

Section 504 Referral Policy

It is the policy of the Madison County School System to refer students to the Student Evaluation Team (SET) when the student has a possible disability (Madison County Schools Section 504 Policy) and when that disability has an apparent impact on the student's ability to progress in general curriculum.

All referrals shall be received by the MCS Section 504 Coordinator. The Coordinator and/or Superintendent of Schools may delegate certain referral functions to staff in Madison County Schools.

School staff may initiate a referral to Section 504 using approved forms and procedures. Particular attention is given to students who have been identified as "high risk". Students should be considered high risk when any set of circumstances (e.g. injury, illness, formal diagnosis, suspensions) suggests that school performance problems could be disability related.

The parent may make a referral at any time using an approved form.

External agencies or professionals who have direct knowledge of the student may make a referral to the Section 504 Coordinator at any time. Information will be requested regarding the nature of the problem and the potential of that problem to impact educational progress of the student. As soon as detailed written information is received, this information will be sent by the Section 504 Coordinator to the Student Evaluation Team.

The referral is officially started when a parent signed referral or letter form is received by the Coordinator.

Once a referral has been initiated, an SET meeting will be scheduled within fifteen (15) school days and a "Notification of Evaluation" form will be given to the parent within the same time frame. The SET will analyze current data, including data provided by the parent, and determine what additional assessments are needed to make a determination of eligibility for Section 504 services. The assessments recommended by the SET will be conducted within forty-five (45) school days. An SET will be scheduled on or before the end of the 45 days, unless an extension is approved by the parent. The SET will make an eligibility determination based on all available information. If the parent is not in agreement of the SET, the parent may file a due process request to have the decision reviewed. Parents are routinely advised of their rights at several points in the referral process.

The Section 504 Coordinator and/or the Superintendent shall be responsible for the development of specific forms, checklists, and administrative procedures to implement this policy.

**IDENTIFICATION, EVALUATION AND EDUCATION OF STUDENTS WHO
ARE QUALIFIED PERSONS WITH A DISABILITY WITHIN THE MEANING
OF SECTION 504 OF THE REHABILITATION ACT OF 1973**

I. SECTION 504 POLICY

A. Policy Statements

It is the most intent of the Madison County Board of Education to provide a free and appropriate public education to each student with a disability within its jurisdiction regardless of the nature or severity of the disability.

It is further the intent of the district to ensure that each student with a disability within the meaning of Section 504 of the rehabilitation Act of 1973, is identified, evaluated, and provided with reasonable accommodations and adaptations to ensure appropriate educational services.

The superintendent will appoint a Section 504 coordinator who will serve as administrator for the policy within the district.

B. Definitions of Eligible Students

Under this policy, a student with a disability is one who:

1. Has a physical or mental impairment that substantially limits one or more major life activities, including learning;
2. Has a record of such impairment; or
3. Is regarded as having such an impairment. **(34 C.F.R. Section 104.3 (j) and (k)).**

Students with a disability are required to receive a free, appropriate, public education, which may require reasonable accommodations including related aids or services.

Students who because of a disability, need or are believed to need reasonable accommodations within the general education program or are believed to need regular or special education and related aids and services are addressed under this policy. A student may be identified with a disability under Section 504 and this policy even though the student does not require special education programs and services pursuant to the Individuals with Disabilities Education Act (IDEA). A reasonable accommodation may include an individual accommodation plan for every disabled student, which outlines the appropriate aids, benefits, or services that is required for that student to receive a free, appropriate, education. Cost of the accommodation may be a factor in determining whether the disabled student is

eligible to receive such services, but only if that cost places an undue burden on the school system.

Students who are identified as eligible for special education programs and services according to the IDEA criteria are not addressed under this policy. The needs of such students are provided for elsewhere under state and federal law, and the Madison County School Special Education Plan.

C. Pre-referral Team Strategies

There is growing evidence of the efficacy of pre-referral team strategies as an effective method for strengthening educational opportunities and servicing students with special needs who might otherwise experience difficulties in school. The implementation of such strategies helps teachers vary instructional and behavioral methodologies and expectations, and by doing so:

1. Assist teachers with students who present a wide variety of behavioral levels and needs;
2. Strengthen educational opportunities within the general education program by fostering teacher growth; and
3. Reduce the need for more formal referrals over time because more students with special needs are being successfully accommodated and served appropriately within the general education programs.

