that major life activity.

The district must make a Section 504 determination based upon the student’s disability as it presents itself without regard to the ameliorative effects of mitigating measures.

Mitigating Measures include, but are not limited to, medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies, the use of assistive technology, reasonable accommodations or auxiliary aides or services, or learned behavioral or adaptive neurological modifications.

TERMS AND DEFINITIONS (continued)

Major life activities include caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating, learning, and working. Additionally, major life activities include the operation of major bodily functions, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulator, endocrine, and reproductive functions.

Record of having means having a history of an impairment, i.e. former placement in a special education program, diagnosed as ADD or with a mental illness, having had cancer or being a student in recovery. Misclassified students are also included, i.e. a limited English proficient student mistakenly determined to have a mental disability.

Regarded as having means a student does not have an actual impairment but is treated by the district as having such an impairment.

Being regarded by someone as disabled is NOT sufficient to trigger the requirements of a Section 504 plan. It is a building intervention team's obligation upon receiving this information to determine if there is reason to believe that this child, because of an actual disability, may need regular classroom accommodations and/or related services.

It is rare for "Record of having" or "Regarded as having" to be used with elementary and secondary students in determining eligibility for special education and related services under Section 504. A student who falls under the second or third prong of the definition is protected by Section 504 only when the child has been discriminated against based on the fact that the student has a record of or is regarded as disabled. The Office of Civil Rights has clarified that these individuals are not entitled to FAPE under Section 504, which means that a Section 504 plan is not necessary. A student who is being regarded as having a disability is not entitled to reasonable accommodations or the reasonable modification of policies, practices or procedures.

Discrimination is defined as the following:

1. Denying a student with a disability the opportunity to participate in or benefit from an aid, benefit or service which is afforded nondisabled student, e.g., honor roll, class credit.
2. Failing to afford the student with a disability an opportunity in or benefit from the aid, benefit or service that is equal to that afforded others, e.g., sports eligibility.
3. Failing to provide different or separate aids, benefits or services that are as effective as those provided an interpreter.

Equally effective means equivalent, as opposed to identical. Moreover, to be equally effective, an aid, benefit, or service need not produce equal results; it must merely afford an equal opportunity to achieve a free appropriate public education. There are no guaranteed results, only an opportunity to learn on a level playing field.

TERMS AND DEFINITIONS (continued)

Program or activity includes all programs and activities of the school district, including extracurricular, non-academic, transportation, field trips, recreational athletics, employment opportunities, counseling and referrals and recreational activities.

Free appropriate public education under Section 504 is regular or special education and related aids, benefits, or services that are designed to meet the individual educational needs of the student with disabilities.

CONSIDERATION OF SECTION 504 EVALUATION

The following list delineates some conditions when students might be referred for a Section 504 evaluation to determine eligibility under Section 504 and the need for educational accommodations in the general education setting. Again, a school district should coordinate its Section 504 and IDEA procedures.

- The student has a record of a physical or mental disability.
- The student is suspected of having a physical or mental disability.
- The student is referred for an evaluation, but it is determined that an evaluation under IDEA will not be conducted.
- The student is evaluated and found not to qualify for special education services under IDEA.
- The student exhibits a chronic health condition.
- The student has returned to school after serious injury or illness.

In addition to the existence of a disability or a suspected disability, the team must consider the following:

- Does the physical or mental disability limit one or more major life functions in the school setting?
- Does the student require accommodations or adaptations.

504 PROCESS: STEP BY STEP PROCEDURES

REFERRAL

1. A concern is raised about a student. A teacher, administrator, counselor, or parent observes a student whose performance in a major life activity is substantially limited by a physical or mental disability. When concerns are raised, the building administrator is charged with facilitating the students referral to the Counselor.
2. The student is referred to the **School Counselor or Student Service Team, the *Referral for Section 504 Evaluation*** may be completed if the team so determines.
3. The School Counselor or Student Service Team screens the referral, completes a review of the student's file, and consults with teachers, parents/guardians, professionals, and the students. The student service team must decide whether the referred student should be evaluated and considered for a 504 Plan.

If no:

- a. Provide screening results to referral source and parents with accompanying recommendations/ instruction/ interventions.
- b. Provide written notice to parents/guardian that students does not qualify within 14 school days of the referral.

If yes:

- a. Determine additional areas, if any, to be evaluated, and the persons responsible for conducting the assessment.
- b. Obtain ***Consent for Section 504 Evaluation*** from parents for evaluation.
- c. Notify the parents/guardian of the proposed evaluation procedures within 14 school days of the referral.

EVALUATION

1. The persons responsible for conducting the identified assessments, evaluate the nature of the student's disability and the impact of the disability upon the student's education.
 - a. A variety of sources shall be used by the 504 Evaluation team to assess whether or not a student is disabled under Section 504. Information used by the team may come from interviews with the child and parents, rating scales, observational data, adaptive behavior assessments, teacher records, social and cultural background data, criterion referenced measures, medical reports, record review, standardized measures, etc.
 - b. Grades alone shall be insufficient basis upon which to determine whether a student has a disability. Grades may not be the determinative factor in deciding whether a student with a disability needs accommodations/modification or related aids and services. Grades shall be one consideration in making a determination, and shall not be considered evidence regarding how much effort or how many outside resources are required for the student to achieve those grades.
2. At the completion of the evaluation and normally within sixty (60) school days, the 504 Coordinator will convene a Section 504 eligibility meeting for the student; the ***Parent/Guardian Notification of Section 504 Conference*** form will be sent to all participants. Initial evaluations and the Section 504 meeting to determine eligibility must be completed within sixty (60) school days of receiving parental consent for the evaluation whenever practicable.

