



SECTION 504 PROCEDURES AND PROCEDURAL SAFEGUARDS

1. LOCATION OF AND NOTICE TO STUDENTS WITH DISABILITIES

On an annual basis, the School District will attempt to identify and locate every qualified student with a disability who resides within the District who is not receiving a free appropriate public education, and will take appropriate steps to notify such students and their parents or guardians of the District's duties under Section 504 of the Rehabilitation Act of 1973.

2. EVALUATION OF STUDENTS WITH KNOWN OR SUSPECTED DISABILITIES

In evaluating students who need or are believed to need special education and/or related aids and services designed to meet their individual educational needs, the District will establish standards and procedures to ensure that:

- a. A parent's informed written consent is obtained prior to any initial evaluation or reevaluation;
- b. A reevaluation is conducted prior to any significant change in placement;
- c. Tests and other evaluation materials used have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;
- d. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not solely those which are designed to provide a single general intelligence quotient; and
- e. Tests are selected and administered so as best to ensure that the test results accurately reflect the student's aptitude or achievement level or whatever factor(s) the test purports to measure.

3. PLACEMENT OF STUDENTS WITH DISABILITIES

In interpreting evaluation data and in making placement decisions, the District will establish procedures to ensure that:

- a. Information is drawn from a variety of sources, including parent input, aptitude and achievement tests, teacher recommendations,



physical condition, social or cultural background, and adaptive behavior;

- b. Information obtained from all sources is documented and carefully considered;
- c. The placement decision is made by a group of persons that includes persons knowledgeable about the child, the meaning of evaluation data, and the placement options; and
- d. Students with disabilities are educated and participate in nonacademic and extracurricular services and activities, to the maximum extent appropriate, in settings with students who are not disabled.

4. REEVALUATION OF STUDENTS WITH DISABILITIES

The District will periodically reevaluate students who have been provided Section 504 services, consistent with the requirements of Paragraphs 2 and 3.

5. MANIFESTATION DETERMINATION REVIEW

- a. If a student is removed from his/her current placement for more than ten (10) school days in a school year and the removal constitutes a significant change in placement, the Section 504 team must meet to conduct a manifestation determination review.
- b. When conducting a manifestation determination review, the team will review relevant information, including, for example, staff observations, evaluation, diagnostic results, and the student's most recent Section 504 evaluation and plan, to determine:
 - (i) if the misconduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
 - (ii) if the misconduct in question was the direct result of the District's failure to implement the Section 504 plan.

If the team determines that either of the above statements apply, then the misconduct is a manifestation of the student's disability.



- c. If the team determines that the misconduct was not a manifestation of the child's disability, then the District's regular disciplinary procedures will apply.
- d. If the team determines that the conduct was a manifestation of the child's disability:
 - (i) the team will conduct a functional behavioral assessment (FBA) (with parent consent) and implement a behavior intervention plan ("BIP"), if this has not already been done prior to the current misconduct;
 - (ii) if a FBA and BIP have already been developed, the team will review and modify them, as necessary, to address the misconduct in question; and
 - (iii) the team will review the student's current Section 504 plan and educational placement to determine if they remain appropriate. If the team believes that a significant change in placement may be necessary, the team must initiate a reevaluation of the student.

6. DISCRIMINATION AGAINST STUDENTS WITH DISABILITIES

Section 504 protects qualified students with disabilities from being excluded from participation in, being denied the benefits of, or being subjected to discrimination on the basis of disability in any school program or activity. Board Policy 2:260 (Uniform Grievance Procedure) sets forth the District's procedures for addressing complaints of discrimination and is available in the District's Administrative Office; individuals may also contact the District's Section 504 Coordinator for a copy.

7. PROCEDURAL SAFEGUARDS

- a. With respect to identification, evaluation, placement, or provision of a free appropriate public education to students who need or are believed to need Section 504 services, the District, through the Section 504 Coordinator, has established and implemented a system of procedural safeguards that includes:
 - (i) notice (i.e., notices of Section 504 conferences, evaluation and reevaluation decisions, evaluation results and eligibility decisions, programmatic/placement decisions, termination of eligibility or services, and procedural safeguards);



- (ii) an opportunity for the parents or guardian of the student to examine relevant records;
- (iii) an impartial hearing with opportunity for participation by the student's parents or guardian and representation by counsel; and
- (iv) a review procedure.