Pre-referral team strategies as vehicles for servicing students with special needs are strongly encouraged before more formal referrals under Section 504 are initiated. In this way, appropriate educational accommodations and services can be made in a relatively informal manner, without the need for formal referral, certification under Section 504, etc. This point is particularly important since most accommodations and services under Section 504 can be made during pre-referral procedures. The more formal process can therefore be avoided, while appropriate educational accommodations and services are provided.

The pre-referral procedures are not intended to block any necessary referrals for special education or Section 504. If at anytime a teacher, counselor, administrator, or other appropriate person suspects that the student's difficulties are attributable to a disability, that student must be referred for a Section 504 evaluation; the Madison County School District must honor that request or notify the parent/guardian of his/her due process rights under Section 504.

D. Section 504 Procedures

It is the intent of the Madison County School District to provide additional guidelines for the implementation of Section 504 Policy, including: (1) Student Service Management Teams; (2) Identification and Referral Procedures; (3) Evaluation; (4) Individual Accommodation Plan; (5) Monitoring student progress; (6) Procedural Safeguards; (7) Time frames for evaluation, placements and hearings and (8) a Grievance Procedure.

II. Building Level Intervention Teams

A. General Framework

Student Service Management Team (SSMT) is the name used in this document to describe a building level intervention team process. One of the duties of this team is to evaluate the educational needs of a student with or without a disability under Section 504 and to assist with making reasonable behavioral or instructional accommodations so the needs of a student are better served.

An SSMT is made up of administrator's, teachers and building level support staff such as teacher-consultants, speech therapists, school counselors, social workers, psychologists, etc. The SSMT meets on a regular basis to evaluate, discuss, develop and initiate accommodations and monitor progress of students referred for special needs.

B. Pre-referral and Referral Documentation

The Intervention Assistance Team addresses and is responsible for documenting both Pre-Referral Activities for "At Risk" Students and Section 504 Referral Activities. The team also records accommodation strategies, reviews implementation and makes modifications as needed.

The Pre- Referral Flow Chart for "At Risk" Students is shown on page 10. The Section 504 Flow Chart is shown on page 11.

III. Identification and Referral Procedures

- A. A student who, because of a disability, needs or is believed to need special accommodations or related service(s) in order to receive a free appropriate public education (FAPE) may be referred by a teacher, other certified school employee, parent/guardian or community agency to the Student Service Management Team (SSMT) for identification and evaluation of the students' individual education needs.

- B. The SSMT consist of persons knowledgeable about the student's individual needs, the meaning of the evaluation data, and options for accommodations. The district's Section 504 coordinator will monitor the composition of the SSMT to ensure that qualified personnel participate.
- C. The SSMT will promptly consider the referral and, based upon a review of the student's existing records, including academic, social, and behavioral records, make a decision as to whether further evaluation under this procedure is appropriate.

IV. Evaluation

Evaluation of the student and formation of an Individual Accommodation Plan or (IAP) will be carried out by the SSMT according to the following procedures.

- A. When a parent or other good faith person, makes a specific request for an SSMT meeting, evaluation for special accommodation, or any other provision of special aids or related services under Section 504, the District will, within 15 school days, take one of the following steps:
 - 1. Prepare a request for evaluation for the parent's signature; and
 - 2. If adequate evaluation data is available, schedule an SSMT meeting.

These procedures apply to all specific requests for SSMT meetings, evaluation, assessment, special accommodations, or related services, regardless of the specific phrasing of the request. The District may request that the parent put his or her request in writing, and will assist him or her in writing the request.

- B. The SSMT will evaluate the nature of the student's disability and the impact of the disability upon the student's education. This evaluation will include consideration of any behaviors that interfere with regular participation of a student who otherwise meets the criteria (such as age) for participation in the education program and/or activities. The evaluation will comply with the requirements set forth in 34 C.F.R. Sections 104.34(a) and (b).
- C. No final determination of whether the student will or will not be identified as an individual with a disability within the meaning of Section 504 will be made by the SSMT without first inviting the parent/guardian of the student to participate in a meeting concerning such determination.
- D. A final decision will be made by the SSMT in writing. The parents or guardian of the student will be notified of the Section 504 procedural safeguards available to them, including the right to an impartial hearing and review, as described in Section VII.