504 PROCESS: STEP BY STEP PROCEDURES (continued)

ELIGIBILITY

1. Final determination of eligibility under Section 504 will be made at the Section 504 conference attendees and by a consensus of the public school personnel. The team will include persons knowledgeable about the child, the meaning of the evaluation data, and the placement options, including staff and parents/guardians of the child, if they choose to participate. The **Section 504 Evaluation Summary** form will be completed; additional evaluation information will be attached.
2. The Section 504 evaluation participants make a subjective determination after receiving the objective evaluation information. In order to determine that a student is eligible under Section 504, the evaluation team must conclude that:
 - a. The student has a mental or physical disability;
 - b. That substantially limits a major life activity; and
 - c. Is in need of accommodations and/or modifications and/or related services, in the educational setting.
 - i. The determination of substantial limitation is made on a case-by-case basis with respect to each individual student. The Section 504 team writes an eligibility statement that clearly states the reasoning leading to the eligibility conclusion.

If the team does not find the student eligible:

- a. Consider other referral sources or options for the student and/or school.
- b. Provide written notice to the parent that student does not qualify and notice of due process rights.
- c. Maintain documentation about the decision, which includes:
 - i. The names of the persons on the team and their positions that reflect that they are knowledgeable about the child.
 - ii. The evaluation data and its interpretation relied upon,
 - iii. The placement options considered.

If the team finds the student eligible:

- a. A professional team develops a Section 504 Plan.

SERVICE PLAN

1. Following the determination of eligibility under Section 504, such a plan shall be developed, which includes:
 - a. Student name, grade, birth date, and meeting date.
 - b. Description of the basis for the determination of the disability.
 - c. The educational impact of the student's disability.
 - d. The student's current level of academic and/or behavioral performance.
 - e. Accommodations/modifications or related services that directly relate to the documented areas of concern.
 - i. Accommodations in the categories of environmental, instructional, behavioral, social, discipline, and assessments may be considered.
 - f. The person(s) responsible for implementing the accommodations.

504 PROCESS: STEP BY STEP PROCEDURES (continued)

- g. The criteria used to determine the effectiveness of accommodations.
 - h. The date services will begin.
 - i. The date of the next Section 504 review.
 - j. The name of the person(s) responsible for monitoring the plan.
 - k. The names/contact information of the student's Section 504 Team.
2. The 504 Coordinator, or other designated individual, distributes the Section 504 Plan to parents/guardians and appropriate school staff. This individual also monitors the implementation of the plan, provides any necessary staff training, and assesses the effectiveness of the accommodations.
3. The 504 Coordinator will notify the parents/guardian of their procedural rights.

REVIEW

1. The team should periodically review the Student Accommodation Plan; best practice suggests an annual review (yearly). A more frequent review may be requested. The student's continued eligibility of a 504 Plan should be evaluated at least every three years or more frequently, if necessary. Each reevaluation will be completed within sixty(60) days from the date of notice of reevaluation is sent to parents.
2. The annual review should address:
 - a. The need for additional evaluation information.
 - b. The effectiveness of the Plan.
 - c. Revisions to the Section 504 Plan, as needed.
3. A Manifestation Determination Review (MDR) is required prior to a student's change of placement, specifically when a student is excluded from the educational program for more than 10 consecutive school days, prior to any suspension in excess of ten(10) cumulative school days in one school year, or prior to referring a student for expulsion. After the student has been excluded from school for ten(10) cumulative school days an MDR must be completed in order to investigate a possible relationship between the disability and the behavior before disciplinary consequences are imposed. If the 504 team finds that the misconduct is a manifestation of the child's disability, the child must immediately return to his or her current placement and the 504 Plan must be reviewed to determine if additional or different special education or related services or accommodations or modifications are necessary. If the 504 team finds that the misconduct **is not** a manifestation of the child's disability, the school may proceed with the recommended disciplinary consequence.

PARENT'S RIGHTS IN BRIEF

Section 504 of the Rehabilitation Act of 1973

It is the policy of the Board of Education to provide a free and appropriate public education to each student with a disability. It is the intent of the District to ensure that students who are eligible for services/accommodations within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services/accommodations.

