

# COMMUNITY ISD

## Section 504 Rehabilitation Act of 1973 Handbook



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## **Section I**

### **INTRODUCTION**

Section 504 of the Rehabilitation Act of 1973 (commonly referred to as “504”) prohibits discrimination against students on the basis of their disability. The United States Department of Education has issued revisions to the requirements of Section 504 with emphasis on procedural safeguards and other protections that would present discrimination against individuals with disabilities, effective March, 2011. The purpose of this manual is to inform Community Independent School District employees about Section 504 and to provide procedures and forms that have been developed to comply with the requirements of Section 504. This manual reflects the commitment of all schools in Community ISD to address the educational needs of ALL children.

School district administrators and employees should become knowledgeable about the local school district procedures concerning Section 504, with a particular emphasis on parent and student rights.

If you have Section 504 questions concerning either current students or prospective students, please contact:

Community ISD  
Director of Special Programs  
611 FM 1138 North  
Nevada, Texas 75173  
972-843-8400

## **Section 504 Overview**

Section 504 of the Rehabilitation Act of 1973 is a federal law which prohibits discrimination against persons with disabilities. The law provides:

No otherwise qualified individual with a disability...shall solely by reason of her of 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 U. S. C. § 794

Section 504 is based on the principle that students with disabilities shall not be denied access to educational facilities, programs and opportunities on the basis of their disability.

For a student to qualify for Section 504 protection, the student must: (1) have a mental or physical impairment (2) which substantially limits (3) one or more major life activities. All three criteria must be met before the student is eligible for Section 504 protection.

Section 504 requires that the School District offer a Free Appropriate Public Education (FAPE) to each eligible student who has a physical or mental impairment that substantially limits a major life activity. Under Section 504, FAPE consists of the provision of regular or special education and related aids and services that are designed to meet the student's individual educational needs as adequately as the needs of non-disabled students, and in accordance with Section 504 requirements pertaining to educational setting, evaluation, placement and procedural safeguards. The FAPE obligation extends to all students described in this paragraph, regardless of the nature or severity of their disability.

## Definition of Terms

**Accommodations:** Each learner's needs are determined individually. Consideration of what is appropriate for each learner is based on the nature of the disabling condition and what that learner needs in order to have an equal opportunity to perform when compared to the non-disabled.

**Episodic/In Remission Impairments:** If an impairment only occurs periodically or is in remission, it is a disability if, when in an active phase, it would substantially limit a major life activity.

**Equal access:** Equal access gives equal opportunity to a qualified person with a disability to participate in or benefit from educational aid, benefits, or services.

**Evaluation:** A Section 504 evaluation is the collecting, gathering, and interpreting of data from a variety of sources about the student's educational functioning.

### **Free Appropriate Public Education (FAPE) – Free appropriate public education**

**(FAPE):** This term is used in the elementary and secondary school context for purposes of Section 504. It refers to the provision of regular or special education and related aids and services designed to meet individual educational needs of students with disabilities as adequately as the needs of students without disabilities. FAPE is based upon adherence to procedures that satisfy the Section 504 requirements pertaining to educational setting, evaluation and placement, and procedural safeguards.

**Group of Knowledgeable People:** The 504 committee consists of a group of knowledgeable people who have knowledge of the child, the meaning of the evaluation data, and the placement options.

**Impairment:** An impairment as used in Section 504 may include any disability, long-term illness, or various disorder that "substantially limits" a student's ability to access learning in the educational setting.

**Individual with a disability** – An individual with a disability is a person who:

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

**Major Life Activities** – A major life activity includes, but is not limited to functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. Major life activities also include standing, lifting, bending, reading, concentrating, thinking and communicating. The term also includes 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, endocrine, and reproductive functions.

**Mitigating Measures:** When determining if a person has a disability, a school cannot consider the ameliorative effects of mitigating measures when determining how the impairment impacts the major life activities under consideration. The use of ordinary eyeglasses or contacts is the one exception to the mitigating measure rule.

**Physical or mental impairment** – a physical or mental impairment is:

1. 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; genitourinary; hemic and lymphatic; skin; and endocrine; or
2. Any mental or psychological disorder such as cognitive impairment, organic brain syndrome, emotional or mental illness and specific learning disabilities.