V. Individual Accommodation Plan

- A. For each student who has been identified as having a disability within the meaning of Section 504 and in need of special accommodations or related aids and services, the SSMT shall be responsible for determining what special accommodations and services are needed to ensure that the student receives a free, appropriate education.
- B. In making this determination of needed accommodations, the SSMT will consider all available relevant information, draw upon a variety of sources including but not limited to comprehensive assessments conducted by the school system's professional staff, pursuant to "34 C.F.R. Sections 104.35(a) and (b).
- C. The parent or guardian will be invited to participate in SSMT meetings where accommodations for the student will be determined, and will be given an opportunity to examine in advance all relevant records.
- D. The SSMT will develop a written Individual Accommodation Plan (IAP) describing the student's disability, necessary accommodations and adaptations, and any special aids or related services needed. The plan will specify how services will be provided and by whom.
- E. The team may also determine that no special accommodations or related services are appropriate. If so, the record of the SSMT proceedings will reflect the identification of the student as a person with a disability (if any) and state the basis for the decision that no special services are presently needed.
- F. In all cases, a student with a disability requiring related aids and services will be placed in the regular education environment of the school system with the use of the supplementary aids and services unless the school system demonstrates that such placement cannot be achieved satisfactorily. A student with a disability will be educated with non-disabled students to the maximum extent appropriate to the individual needs of the student.

The school district shall provide nonacademic services and activities to a student in a manner to afford a disabled student an equal opportunity for participation. Nonacademic and extracurricular services and activities may include counseling, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs

sponsored by the school, and employment of students, including both employment by the school system and assistance in making available out of the school employment.

The school may offer to students physical education or other athletic activities that are separate or different from those offered to non-disabled students if separation is consistent with Section 104.34 of the Federal Regulations otherwise the school shall ensure that disabled students will participate from non-disabled students in such activities and services to the maximum extent appropriate to the needs of the disabled student in question.

- G. The SSMT will notify the parents or guardian in writing of its final decision concerning the services provided.
- H. If a plan for providing related services is developed, all school personnel who work with the student will be informed of the Individual Accommodation Plan.

VI. Monitoring of Student Progress

The SSMT will monitor the progress of each student with a disability and the effectiveness of the student's individual accommodation plan annually and will provide for periodic reevaluations to determine whether the accommodations and adaptations, special aids and/or related services are appropriate to ensure the needs of the student are met as adequately as the needs of non-disabled students. Prior to any subsequent significant change in the educational program of a student with a disability, a reevaluation of the student's needs will be conducted by the SSMT. Identified 504 students must be reevaluated every three years to ensure appropriate accommodations for access to students' educational program.

VII. Procedural Safeguards

- A. The parents or guardian of each student with a disability who has an Individual Accommodation Plan will be notified in writing of all District decisions concerning the identification, evaluation, or educational placement of a student made under this policy.
- B. A meeting may be conducted without parental participation of the school is unable to convince the parents that they should attend; in this case the

school must have a record of its attempts to arrange a mutually agreed on time and place such as detailed records of telephone calls, copies of correspondence and records of visits to the parents' home or employment. The school should also attempt to hold a conference call to allow the parent to participate in the meeting. If the parent still refuses to participate in a meeting, the school must provide a copy of the plan to the parent at no charge.