Parents (or, if age 18 or older, students) have the following rights under Section 504:

1. Right for your child to take part in and receive benefits from public education programs without discrimination because of his/her disability.
2. Right to have an evaluation that draws on information from a variety of sources.
3. Right to be informed of any proposed actions related to identification, evaluation, placement, or provision of a free appropriate public education of your child.
4. Right to examine all relevant records.
5. Right to receive all information in the parent's/guardian's native language and primary mode of communication.
6. Right to periodic reevaluations and reevaluation before any significant change in placement.
7. Right to a manifestation determination review to determine if your child's misconduct was related to his/her disability before any disciplinary removal that constitutes a significant change in placement.
8. Right to have your child receive appropriate educational services/accommodations if found eligible under Section 504 of the Rehabilitation Act.
9. Right to have your child given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district.
10. Right to file a grievance (under the District's Uniform Grievance Procedure) or request an impartial hearing (under the District's Section 504 Procedural Safeguards) regarding an alleged violation of Section 504. You have the right to forego or terminate the District's grievance and/or hearing procedures and contact the U.S. Department of Education's Office for Civil Rights ("OCR"). Copies of the District's Uniform Grievance Procedure and the District's Section 504 Procedures and Procedural Safeguards are available at www.dunlapcusd.net.
11. Right to be represented by counsel in the impartial hearing process.
12. Right to appeal the Superintendent's grievance decision of the impartial hearing officer's decision.

Alyssa Hart
Director of Student Services
ahart@dunlapcusd.net

PARENT'S RIGHTS UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973

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. The School District does not discriminate on the bases of disability and will make every effort to comply with Section 504.

You have the right to:

1. Have your child take part in and receive appropriate education and benefit from public education programs without discrimination because of his/her disabling conditions.
2. Have the school district advise you of your rights and procedural safeguards under Section 504 in understandable language.
3. Receive notice with respect to identification, evaluation, or placement of your child
4. Have your child receive a free appropriate public education. This includes the right to be educated with nondisabled students to the maximum extent appropriate in the least restrictive environment. It also includes the right to have the school district make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
5. Have your child receive an individualized evaluation and receive special education and related services if he/she is found to be eligible under the *Individuals with Disabilities Education Act ("IDEA")* or Section 504.
6. Have your child educated in facilities and receive services comparable to those provided to nondisabled students.
7. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the students, the evaluation data, and placement options.
8. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district.
9. Examine all relevant records related to decisions regarding your child's identification, evaluation, educational program, and placement.
10. Obtain copies of education records at a reasonable cost unless the fee would effectively deny you access to the records.
11. A response from the school district to reasonable request for explanations and interpretations of your child's records.
12. Request amendment of your child's educational records if you believe that they are inaccurate, misleading, or otherwise in violation of the privacy rights of your child. If the school district refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing, consistency with the procedures in the *Illinois School Student Records Act*.
13. Request an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational program or placement. You and the students may take part in the hearing and have an attorney represent you. The Impartial Hearing Officer will be selected by the District. Hearing requests must be made to Alyssa Hart, Director of Student Services.
14. File a local grievance with the District 504 Coordinator, procedure follows.
15. File a complaint with the Office of Civil Rights of the United States Department of Education (OCR) alleging a violation of your rights under Section 504.

PARENT'S RIGHTS UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973

The District Section 504 coordinator is responsible for assuring that the district complies with Section 504 is determined by the school building. The contact information for your school district's 504 coordinators are below.

Name/Title	Address/Phone	Email
Katelyn Thompson/Counselor	Hickory Grove Elementary School, 309-243-8711	kthompson@dunlapcusd.net
Jeremy Etnyre/Principal	Hickory Grove Elementary School, 309-243-8711	jetnyre@dunlapcusd.net
Kate Mills/Counselor	Dunlap Grade School, 309-243-7772	kmills@dunlapcusd.net
Mandy Ellis/Principal	Dunlap Grade School, 309-243-7772	mellis@dunlapcusd.net
Jen Dando/Counselor	Ridgeview Elementary School, 309-243-7717	jdando@dunlapcusd.net
Todd Jefferson/Principal	Ridgeview Elementary School, 309-243-7717	tjefferson@dunlapcusd.net
Jody Centers/Counselor	Banner Elementary School, 309-243-7774	jcenters@dunlapcusd.net
Greg Fairchild/Principal	Banner Elementary School, 309-243-7774	gfairchild@dunlapcusd.net
May Abouhouli/Counselor	Wilder Waite Elementary School, 309-243-7728	mabouhouli@dunlapcusd.net
Stacy Berg/Principal	Wilder Waite Elementary School, 309-243-7728	sberg@dunlapcusd.net
Terri Patterson/Counselor	Dunlap Valley Middle School, 309-243-1034	tpatterson@dunlapcusd.net
Jason Holmes/ Principal	Dunlap Valley Middle School, 309-243-1034	jholmes@dunlapcusd.net
Angela Zumbek/Counselor	Dunlap Middle School, 309-243-7778	azumbek@dunlapcusd.net
Antonio Johnson/Principal	Dunlap Middle School, 309-243-7778	ajohnso@dunlapcusd.net
Kim Klockenga/Counselor (A-C)	Dunlap High School, 309-243-7751	kklockenga@dunlapcusd.net
Scott Goley/Counselor (D-H)	Dunlap High School, 309-243-7751	sgoley@dunlapcusd.net
Celia Love/Counselor (I-M)	Dunlap High School, 309-243-7751	clove@dunlapcusd.net
Michelle Mathis/Counselor (N-SH)	Dunlap High School, 309-243-7751	mmathis@dunlapcusd.net
Ashley Seanor/Counselor (SI-Z)	Dunlap High School, 309-243-7751	aseanor@dunlapcusd.net
Scott Adreon/Principal	Dunlap High School, 309-243-7751	sadreon@dunlapcusd.net
Alyssa Hart/Director of Student Services	Dunlap CUSD, 309-243-8700	ahart@dunlapcusd.net

SECTION 504 GRIEVANCE PROCEDURES

The district has an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by regulations implementing Section 504 of the Rehabilitation Act of 1973. Section 504 states, "No otherwise qualified individual with a disability in the United States... 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..."

