



Rankin County School District Procedures and Training Manual

SECTION 504

OF THE

REHABILITATION ACT OF 1973

AND

AMERICANS WITH DISABILITIES ACT

PROCEDURES FOR STUDENTS

The mission of Rankin County School District is to bring everyone's strengths together. We will all intentionally focus on empowering our students to reach their maximum potential by embracing opportunities and challenges while cultivating a tradition of distinction and education.

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Section 504 Notice of Nondiscrimination

Applicants for admission and employment, students, parents, employees, sources of referral of applicants for admission and employment, organizations holding professional agreements with the Rankin County School District are hereby notified that this District does not discriminate on the basis of race, color, national origin, sex, age, or handicap in admission or access to, or treatment or employment in its programs and activities. Any person having inquiries concerning the District's compliance with the regulations implementing The Americans with Disabilities Act (ADA), or Section 504 is direction to contact

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SECTION 504 OF THE REHABILITATION ACT OF 1973

WHAT THE LAW SAYS:

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disabilities. The law states that no student with disabilities shall, solely by reason of a 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. No otherwise qualified individual with a disability in the United States, as defined in 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 or under any program or activity conducted by any Executive agency or by the United States Postal Service. 29 U.S.C. § 794.

RANKIN COUNTY SCHOOL DISTRICT PROCEDURES

INTRODUCTION

Section 504 of the Rehabilitation Act has been with us since 1973. For many years its main thrust has been in the area of employment for individuals with disabilities. However, within the last several years, the Office for Civil Rights (OCR), charged with enforcement of Section 504, has become pro-active in the field of education of students with disabilities. Advocacy organizations and the legal system likewise have increasingly focused on Section 504's requirements to ensure the education system provides students with a free appropriate public education through the provision of the full range of special accommodations and services necessary for students with special needs to participate in and benefit from public education programs and activities.

All individuals who are eligible under the Individuals with Disabilities Education Act (IDEA) are also protected under Section 504. However, all individuals who have been determined to be eligible under Section 504 may not be eligible under IDEA.

The students who have been determined eligible under Section 504 but not eligible under IDEA require a response from the regular education staff and curriculum. Section 504 protects from discrimination all students with disabilities, defined as those having any physical or mental impairment that substantially limits one or more major life activities. Some examples of possible disabilities under Section 504, which may not be IDEA eligible, include attention deficit disorder (ADD or ADHD), hemophilia, juvenile arthritis, epilepsy, diabetes, drug or alcohol dependency, AIDS, allergies (including food allergies), emotional/ behavioral difficulties, etc. These disabilities, while possibly not rising to the level of IDEA eligibility, may cause "access" issues for the student and should be addressed through an accommodation plan. (However, if the accommodations are such that you would make for any student, regardless of the presence of a disability, you may or may not determine the child to need 504 protections.)

The educational program of this District shall be equally accessible to all students at each grade level. All programs must be designed and scheduled so the location of the facility will not deny students with disabilities the opportunity to participate on the same basis as non-disabled student. This includes both academic programs and extracurricular programs, including athletics.

If standard accommodations/modifications provided by district personnel are sufficient, then the student may not be eligible for services under Section 504.

Students who are experiencing disability harassment may be protected under Section 504. Disability harassment occurs when a student with any type of disability (currently eligible or not currently eligible under Section 504) is harassed by another individual because of the student's disability. Schools must address this type of harassment by actively investigating complaints and being proactive in attempts to prevent it from occurring in future situations.

If a student is facing disciplinary action such as expulsion or out-of-school suspension, and the parent claims the student's actions are a result of a disability, the district must determine if it had knowledge that the student had a disability under 504 or IDEA prior to the behavior occurring. In this situation, the student's records must be reviewed to determine if there has been a request for an evaluation by the parent, if the teacher or other personnel have expressed concern about the behavior or performance of the child, or if the behavior or performance of the child has demonstrated the need for services.

In the case of a parent's claim regarding disciplinary action as a result of a child's disability, the district must initiate the process to determine eligibility for IDEA and/or Section 504. If the district did indeed have prior knowledge and appropriate services were not provided, disciplinary action may not be taken. Steps should begin immediately to conduct an evaluation to determine if the student is indeed eligible. If no prior knowledge is evident, however, the district may proceed with disciplinary action and conduct an evaluation in an expedited manner.

In summary, it is important to keep in mind that some students who have physical or mental conditions that limit their ability to access and participate in the educational program are entitled to protection under Section 504, even though they may not fall into IDEA categories. It is also important to realize that Section 504 is not an aspect of "special education." Rather, it is the responsibility of the comprehensive general public education system. As such, local superintendents and building administrators are responsible for its implementation within the school district.