**Section 504:** Section 504 is a part of the Rehabilitation Act of 1973 that prohibits discrimination based upon disability. Section 504 is an anti-discrimination, civil rights statute that requires the needs of learners with disabilities to be met as adequately as the needs of the non-disabled.

**Substantially Limits:** "Substantially limits" is not defined in the federal regulations. However, the Office for Civil Rights (OCR) states, "this is a determination to be made by each local school district and depends on the nature and severity of the person's disabling condition." In determining substantial limitations, the Section 504 committee will consider what is required to provide equal access to public school programs. A student who has a physical or mental impairment that substantially limits a major life activity may be found to have a disability under Section 504. This determination is made on a case-by-case basis.

Except for ordinary eyeglasses or contact lenses, the effects of mitigating measures (e.g., medications, prosthetics, hearing aids, etc.) may not be considered when assessing whether a student has an impairment that substantially limits a major life activity. To the extent feasible, only the impact the impairment has on a major life activity without mitigating measure may be considered when determining whether the disability substantially limits a major life activity.

If a student has an impairment that is episodic or in remission, the School District must consider whether the impairment, when active, would substantially limit a major life activity. If so, then the student meets the definition of a student with a disability.

## **Policy of Non-Discrimination**

It is the responsibility of Community ISD and the School Board to adopt a policy of non-discrimination such that no otherwise qualified student with a disability shall be excluded from participation in, denied the benefits of, or be subjected to discrimination solely on the basis of his/her disability in any program or activity conducted by the school district.

It is the responsibility of Community ISD and the School Board to identify, evaluate and provide a free appropriate public education to each qualified student with a disability within its jurisdiction regardless of the nature or severity of the disability.

A grievance procedure must be established for addressing complaints of discrimination on the basis of disability. A description of this procedure and other relevant information may be obtained by contacting the school district's Section 504 Coordinator or office of the Superintendent.

The school district may appoint a designee to serve as the District Section 504 Coordinator. The building level administrator is ultimately responsible for the implementation of plans by the appropriate staff who work with the student.



## **Section II**

### **Child Find**

Community ISD attempts to identify and locate every student residing in the school district who may be a student with a disability under Section 504, regardless of whether he or she is currently receiving a public education. Community ISD will notify those students and their parents of their rights under Section 504.

Community ISD may satisfy the Section 504 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 students within the district believes may be eligible.

The district will also ensure that the information in its Section 504 notices is written in a manner that would reasonably be easily understandable to a parent. The notices will contain the name and contact information for the district's Section 504 coordinator.

A parent has a right to refuse to provide consent for evaluation or for services or to not respond to district requests. In these circumstances, the district has the option, but not the obligation, to pursue the Section 504 evaluation by using due process. The district is not relieved of duties to identify, locate, and evaluate all children with disabilities, including those children whose parents revoked services. Child Find is an ongoing process, expectations are that children whose parents revoke consent will be identified, located, and offered an evaluation in the same manner as any other child if the child is suspected of having a disability and being in need of services.

### **Response to Intervention and Student Support Teams**

Community ISD uses Response to Intervention (RtI) as a systematic procedure to provide supplemental and individualized instruction to address needs in foundational basic skills. Student progress is closely monitored with adjustments in instructional interventions based on student learning rates. Parents must be informed of their student entering the RtI process, the data used to measure student progress, the strategies used with their child, and their rights to request an evaluation at any time.

During the RtI process, parents and teachers of students who are experiencing difficulties in school are offered individualized strategies. The implementation of personalized strategies helps teachers to be more intentional in the possible instructional and behavioral methodologies and expectations, and by doing; (a) assists teachers with students who present a wide variety of education and behavioral needs and; (b) strengthens educational opportunities with the general education program.

It must be emphasized that the Rtl process is **not intended to impede any necessary referrals for consideration of eligibility under the Individuals with Disabilities Education ACT (IDEA) or Section 504**. If at any time, a teacher, counselor, administrator, or other professional staff member suspects that the student's difficulties are attributable to a disability, the student should be referred for an evaluation. If a parent/guardian at any time requests an evaluation, the district must either honor that request or notify the parent/guardian of his/her due process rights and the IDEA, or Section 504, as applicable.

### **Parental Rights**

Section 504 guarantees certain rights to parents of students with disabilities. The intent of these procedural protections is to keep the parent/guardian fully informed concerning educational decisions about their child, and to inform the parent/guardian of their rights if they disagree with any of these decisions. At age 18, these rights transfer to the student. *The Notification of Parent Rights* should be used **every** time you plan to meet for purposes of Section 504 evaluation, plan development, or change in programs. Use *the Parent Invitation to Section 504 Meeting* to document your invitation to meetings.