An individual student, or parent/guardian on behalf of the student, who feel they have been discriminated against and have not been able to receive relief at the level of the alleged violation (with 504 Building Monitor and/or Building Administrator) may file a formal grievance.

We are hopeful that most complaints will be dealt with directly by the persons involved without resorting to the procedures described below. However, should that not be possible, you are welcome to submit a formal, written complaint.

1. A complaint must be filed in writing, containing the following information:
 - a. Name, address, and phone number of the person making the complaint.
 - b. Whether the person represents an individual or a group.
 - c. Whether the person making the complaint has discussed the problem with the building monitor and/or building administrator.
 - d. A summary of the complaint and suggest resolution.
2. A complaint should be filed within ten(10) days after the complainant becomes aware of the alleged violation.
3. The District's Section 504 District Coordinator shall conduct a full and fair investigation into the allegations of the complaint. The coordinator shall afford all interested persons and/or their representatives an opportunity to submit evidence relevant to a complaint.
4. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the District Section 504 Coordinator normally within thirty (30) days of receipt of the complaint unless the Coordinator determines that additional time is necessary in which case the Coordinator shall so advise the Complainant in writing.
5. The District Section 504 Coordinator shall maintain the files and records of any complaints filed within the District.
6. The right of a person to a prompt and equitable resolution of the complaint filed hereunder will not be impaired by the person's pursuit of other remedies, such as the filing of Section 504 complaint with the responsible person, department, or agency. Utilization of the grievance procedure is not a prerequisite to the pursuit of other remedies.

SECTION 504 DUE PROCESS HEARING PROCEDURE

Parents/Guardians may request an impartial due process hearing when they believe that the school district has violated their rights under Section 504. A Section 504 due process hearing may be called at the request of the district or a parent or guardian of an affected student. The proceedings will be presided over and decided by an impartial hearing officer. The impartial hearing officer is a person selected by the District to preside at a due process hearing to ensure that the proper procedures are followed and that the protections of the rights of both parties.

1. The party requesting a hearing shall do so in writing. The request shall specify the reason(s) the hearing is being requested and the relief the party is seeking, and submitted to the Superintendent. The parents or the district may initiate a due process hearing on a matter related to identification, evaluation, eligibility, development and implementation of the student's Section 504 plan, procedural safeguards, or provision of a free and appropriate public education.
2. Within five(5) calendar days of the receipt of the request for the hearing, the district will appoint an impartial hearing officer at their discretion.
3. The hearing shall be scheduled by the hearing officer within a reasonable time.
4. The district and the parents shall have the right to present evidence and testimony relevant to the issue. The parties shall have the right to be represented at the hearing by legal counsel, at each party's expense.
5. The hearing officer shall limit his/her decision to the issue or issues presented by the requesting party in their written request for the hearing. The hearing officer's decision must be written and shall include a summary of the evidence and testimony, and the reasons for the decision. The decision is to be based solely on the hearing officer's interpretation of the meaning or application of Section 504 of the Rehabilitation Act of 1973, as applies to the evidence and testimony presented. Any relief to be awarded by the hearing officer shall be limited to the individual student who is the subject of the hearing.
6. The hearing officer's decision will be made within a reasonable period of time following the conclusion of the hearing. The hearing officer shall send a copy of the decision to the parent/guardian and school district.
7. The decision of the hearing officer is binding on all parties concerned unless either party appeals the decision of the court.
8. The hearing will be provided at no cost to the parents/guardian.
9. The hearing officer may set additional rules of procedure to govern the hearing process as the hearing officer determines appropriate.

RIGHT TO FILE A COMPLAINT WITH THE OFFICE OF CIVIL RIGHTS

Parents have the right to file a complaint with the Office for Civil Rights (OCR), the body that enforces Section 504. OCR resolves disability related complaints but does not address education disputes.

The OCR office for Illinois is located at:

Chicago Office
Office for Civil Rights
U.S. Department of Education
John C. Kluczynski Federal Building
230 S. Dearborn Street, 37th Floor
Chicago, IL 60604

Telephone: 312-730-1560
FAX: 312-730-1576; TDD: 800-877-8339
Email: OCR.Chicago@ed.gov

DUNLAP DISTRICT 323
400 S. Fourth Street, Dunlap, IL 61525

REFERRAL FOR SECTION 504 EVALUATION

Section 504 of the Rehabilitation Act of 1973 is designed to eliminate discrimination on the basis of disability in any program or activity receiving Federal financial assistance. If you feel the student identified may require a Section 504 Plan to address a disability, please complete the following information.