- C. As to such District decisions, parents and guardians will have the right to an impartial hearing ("Section 504 due process hearing"), with the opportunity for participation by the parents or guardian and their counsel.
- D. The Madison County Schools will maintain a list of hearing officers who are qualified and willing to conduct Section 504 due process hearings. The list will include a statement of each hearing and review officer's qualifications. The school system will designate a hearing officer from the list in each case for which a hearing has been requested.
- E. Each hearing and review officer on the school systems list must be impartial, i.e., not employed by or under contract with the school system, in any capacity other than that of a hearing officer in the last three years, or by any cooperative program in which the school system participates, or by any other agency or organization that is directly involved in the diagnosis, education or care of the student. The local school system is responsible for paying the hearing officer and for all costs of the hearing except for legal costs incurred by other than the school system.
- F. In instances where a due process hearing has been held under the IDEA concerning issues relevant to the Section 504 proceeding, the Section 504 Hearing Officer shall, at the request of either party, accept into the record as evidence copies of the transcript of testimony and documents submitted in the due process hearing. The Hearing Officer shall then provide opportunity for the submission of additional evidence by the parties that is relevant to a determination of the issues under Section 504. The Section 504 Hearing Officer's jurisdiction shall be limited to Section 504 issues and shall not extend to a determination of eligibility for special education or special education assessment, services, or placement under IDEA.
- G. If both parents or guardians and the school system agree that the student is not eligible for special education under IDEA, neither party is required to exhaust administrative proceedings under the IDEA prior to the holding of a Section 504 due process hearing.
- H. The Section 504 Hearing Officer shall render a decision de novo pursuant

to the legal standards set forth in Section 504, 34 C.F.R part 104, and in court decisions interpreting those provisions. The parents or guardian shall be notified in writing of the decision. Either party may seek review of the decision of the Section 504 Hearing Officer by an impartial review officer.

- I. The parties shall abide by the decision of the Section 504 Hearing Officer unless the decision is appealed.

VIII. Time Frames

- A. The School System will adhere to the time frame of 45 school days regarding the identification, evaluation, and placement of each student is formally referred because of a disability, needs or is believed to need accommodations and adaptations, special aids, or related services under the School systems Section 504 Policy.
- B. The School System will adhere to the following time frames for due process hearings.
 1. A hearing will be scheduled not less than 15, nor more than 45 calendar days following receipt of a written request from the parent.
 2. The hearing officer will, not later than 30 calendar days after the hearing, do both of the following:
 - a. Reach a final decision regarding the hearing; and
 - b. Send a copy of the decision to each party.
 3. In the absence of an appeal, the decision of the hearing officer will be Implemented by the public agency within 15 school days of the agency's receipt of the decision.