The District's Section 504 Coordinators are:

Dr. Darrell Mittelheuser, Director of Special Education
(dmittelheuser@gower62.com)
Mrs. Rebecca Laratta,
Assistant Superintendent for Curriculum, Instruction, and Innovation
(rlaratta@gower62.com)
7700 Clarendon Hills Road, Willowbrook, IL 60527
(630) 986.5383

- b. The District's impartial due process hearing and review procedures are as follows:
 - (i) Impartial Due Process Hearing
 - A request for an impartial hearing regarding the District's identification, evaluation, placement, or provision of a free appropriate public education to a student under Section 504 must be filed with the Section 504 Coordinator.
 - The hearing request must be in writing, signed and dated by the parent or guardian (or, in the case of a student over age 18, the student). It should include a description of the issues and facts that serve as the basis of the hearing request, as well as a description of the relief being sought, to the extent it is known. The Section 504 Coordinator will be available to provide assistance to the parent/guardian as needed in the preparation and processing of the complaint and in the review procedures.
 - The Section 504 Coordinator will provide the parent/guardian with a list of three (3) impartial hearing officers. The parent/guardian will indicate in



writing his or her selection of an impartial hearing officer on the list provided. The parent/guardian will return the list of impartial hearing officers, with order of preference indicated days of receipt of the list from the Section 504 Coordinator.

- Upon receipt of the parent/guardian's hearing officer selections, the Section 504 Coordinator promptly notifies the first choice hearing officer of the pending case. In the event that the first-choice hearing officer cannot hear the case, the second-choice officer will be contacted. In the event that the second-choice officer cannot hear the case, the Section 504 Coordinator will contact the third-choice officer. If none of the listed hearing officers contacted can hear the case, the parent/guardian will be asked to select/prioritize three additional hearing officers from another list, which will be provided by the Section 504 Coordinator within five (5) days of the notice of decline from the third-choice hearing officer.
- A hearing will be scheduled by the assigned hearing officer within fifteen (15) days after the date that the hearing officer agrees to accept the appointment, unless the parent/guardian and the Section 504 Coordinator agree otherwise or there are extenuating circumstances which warrant an extension of this timeline.
- The parent/guardian and the District will have the right to present evidence relevant to the issue raised in the complaint. The parent/guardian and the District have the right to be represented by counsel.
- The hearing officer will limit his/her decision to the issue or issues presented by the parent/guardian in the written hearing request. The hearing officer's decision must be written and include a summary of the evidence and the reasons for the decision, which will be based on the hearing officer's interpretation of the meaning or application of Section 504 to the issue(s) and evidence presented.
- The hearing officer will send a copy of the decision to the parent/guardian and the Section 504 Coordinator



within five (5) school days after the conclusion of the hearing.

- The decision of the hearing officer will be final unless appealed pursuant to Paragraph 5(e)(ii) (see below).
- The District may also request an impartial due process hearing to challenge the refusal of a parent/guardian to provide consent for a Section 504 evaluation or reevaluation. In such cases, the due process hearing and review procedures herein will apply.

(ii) Review Procedure

- Any party aggrieved by the decision of the hearing officer may appeal the decision to the Board of Education by making a written request for a review of the decision to the District's Superintendent. The request for a review must be in writing, signed and dated, and submitted by regular mail, e-mail, or personal service no later than ten (10) days after the aggrieved party's receipt of the hearing officer's decision.
- A request for a review must state that an appeal of the hearing decision is being requested, the reason for the request for review, and the relief being sought.
- The Superintendent will obtain from the Section 504 Coordinator a copy of the hearing request, all evidence presented at the hearing, the hearing officer's decision, and copy of the request for review and transmit them to the Board of Education.
- Within thirty (30) school days of the Superintendent's receipt of the request for review, the Board of Education shall affirm, reverse or amend the hearing officer's decision unless there are extenuating circumstances that warrant an extension of this timeline.
- Within five (5) school days of the Board of Education's decision, the Superintendent shall inform the parties of the Board's action.
- The decision of the Board of Education is final.



c. Right to File Complaint with U.S. Department of Education's Office for Civil Rights

A parent/guardian may terminate the due process hearing/review or grievance process at any time and initiate a formal complaint with the Office for Civil Rights (OCR). A parent/guardian may also file a complaint with OCR as an alternative to the District's impartial hearing/review or grievance procedures. OCR may be contacted as follows:

Office of Civil Rights
U.S. Department of Education
233 N Michigan AVE, Suite 240
Chicago, IL 60601
Customer Response Center: 800.368.1019
Facsimile: 202.619.3818
TDD: 800.537.7697
Email: ocrmail@hhs.gov

d. Retaliation Prohibited

Retaliation against any person who utilizes the District's impartial hearing and review procedures or grievance procedure or who files a complaint with the OCR is prohibited.

LEGAL REF: Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 701 et seq.
34 C.F.R. Part 104

CROSS REF: 6:120 (Education of Children with Disabilities), 7:10 (Equal Educational Opportunity), 7:180 (Preventing Bullying, Intimidation and Harassment), 2:260 (Uniform Grievance Procedure)