Date: _____
Student's Legal Name: _____ Date of Birth: _____
Parent/Guardian: _____ Phone: _____

Name of Person Submitting Referral: _____
Position/Relationship to Student: _____

Describe the students need or area of concern:

The student is suspected of having a physical or mental impairment that may substantially limit one or more of the following major life activities when compared to the average student:

____ A review of the referral has determined that an evaluation **is not** appropriate at this time.
Explain reason:

____ A review of the referral has determined that an evaluation **is** appropriate at this time.
Evaluation assignments:

Referring Party's Signature

Date

Building 504 Coordinator Signature

Date

504 Conference Summary Report

Conference Date: 01/29/2021

Student Identification Information

Student's Name: Tester, Hickory Grove Elementary School DOB: 12/13/2008 Gender: F
Academic 504
Address: PO Box 49, Highland, IL 62249
Ethnicity: White
Student Phone: 8884379326 Home Phone: 8884379326
Parent/Guardian: Mom & Dad Tester Work Phone: _____
Address: PO Box 49, Highland, IL 62249
Other Parent/Guardian: _____ Other Parent Phone: _____
Address: _____
SIS Number: 654789651 Home School: Hickory Grove Elementary School
Current School Year: 18-19 Serving School: Hickory Grove Elementary School
Grade Placement: 4th Next Home School: _____
Next School Year: _____ Next Serving School: _____
Next Grade Placement: _____ Serving District: Dunlap CUSD #323
Annual Review Due Date: 01/21/2019 Resident District: Dunlap CUSD #323
Triennial Due Date: 01/29/2024

PARTICIPANTS

Signature indicates attendance.

*I have the authority to enter into this agreement and acknowledge that my electronic signature below is legally binding. I agree that electronic versions of this document shall be given the same weight and deference as a hard copy.

_____ Student	_____ Physical Therapist
_____ Parent/Guardian	_____ Occupational Therapist
_____ Parent/Guardian	_____ School Psychologist
_____ LEA Representative	_____ Nurse
_____ Special Education Teacher	_____ Special Education Administrator/Director/Designee
_____ Speech/Language Pathologist	_____ Bilingual Specialist / Interpreter
_____ Principal	_____ Social Worker
_____ General Education Teacher	_____ Other (specify)

Document the attempts made to arrange a mutually agreeable time to meet.

- 1.
- 2.
- 3.

PARENTS' RIGHTS

Explanation of Parents' Rights was provided to/reviewed with the parent(s):(date) _____
(Parent/Guardian Initial): _____

Parent/Guardian Consent for Evaluation

Student Name: Hickory Grove Tester Grade: 4th Date: 01/29/2021 DOB: 12/13/2008
Parent/Guardian: Mom & Dad Tester

Section 504 of the *Rehabilitation Act of 1973* prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance. Students who are covered by 504 are those who

- 1) have a physical or mental impairment, which substantially limits one or more major life activities and results in a need for reasonable accommodations and/or special education and related services,
- 2) have a record of such impairment or
- 3) are regarded as having such impairment.

Step One: Explanation and Purpose of an Evaluation

The District shall ensure that a full and individual evaluation is conducted for each child being considered or reconsidered for 504 services and related services.

The purposes of an evaluation may be to determine:

- Whether the child has, or continues to have, a mental or physical impairment;
- Whether the mental or physical impairment substantially limits a major life activity;
- Whether the child needs, or continues to need, reasonable accommodations and/or special education and related services;
- The present levels of performance and educational needs of the child; and/or
- Whether any additions or modifications to the child's 504 Student Plan are needed.

Step Two: Check the Major Life Activity that May Be Affected

- | | | | |
|--|--|---|--|
| <input type="checkbox"/> seeing | <input type="checkbox"/> hearing | <input type="checkbox"/> breathing | <input type="checkbox"/> caring for one's self |
| <input type="checkbox"/> eating | <input type="checkbox"/> sleeping | <input type="checkbox"/> lifting | <input type="checkbox"/> walking |
| <input type="checkbox"/> learning | <input type="checkbox"/> reading | <input type="checkbox"/> working | <input type="checkbox"/> performing manual tasks |
| <input type="checkbox"/> standing | <input type="checkbox"/> bending | <input type="checkbox"/> thinking | <input type="checkbox"/> communicating |
| <input type="checkbox"/> speaking | <input type="checkbox"/> concentrating | <input type="checkbox"/> the operation of a major bodily function | |
| <input type="checkbox"/> other(specify): _____ | | | |

Step Three: Sources of Evaluation Information

- | | |
|---|---|
| <input type="checkbox"/> medical reports/health information | <input type="checkbox"/> adaptive behavior scales/behavior scales |
| <input type="checkbox"/> teacher/psychologist observation | <input type="checkbox"/> discipline/attendance records |
| <input type="checkbox"/> achievement tests | <input type="checkbox"/> student progress reports/grades |
| <input type="checkbox"/> cognitive assessments | <input type="checkbox"/> functional behavior assessment |
| <input type="checkbox"/> language surveys/assessments | <input type="checkbox"/> parent input |
| <input type="checkbox"/> motor assessments | |
| <input type="checkbox"/> other(specify): _____ | |

Step Four: Parental Agreement

I understand my rights as explained to me and contained in the Parents Rights in Brief which I have received and reviewed. In addition, I understand the nature and scope of the evaluation to be completed. Upon completion of my child's evaluation, a conference will be scheduled to discuss the findings and determine my child's eligibility for 504 services and related services.