## **Section III**

### **The Section 504 Process**

The Section 504 Process consists of four steps: (1) Referral; (2) Evaluation; (3) Eligibility Determination; and (4) the Section 504 Plan. For eligible students with a plan, the district must also provide regular reviews of the plan, reviews to support changes in program and/or transitions across grade levels, and conduct re-determination evaluations.

**Timelines.** Unless otherwise specified in these operational guidelines or Section 504 Procedures, the Section 504 duties and responsibilities of the District will be completed within a reasonable time. Per OCR guidance, the reasonable time requirement is satisfied by the District's compliance with state IDEA timelines. Where the student's physical or mental impairment and needs are readily known, the District recognizes that the full use of the time allowed under IDEA timelines is unreasonable, and the Section 504 evaluation should be completed more quickly.

#### **Timeline Practices for Section 504:**

##### Parent written request for an Initial Evaluation:

- Up to 15 school days to meet/respond to parent
- Up to 45 school days to complete an Initial Evaluation

##### Parent written request for a Re-Evaluation due to additional impairment:

- Up to 15 school days to meet/respond to parent
- Up to 30 school days to complete the Re-Evaluation

##### Pending parent signature for Consent to a §504 Evaluation:

- Communication to the parent of the district's wish to evaluate through §504 - Minimum of 1 time per Semester

##### Records Requests:

Section 504 records, including any evaluation data, shall be kept in a separate §504 folder under the control of the campus Coordinator, as part of the Student's cumulative folder, or in any other location determined to be appropriate by the district or campus. Regardless of location, the District will maintain the confidentiality of §504 records as required by the Family Educational Rights and Privacy Act (FERPA).

- 10 School Days from date of Request

##### Manifestation Determination Meeting-including Re-Evaluation Paperwork:

- Prior to the 10<sup>th</sup> day of Long Term Removals

- Prior to the 10<sup>th</sup> day of Short Term Removals and each time removal is considered thereafter prior to the removal

Parent written request for a Special Education Evaluation of current Section 504 Student: Campus 504 Coordinator will need to promptly communicate with campus Diagnostician regarding the written request from the parent for a Special Education Evaluation.

- Up to 15 school days to meet/respond to parent

The determination of eligibility is based on the evaluation and is a team decision that includes persons knowledgeable of the student, the evaluation findings, and the meaning of the data. If determined to be eligible, an appropriate plan is developed and implemented. The District will be responsible for the implementation of the plan and to provide regular review of the appropriateness of the plan. A Section 504 plan may be revised or discontinued at anytime. The plan should be reviewed and updated annually, as needed, based on changes in student status and the context at school. A Section 504 plan review is also necessary when there is a change in program or building assignment (transitioning support). A 504 plan may be discontinued with proper notice, evaluation and review.

### **Referral**

A student who, because of a suspected mental or physical impairment, is believed to be in need of accommodations or educational services under Section 504, may be formally referred by a parent, teacher, other certified school employee(s), or the adult aged student himself/herself. Students with physical or mental impairments whose needs are addressed through early intervention, RtI, or health plans will not be excluded from consideration for possible section 504 referral, even when current interventions, services or health plans successfully address their impairment related needs. The Parent may also initiate a Section 504 referral.

The referral process involves proper documentation of the presenting concerns, notice to parents, consent, and notice of procedural safeguards. Parents are to be provided with copies of referral and consent forms and given the opportunity for clarification of terms, timelines, and procedural safeguards.

### **Consent for Evaluation**

If a §504 Evaluation is necessary, the campus Coordinator should send to the Parent Notice of Parents Rights under §504, together with a Notice and Consent for Initial Evaluations under §504, and a Parent Input form. If no parental consent is received for §504 Evaluation, the campus Coordinator should remind the Parent as frequent as necessary of the District's continued desire to conduct an Evaluation under §504.

### **Evaluation**

A determination of Section 504 eligibility (i.e., a physical or mental impairment that substantially limits a major life activity within the school environment) must be based on a multi-source evaluation. The evaluation procedures to be followed may, but need not, include all

of those which are followed in evaluating students under the Individuals with Disabilities Education Act (“IDEA”). The nature and extent of the information needed to make a Section 504 eligibility decision is determined on a case-by-case basis by a group of persons knowledgeable about the student and the meaning of evaluation data.