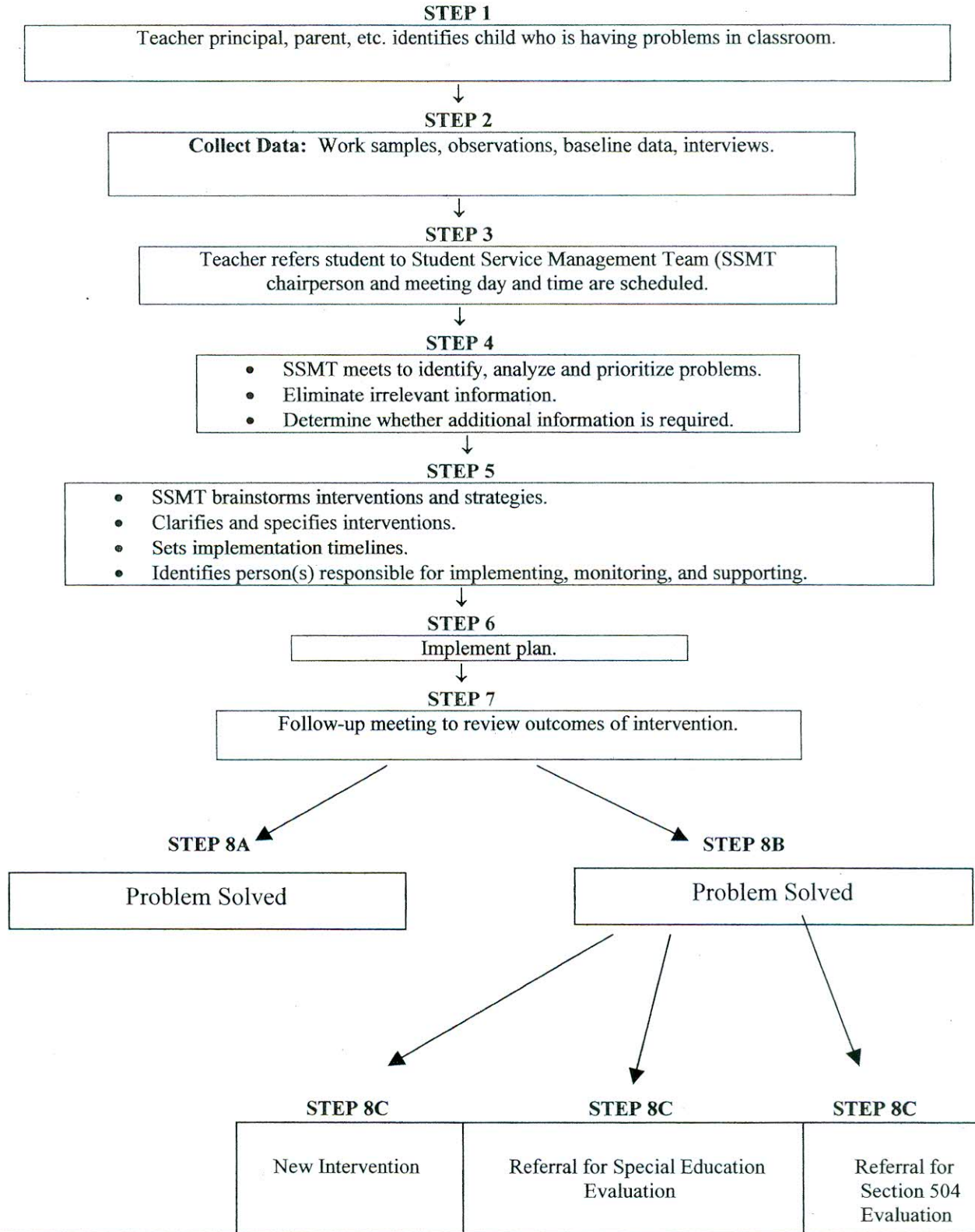
IX. Grievance Procedures

- A. A complaint may be filed alleging a specific violation of the expressed terms of this policy.
- B. The grievant is encouraged to discuss their specific concerns orally with the district section 504 coordinator before they put their concerns in writing.
- C. If the complaint is put in writing, it is to be signed by the grievant and also include the grievant's full name, address and contact (telephone) number.
- D. The Section 504 Coordinator will meet with the person who filed the written complaint and conduct a reasonable investigation of the facts and circumstances surrounding the complaint. A meeting date with the grievant will be established within 5 workdays of the receipt of the written complaint unless there are extenuating reasons.
- E. The grievant is to receive a written response (decision) from the Section 504 Coordinator including any action to be taken (if any) within fourteen (14) calendar days after the meeting held with the grievant.
- F. If the written response of the Section 504 Coordinator does not satisfy the grievant, then the decision can be appealed in writing to the Superintendent. The Superintendent may conduct additional investigation of the facts and circumstances surrounding the complaint.
- G. Upon receipt of a Section 504 complaint appeal, the Superintendent will issue his written decision to the grievant within fourteen (14) calendar days.