☐ I consent ☐ I do not consent to an evaluation of my child

*I have the authority to enter into this agreement and acknowledge that my electronic signature below is legally binding. I agree that electronic versions of this document shall be given the same weight and deference as a hard copy.

Signature of Parent/Guardian

Date

Notice of Conference

To: Mom & Dad Tester Date: 01/04/2021

Re: (Student Name): Hickory Grove Tester

Date of Conference: 01/29/2021 Time: _____

Location of Meeting: _____

Purpose of Conference:

- ☐ To consider possible eligibility for and/or provision of services and/or accommodations under Section 504 of the *Rehabilitation Act of 1973*.
- ☐ To review eligibility for and/or services and/or accommodations being provided under Section 504 of the *Rehabilitation Act of 1973*.
- ☐ Other: _____

Conference Participants (Title and Name):

You have the right to bring other individuals, at your discretion, to this conference. Please notify your student's counselor if you are in need of an interpreter or translator.

Enc.: Parent Rights in Brief

Notice of Conference

PARENTS RIGHTS IN BRIEF

Section 504 of the *Rehabilitation Act of 1973*

It is the policy of the Board of Education to provide a free and appropriate public education to each student with a disability. It is the intent of the district to ensure that students who are eligible for services/accommodations within the definition of Section 504 of the *Rehabilitation Act of 1973* are identified, evaluated, and provided with appropriate educational services/accommodations.

Parents (or, if age 18 or older, students) have the following rights under Section 504

1. Right for your child to take part in and receive benefits from public education programs without discrimination because of his/her disability.
2. Right to have an evaluation that draws on information from a variety of sources.
3. Right to be informed of any proposed actions related to identification, evaluation, placement, or provision of a free appropriate public education of your child.
4. Right to examine all relevant records.
5. Right to receive all information in the parent's/guardian's native language and primary mode of communication.
6. Right to periodic reevaluations and reevaluation before any significant change in placement.
7. Right to a manifestation determination review to determine if your child's misconduct was related to his/her disability before any disciplinary removal that constitutes a significant change in placement.
8. Right to have your child receive appropriate educational services/ accommodations if found eligible under Section 504 of the *Rehabilitation Act*.
9. Right to have your child given an equal opportunity to participate in nonacademic and extra curricular activities offered by the district.
10. Right to file a grievance (under the District's Uniform Grievance Procedure) or request an impartial hearing (under the District's Section 504 Procedural Safeguards) regarding an alleged violation of Section 504. You have the right to forego or terminate the District's grievance and/or hearing procedures and contact the U.S. Department of Education's Office for Civil Rights ("OCR"). Copies of the District's Uniform Grievance Procedure and the District's Section 504 Procedures And Procedural Safeguards are available at *Dunlap CUSD #323*
11. Right to be represented by counsel in the impartial hearing process.
12. Right to appeal the Superintendent's grievance decision or the impartial hearing officer's decision.

Building Administrator/Designee

Notice of Conference

Dear _____

Section 504 of the *Rehabilitation Act* requires that school districts document that parents have been provided and understand the Parent/Student rights in Identification, Evaluation and Placement pursuant to Section 504 of the *Rehabilitation Act*.

The attached Parents' Rights in Brief is designed to provide a brief explanation of the important information regarding the safeguards to which parents/guardians and children are entitled. A complete copy of the District's Section 504 Procedures and Procedural Safeguards is available at _____

Please sign and date below that you are in receipt of your Parents' Rights in Brief.

*I have the authority to enter into this agreement and acknowledge that my electronic signature below is legally binding. I agree that electronic versions of this document shall be given the same weight and deference as a hard copy.

Parent/Guardian Signature

Date

SECTION 504 ELIGIBILITY CONFERENCE SUMMARY

Student Name: Hickory Grove Tester

Grade: 4th

Date: 01/29/2021

DOB: 12/13/2008

504 Coordinator: _____

Next Review Date: 01/21/2019

Next Reassessment Date: 01/22/2021

Purpose of Conference:

- ☐ To consider possible eligibility for and/or provision of services and/or accommodations under Section 504 of the *Rehabilitation Act of 1973*.
- ☐ To review eligibility for and/or services and/or accommodations being provided under Section 504 of the *Rehabilitation Act of 1973*.
- ☐ Other: _____

I. Sources of Data:

- | | |
|---|---|
| <input type="checkbox"/> medical reports/health information | <input type="checkbox"/> teacher/psychologist observation |
| <input type="checkbox"/> adaptive behavior scales/behavior scales | <input type="checkbox"/> discipline/attendance records |
| <input type="checkbox"/> achievement tests | <input type="checkbox"/> student progress reports/grades |
| <input type="checkbox"/> cognitive assessments | <input type="checkbox"/> functional behavior assessment |
| <input type="checkbox"/> language surveys/assessments | <input type="checkbox"/> parent input |
| <input type="checkbox"/> motor assessments | <input type="checkbox"/> other (specify) _____ |

A. Is there documented evidence of a physical and/or mental impairment?

- ☐ Yes ☐ No (if no, a 504 plan is not required)

B. Is a major life activity substantially limited by the physical or mental impairment?

- ☐ Yes ☐ No (if no, a 504 plan is not required)

If yes, please check the major life activity(s) that is/are substantially limited.