The evaluation process should begin with a thorough review of the student’s educational records. Evaluation standards require that assessments are (1) used for the purposes they were developed; (2) administered by qualified personnel; (3) tailored to assess the specific area of concern and not to provide a global ability score; and (4) selected and administered to ensure the test accurately reflects the student’s abilities rather than reflecting the impairment. The following sources of information may be considered as appropriate evaluation methods:

- 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 (i.e. report, form, etc)
- Information provided by the parent

If a student is suspected of having a physical impairment and the School District does not already have a current diagnosis documented by a physician, input from a physician may be sought as part of the evaluation process. Please note that a diagnosis of a physical or mental impairment does not, in and of itself, determine eligibility under Section 504. As mentioned above, there must also be separate findings that the impairment substantially limits a major life Activity.

Medical evaluations are NOT required under Section 504. The school district may NOT require the parent to provide medical information or evaluation. If the evaluation team determines that a medical evaluation is necessary, the district must pay for it. Letter to Veir, 20 IDELR 864 (OCR, 1993).

### **Eligibility Determination**

The eligibility determination should be made by a group of persons knowledgeable about the student, the meaning of the evaluation data and placement options. The school should form a team to conduct the evaluation, determine eligibility, and develop a plan for the eligible student. Appropriate team members may include the administrator, classroom teacher, behavior specialist (if behavior) and appropriate related services staff, if needed. *Use the Parent Invitation to Section 504 meeting, the Notification of Parent Rights, and the Parent Consent for Section 504 Evaluation.* Additional considerations are offered to assist the district in making appropriate eligibility determinations.

**Substantial Limitation:** The Office for Civil Rights (OCR) does not endorse a single formula or scale that measures substantial limitation. See Protecting Students with Disabilities: Frequently Asked Questions about Section 504 and the Education of

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Children with Disabilities (March 2009). The determination must be made on a case by case basis with respect to the individual student. The standard for determining a substantial limitation is broad and typically references access to participate and to fulfill the expectations of the non-disabled students.

**Major Life Activities:** Some individuals interpret this to mean that a student must have a substantial limitation in the area of learning to be eligible under Section 504 and use this criteria to exclude students from eligibility. This would be an oversimplified understanding of this provision in the law. A student may have a disability that in no way affects their ability to learn, yet they may need extra help of some kind for them to access learning. Letter to McKethan, 23 IDELR 504 (OCR 1995). Physical or mental impairments may substantially limit major life activities other than learning that interfere with the student's ability to access and benefit from the school's programs and activities.

**Mitigating Factors:** In the past, school districts were allowed to consider a student's use of mitigating measures, such as medications, in determining if the impairment substantially limited a major life activity. Since revisions in the law that occurred in 2009, such factors cannot be considered when making disability determination. The determination of eligibility and the plan must be developed independent of the use of mitigating measures. Consider how the student would access and benefit from instruction were the mitigating factors not available.

**Episodic or In Remission Disabilities:** An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. A temporary injury or illness of a duration less than six months is not regarded as an impairment that substantially limits a major life activity.

**Section 504 Is NOT Interchangeable with IDEA:** Section 504 eligibility is NOT automatically bestowed on a student who is referred for a special education evaluation and who is subsequently determined not IDEA eligible. Letter to Veir, 20 IDELR 864 (OCR 1993). Parents may not avoid having a child labeled as special education by "opting" for a Section 504 plan. Letter to McKethan, 25 IDELR 295 (OCR 1996). Similarly, a district does not have the flexibility to opt to provide Section 504 services when the student is IDEA eligible. Yankton Sch. Dist, v. Shramm, 24 IDELR 704 (8th Cir. 1, 1996).

## **Section IV**

### **Section 504 Plan**

Where a student is found to be eligible, a Section 504 Plan will be developed. The building Section 504 Team, which includes the parents, will be responsible for determining the special accommodations and services that are needed to ensure that the student receives a free appropriate education. The Plan will specify how services will be provided and by whom.

The Section 504 Plan shall be signed by the Building Administrator. Prior to implementation, a copy of the Plan shall be provided to the parent(s)/guardian(s), which indicated the District's intent to implement the plan. Parent must always be provided a copy of the *Notification of Parental Rights*.