X. Appendices

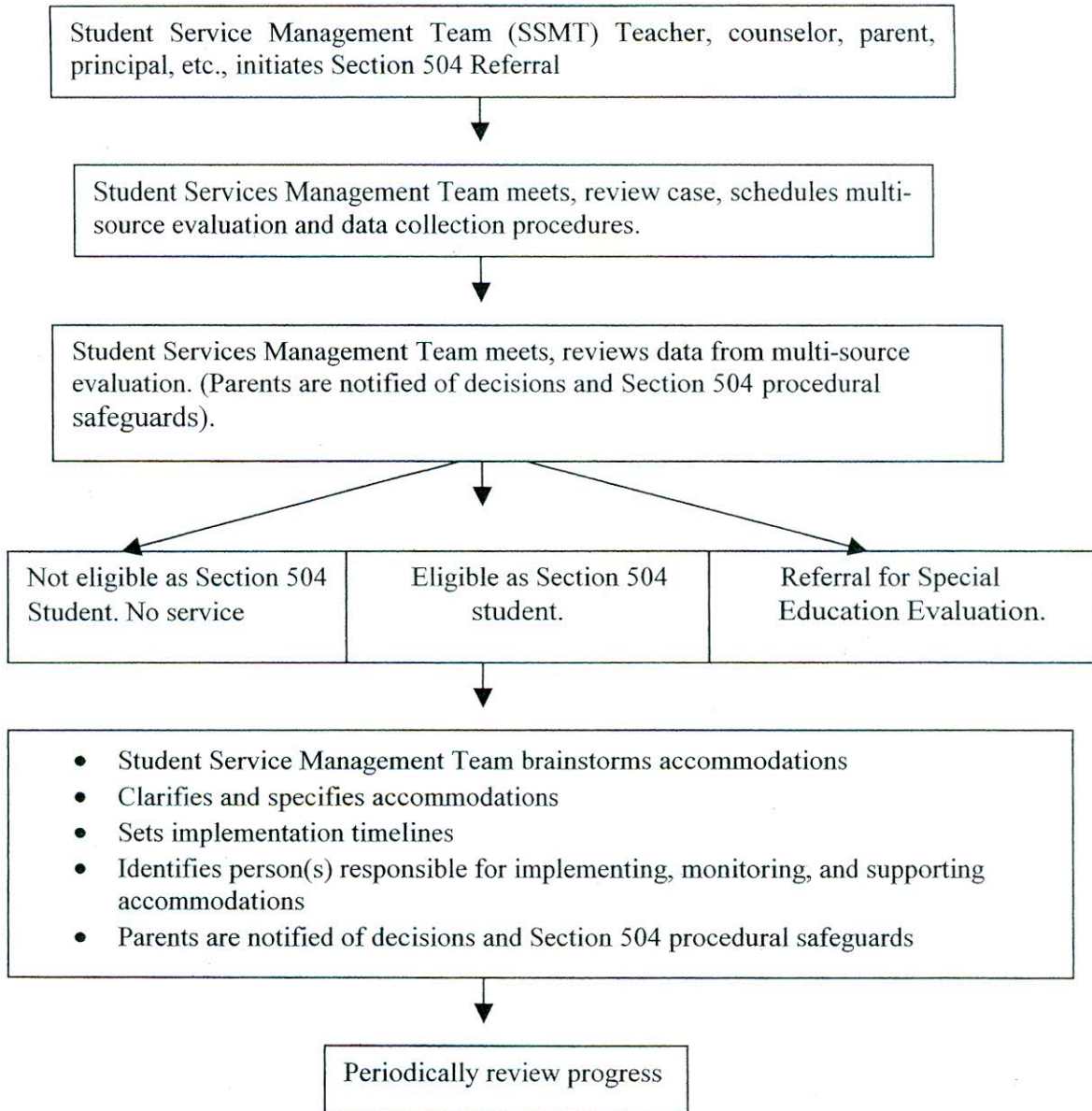
- A. Student Service Management Assistance Team Collaborative Log
- B. Section 504 Request/Referral for Evaluation/Accommodations
- C. Section 504 Individual Accommodation Plan Documentation Form
- D. Section 504 Parent Rights
- E. Section 504 of the Rehabilitation Act of 1973, Part D.

**MADISON COUNTY SCHOOLS DISTRICT
PRE-REFERRAL FLOW CHART FOR "AT RISK" STUDENTS**



Note: Pre-referral procedures such as described above, represent a less formal vehicle for serving students with special needs. Using pre-referral procedures can reduce the need for Section 504 services and Special Education services. Appropriate educational accommodations and services can often be made with relatively informal procedures and documentation using pre-referral strategies. These procedures are intended to block any necessary referrals for Special Education or Section 504. Referrals may go directly to a Section 504 Evaluation or a Special Education Evaluation.

**Madison County Schools
Section 504 Referral Flow Chart**



Note: Section 504 referral procedures, such as described above, represent the more formalized procedures required by Section 504 of the Rehabilitation Act of 1973. Section 504 regulations do not identify a specific format for referrals; however, each school district must develop formalized referral procedures in compliance with Section 504 regulations. Appropriate documentation is required when processing a Section 504 referral. Suggested guidelines and forms for documentation are provided.