- | | | |
|---|--|--|
| <input type="checkbox"/> caring for one's self | <input type="checkbox"/> speaking | <input type="checkbox"/> lifting |
| <input type="checkbox"/> breathing | <input type="checkbox"/> eating | <input type="checkbox"/> reading |
| <input type="checkbox"/> seeing | <input type="checkbox"/> bending | <input type="checkbox"/> walking |
| <input type="checkbox"/> communicating | <input type="checkbox"/> learning | <input type="checkbox"/> working |
| <input type="checkbox"/> thinking | <input type="checkbox"/> performing manual tasks | <input type="checkbox"/> standing |
| <input type="checkbox"/> hearing | <input type="checkbox"/> sleeping | <input type="checkbox"/> concentrating |
| <input type="checkbox"/> the operation of a major bodily function | <input type="checkbox"/> other (specify): _____ | |

II. Summary of other points of discussion/recommendations (if applicable):

Conference Participants:

Section 504 Plan

Student Name: Hickory Grove Tester Grade: 4th Date: 01/29/2021 DOB: 12/13/2008

1. Describe the student's mental and/or physical impairment:

2. Describe how the mental or physical impairment substantially limits a major life activity:

3. Describe the services, accommodations, and/or other supports that are necessary (including their frequency, location, and duration) and who will provide them:

4. State- and District-Wide Assessments: (Specify needed accommodations, if any):

5. Additional Comments:

6. Review Date: 01/21/2019

7. Triennial Reassessment Date: 01/22/2021

8. Person responsible for overseeing and monitoring the plan:

Participants:

Conference Notes

Student Name: Hickory Grove Tester Grade: 4th Date: 01/29/2021 DOB: 12/13/2008

Participants:

NOTES/SUMMARY:

DRAFT

Parent/Guardian Consent for Initial Provision of Section 504 Aids and Services

Student's Name: Hickory Grove Tester Grade: 4th Date: 01/29/2021 DOB: 12/13/2008

Dear Mom & Dad Tester

At a recent conference your child was recommended for the initial provision of Section 504 aids and services and a Section 504 plan was developed. Before a school district may provide the aids and services described in your child's Section 504 plan, your informed written consent is required. Your consent is voluntary and you may revoke your consent at any time. If you revoke consent, it does not negate any action that occurred after the consent was given and before it was revoked.

CHECK ONE:

☐ I give consent

For the initial provision of the aids and services as indicated on my child's Section 504 plan. The proposed aids and services have been fully explained to me and are consistent with the Section 504 plan developed for my child.

I understand that my consent is voluntary. I understand that my consent is not required for continued Section 504 aids and services or for a change in the aids and services. At least annually, I will be given reasonable opportunity for comment on and input into my child's Section 504 plan.

I received a copy of the **Parents' Rights in Brief** which have been fully explained to me by school personnel, including the procedures for requesting an impartial hearing.

I understand that as soon as possible following development of the Section 504 plan, but not more than ten (10) calendar days, aids and services will be provided to my child in accordance with his/her Section 504 plan.

☐ I do not give consent

For aids and services indicated in the Section 504 plan.

I understand that the school district will not be in violation of the requirement to make available a free appropriate public education for my child if I refuse to give consent.

☐ I have received

- ☐ Copy of the Section 504 Eligibility Summary
- ☐ Copy of the Section 504 Plan
- ☐ Other

*I have the authority to enter into this agreement and acknowledge that my electronic signature below is legally binding. I agree that electronic versions of this document shall be given the same weight and deference as a hard copy.

Date: _____ Parent/Guardian Signature: _____

If you have any questions concerning this process or require additional information regarding your and your child's rights, please contact

Name: _____ Title: _____ Phone: _____

*I have the authority to enter into this agreement and acknowledge that my electronic signature below is legally binding. I agree that electronic versions of this document shall be given the same weight and deference as a hard copy.

Sincerely, _____
(Signature)

Name: _____ Title: _____

Section 504 Accommodation Checklist

Student Name: Hickory Grove Tester

School Year: 18-19

Teacher Name: _____

Quarter: _____

Course: _____

Listed below are the classroom accommodations on the 504 plan for the student identified above. Please complete this checklist weekly to document use of the listed accommodations in your classroom. Please provide additional notes when more information is necessary.