If a Section 504 Plan is developed for a student, only school personnel with implementation responsibilities shall be informed of the existence and particulars of the plan. Staff should be informed on the contents of the plan when the plan is created, revised, and at points of transition, including transfers between buildings, or changes in schedule, staff, or program.

**No Automatic Eligibility:** A medical diagnosis of an illness does not automatically mean a student can receive services under Section 504. The illness must cause a substantial limitation on the student's ability to learn or another major life activity. See *Protecting Students with Disabilities: Frequently Asked Questions about Section 504 and the Education of Children with Disabilities* (March 2009).

**Access NOT Advantage:** Section 504 is not designed to improve grades, raise test scores, or reduce homework responsibilities. If a student is only seeking test accommodation, it is likely the student does not need a Section 504 plan.

**Prevent Over-Identification:** Recognize there are other factors that could adversely affect student learning, such as socioeconomic status, educational disadvantage, poor early instruction, difficult family situation, gang involvement, truancy, or limited English proficiency. Invest in training of staff to learn about Section 504. Explain to staff that it can be a violation to identify a student as a student with a disability when in fact the difficulty stems from other factors.

**Prevent Misconceptions Leading to Violations:** It is a misconception to assume that general education accommodations supplant the need for Section 504 eligibility or services. Another misconception is that a student must fail in all classes to be eligible. It is important to recognize that a student who continues to struggle, with intervention, may indeed have a substantial limitation. Also, the courses may require additional skills that are impacted by the student's impairment.

### **Refusal Consent**

Should the Parent refuse to the initial provision of Section 504 services by completing, signing and returning signed consent to the campus Coordinator, the Services Plan should be appropriately annotated with the PARENT's refusal to consent. Section 504 services detailed on the Services Plan will not be provided to the Student, but the completed Plan will serve as documentation of the District's offer of FAPE to the Student

### **Annual Review**

The teacher or other person(s) designated by the Section 504 Team shall monitor the student's progress and the effectiveness of the student's plan. The teacher or other designated person will meet with the parent(s) at least annually to determine whether the Section 504 Plan continues to be appropriate or whether any changes are thought to be necessary. A Section 504 team meeting will be convened at any time to review the changes in student need or other appropriate concerns.

### **Reevaluation**

A multi-source evaluation should be completed periodically to re-determine eligibility under Section 504 and/or before any significant changes are made in the Section 504 Plan. A school district shall not require outside evaluations or examinations as a condition of eligibility or plan continuance. Medical evaluations are NOT required under Section 504. The school district may NOT require the parent to provide medical information or evaluation. If the evaluation team determines that a medical evaluation is necessary, the district must pay for it.



## **Section V**

### **Service Animals**

Effective March 15, 2011, the U.S. Department of Justice now requires public entities, including schools, to modify policies, practices or procedures to permit a qualified individual with a disability to use a service animal on public premises. The individual with a disability shall be permitted to be accompanied by a service animal in all areas of a public entity's facilities where members of the public; participants in services, programs or activities; or invitees (as relevant) are allowed to go. A definition of a service animal is limited to dogs and horses. The provisions of this requirement are not extended to other species of animal.

A dog is service animal if the following criteria are met:

- The dog was individually trained
- To do work or perform tasks
- For the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability

The language regarding the miniature horse as service animal follows:

“A public entity shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.”

Schools may consider four factors when determining their ability to make reasonable modifications in policies, practices, or procedures to permit the use of the service animal. The four factors include:

1. Type, size, and weight;
2. Whether the handler has sufficient control;
3. Whether housebroken; AND
4. Legitimate safety requirements

There are questions the school may and may not ask to establish the reasonableness of the use of the service animal. The school may ask if the animal is required of the disability and what tasks the animal has been trained to perform. The school may not ask about the use of the service animal in obvious contexts (For example, a visually impaired person using a trained leader dog). It is unlawful to ask about the nature or extent of the person's disability. It is also unlawful to require documentation or certification of the animal's training.