Form should be returned to: _____

Key: Y = yes, used this week

O = offered, but not utilized by student

NN = not necessary this week

NA = not applicable in this class

Accommodation:	Specifics:	Week of:									

Signature: _____

Section 504 Goal

Student Name: Hickory Grove Tester Grade: 4th Date: 01/29/2021 DOB: 12/13/2008

Goal Type: _____

Present Level of Academic Achievement and Functional Performance related to the Goal: _____

Goal Statement: _____

Implementor(s): _____

Progress: _____

Date: _____ Evaluated By: _____

Description: _____

DRAFT

Manifestation Determination for Section 504 Students

A. Identifying information:

Student Name: _____ Grade: _____ Date: _____ DOB: _____
Date of Suspension: _____

B. Conference Participants:

C. Team review and determination:

1. What is the misconduct for which disciplinary action has been taken or is being considered?

Comments:

2. The team has considered and reviewed the following relevant student information in terms of the misconduct subject to disciplinary action:

Evaluation, diagnostic results or other relevant information, including student's most recent Section 504 evaluation and plan:

☐ Yes ☐ No

Is there a behavior intervention plan as part of the student's 504 plan? ☐ Yes ☐ No

(If NO, the building team will initiate a Functional Behavioral Assessment and when complete, will convene a meeting on _____ to develop a Behavior Intervention Plan to address the behavior.)

Observation of the student: ☐ Yes ☐ No

Comments

3. In determining if the misconduct was a manifestation of his/her disability, the Section 504 team must determine the following:

(a) If the misconduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or

(b) If the misconduct in question was the direct result of the District's failure to implement the Section 504 Plan.

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

5. If the team determines that the misconduct was a manifestation of the child's disability

(a) The team must conduct a Functional Behavioral Assessment and implement a behavior intervention plan (BIP) if this has not already been done prior to the current misconduct;

(b) If a BIP has already been developed, review and modify it, as necessary, to address the misconduct in question; and

(c) The team must review the student's current 504 plan and educational placement to determine if it remains appropriate. If the team believes that a significant change in placement may be necessary, the team must initiate a reevaluation of the student.

Notes:

Functional Behavioral Assessment

Complete when gathering information about a student's behavior to determine the need for a Behavioral Intervention Plan. If used in developing a Behavioral Intervention Plan, the Functional Behavioral Assessment must be reviewed at a 504 meeting and should be attached to the 504 plan.

Student Name: _____ Grade: _____ Date: _____ DOB: _____

Target Behavior: _____

The Functional Behavioral Assessment must include data collected through direct observation of the target behavior. Attach documentation of data collection.

Participant/Title:

STUDENT STRENGTHS - Include a description of behavioral strengths (e.g., ignores inappropriate behaviors of peers, positive interactions with staff, accepts responsibility, etc.).

OPERATIONAL DEFINITION OF TARGET BEHAVIOR - Include a description of the frequency, duration and intensity of the behavior.

SETTING - Include a description of the setting in which the behavior occurs (e.g., physical setting, time of day, persons involved).

ANTECEDENTS - Include a description of the relevant events that preceded the target behavior.

CONSEQUENCES - Include a description of the result of the target behavior (e.g. removed from the classroom and did not complete assignment. What is the payoff for the student?).

ENVIRONMENTAL VARIABLES - Include a description of any environmental variables that may affect the behavior (e.g., medication, weather, sleep, diet, social factors).

HYPOTHESIS OF BEHAVIORAL FUNCTION - Include a hypothesis of the relationship between the behavior and the environment in which it occurs.

Is this behavior a ☐ Skill Deficit or a ☐ Performance Deficit

Skill Deficit: The student does not know how to perform the desired behavior.

Performance Deficit The student knows how to perform the desired behavior, but does not consistently do so.

Behavior Intervention Plan

A functional assessment of behavior must be completed and attached prior to developing a Behavior Intervention Plan.

Complete when the Section 504 team has determined a Behavior Intervention Plan is needed.

Student Name: _____ Grade: _____ Date: _____ DOB: _____

Target Behavior(s):	Intervention(s) to be Implemented:	Procedure/schedule for evaluating effectiveness and person responsible:

Date of plan review: _____

Method of home/school communication: _____

DRAFT

Medical Services Plan

Student Name: _____ Grade: _____ DATE: _____ DOB: _____
Parent/Guardian: _____ Phone: _____
Address: _____
Home School: _____
Serving School: _____
Teacher: _____

MEDICAL CONDITION (Example: Diabetes, Feeding Tube, etc):

ALLERGENS (Example: Food Allergies, Latex Gloves, etc):

Please check the following if appropriate:

- ☐ Diabetes
- ☐ Asthma
- ☐ Allergies
- ☐ Seizure Disorder

MEDICATION

Name of Medication: _____
Who Administers: _____
Time Administered: _____ Dates (if appropriate): _____
How to Administer: _____

Reason for Medicine: _____

Notes: _____

PROCEDURES

MEDICAL SERVICE PLAN (Include restrictions of movement, feeding, and other activities):

Provider: _____ Minutes Per Week: _____

MEDICAL EQUIPMENT USE AND CARE PLAN:

Contact Person For Equipment Maintenance: _____

EMERGENCY EVACUATION PLAN:

Training Provided On (Date): _____ Training Provided By: _____