Listed below are the types of tasks that may be performed by a service animal:

- Assist blind/visually impaired to navigate
- Alert deaf/hearing impaired to presence of people or sounds
- Pull a wheelchair

- Provide seizure assistance
- Alert to presence of allergens
- Retrieve items (medicine, telephone)
- Provide physical support, balance and stability to individuals with mobility disabilities
- Prevent or interrupt impulsive or destructive behavior of persons with psychiatric and neurological disabilities

A public entity may ask an individual with a disability to remove a service animal from the premises if:

- The animal is out of control and the animal's handler does not take effective action to control it; OR
- The animal is not housebroken
- The animal's presence fundamentally alters the nature of the program, service or activity

Under Section 504, the school is **NOT** responsible for the care or supervision of the service animal. If a school properly excludes a service animal or miniature horse, the individual with a disability must be given the opportunity to participate in the service, program, or activity without having the service animal on the premises. The school may also ask for payment for damages incurred by the service animal.

## **Section VI** **Discipline**

### **Suspension and Expulsion of Students Served Under Section 504**

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. Similar to suspension or expulsion of a student with a disability under the IDEA, it is necessary to conduct a manifestation determination review for a Section 504 disabled student when:

- The suspension or expulsion will be for more than ten (10) consecutive school days. As is true under IDEA, a suspension/expulsion of more than ten (10) consecutive days constitutes a significant change in placement and requires the School District to determine if the cause of the behavior is the disability identified in the student's Section 504 plan.
  
- A series of suspensions that total more than ten (10) school days in a school year may create a pattern of exclusion. If cumulative suspensions/expulsions for a student on a Section 504 Plan total more than ten (10) school days in a school year, it must be determined if a significant placement change has occurred. This decision is made on a case-by-case basis. If a group of short suspensions creates a pattern of exclusion, then this constitutes a change in placement and the School District must conduct a manifestation determination meeting before further suspensions or expulsions occur. The Office for Civil Rights has identified some of the key factors in determining the existence of a pattern of exclusion; these include the length of each suspension, the proximity of one suspension to another, the similar or dissimilar nature of the behavior, and the total amount of time the student is excluded from school.

Section 504 allows a student to be disciplined, without going through the manifestation determination review process, where the student is charged with and found to be currently engaging in the illegal use of drugs or alcohol, in violation of the School Code.

The manifestation determination process will determine if the violation was due to the student's disability. The review must also consider the appropriateness of the student's plan of supports and services under Section 504. Appropriate actions should include consideration for a referral for IDEA evaluation when the manifestation determines the behavior is likely related to the disability. In those situations in which the student committed an infraction leading to state mandated removal from school, the review process must consider the obligations to provide FAPE under IDEA.

In situations in which the manifestation determination process determines the behavior is NOT related to the disability, the student is to be given the same treatment or sanctions as the nondisabled students, consistent with the school district Code of Student Conduct and local

district policy. The provisions of FAPE do not apply during the period of discipline or removal from school. The student may apply for reinstatement following the same policy as nondisabled peers.

## **Section VII**

### **The Grievance Process**

#### **Complaints & Grievances**

A person who believes that he/she has been discriminated against by the District on the basis of his/her disability may pursue a grievance/complaint through the District's Grievance/Complaint Process.

Grievance and Impartial Due Process Procedures must include procedural safeguards notification to parents. A parent may request an impartial due process hearing at any time and should be provided notice of this right. While the school district must also offer a process for addressing complaints and grievances, the parent should not be delayed or denied in their exercise of due process.

The complaint or grievance process is outlined below:

1. The grievance process starts with a meeting at the building level to review concerns and consider possible immediate solutions. The meeting should occur in a reasonable timeframe. The building administrator should meet with parent to discuss concerns and attempt to resolve the issues. Suggested meeting participants may include: Parent, Staff involved with the student's 504 plan, and Building Administrator. The meeting outcomes should be summarized and shared with the parent and District Section 504 Coordinator.
2. If the issue does not reach satisfactory resolution, parent should file a written grievance with the District 504 Coordinator.
3. The District Section 504 Coordinator will investigate the concern and prepare a written summary of findings and recommendations.
4. Upon parent and district review of recommendations, the parent and district, by mutual agreement, may enter a facilitation meeting to reconcile any concerns that cannot be resolved through the recommended course of action.
5. If the issue does not reach satisfactory resolution, the parent may request an impartial due process hearing through the District Section 504 Coordinator or office of the Superintendent.
6. An impartial hearing officer will be appointed by the school district.
7. The impartial hearing officer will conduct an evaluation and make written recommendations.
8. If the due process hearing does not resolve the issue, the parent may file a complaint with the OCR.

Office for Civil Rights

***Dallas Office***

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