The principal is responsible for working with the regular education teacher(s) to ensure the teacher:

- 1) Is aware of the requirements of the law
- 2) Makes appropriate accommodations in the instructional program and classroom environment to ensure that the student is given equal opportunity to participate in the educational objectives of his/her program. Examples of accommodations could include but are not limited to:
 - Reorganizing of the classroom
 - Preparing alternate lesson plans
 - Changing daily schedules
 - Rearranging the classroom/students

- Communicating with parents
- Planning alternate methods of instruction
- Providing positive behavioral interventions
- Administering medication

3) Understands the needs of the students and is knowledgeable of how to meet those needs through instruction.

DETERMINING ELIGIBILITY UNDER SECTION 504

Any student who needs or is believed to need special education or related services that are not available through existing programs in order to receive a free appropriate public education may be referred by a parent, teacher, or other certified school employee to the 504 Coordinator to begin the process for identification and evaluation of the student's individual education needs.

If the District has reason to believe that a student may be eligible under Section 504 as a result of a disability that is impacting the student's education, and that the student may be in need of special accommodations or related services in the regular education setting in order to participate in the school program, the district must first follow its procedures for a comprehensive evaluation for IDEA, including the requirement to implement the Three-Tier Intervention Process (see steps below). If the student is found ineligible for IDEA, then the student shall be considered for eligibility under 504. One exception to this rule is that the student may be considered for 504 without going through the Three-Tier Intervention process if chronic health problems exist (refer to section below), or if the school and parents agree that the student has a disability that would likely qualify the student for IDEA services and interventions would have little or no impact. Otherwise, the school must follow the Three-Tier Process as mandated by the Mississippi State Board of Education.

The above process also applies to a student who transfers to the District with a current 504 eligibility from either out-of-state or from another school district within the State. The District has a right to conduct its own evaluation and will take steps in a timely manner to determine if the student is a student with a disability who requires the provision of reasonable accommodations that cannot be accomplished without a 504 Plan. A meeting will be held with the parents and District personnel to determine what accommodations are needed during the pendency of the evaluation process.

Students currently engaged in the illegal use of drugs are not eligible for services under Section 504. This exemption does not apply to alcohol and does not include students who are participating in or who have completed a supervised drug rehabilitation program and are no longer using illegal drugs. Services should be terminated if it is later revealed that the student is a current user of illegal drugs.

A school district may take disciplinary action pertaining to the use or possession of drugs or alcohol against any student with a disability who currently is engaging in the illegal use of drugs or in the use of alcohol to the same extent that such action is taken against non-disabled students. Therefore, if a student eligible under Section 504 is caught using or possessing drugs or alcohol

on campus or at a school function, the school may discipline the student using the same procedures that apply to non-disabled students.

STEPS FOR EVALUATION

Step No. 1: Three Tier Model/Teacher Support Teams (TST) – Part 3: Chapter 41: Intervention (Previously State Board Policy 4300) adopted the 3-Tier Intervention Process. Tier 1 is quality classroom instruction based on Mississippi Curriculum Frameworks. Tier 2 is focused supplemental instruction, and Tier 3 is intensive interventions specifically designed to meet the individual needs of students.

Teachers use progress monitoring information to (a) determine if student is making adequate progress, (b) identify students as soon as they begin to fall behind, and (c) modify instruction early enough to ensure each and every student gains essential skills. Monitoring of student progress is an ongoing process that may be measured through informal classroom assessment, benchmark assessments and large-scale assessments.

If strategies at Tiers 1 are unsuccessful, students must be referred to the local TST committee. The TST committee is the problem-solving unit responsible for interventions developed at Tier 2 & 3. The chairperson of the TST shall be the school principal as the school's instructional leader or the principal's designee. The designee may not be an individual whose primary responsibility is special education. Interventions will be:

1. designed to address the deficit areas;
2. research based;
3. implemented as designed by the TST; and
4. supported by data regarding the effectiveness of interventions.

After a referral is made, the TST committee must develop and begin implementation of an intervention(s) within two weeks. No later than five weeks after implementation of the intervention(s) the TST must conduct a documented review of the interventions to determine success of the intervention. No later nine weeks after implementation of the intervention(s), a second review must be conducted to determine whether the intervention is successful. If the intervention(s) is determined to be unsuccessful, then the student will be referred for a comprehensive assessment to determine eligibility for IDEA.

In addition to failure to make adequate progress following Tiers 1 and 2, students will be referred to the TST for interventions as specified in guidelines developed by MDE if any of the following events occur.

1. Grades 1-3: A student has failed one (1) grade;
2. Grades 4-12: A student has failed two (2) grades;
3. A student failed either of the preceding two grades and has been suspended or expelled for more than twenty (20) days in the current school year

4. A student scores at the lowest on any part of the Grade 3 or Grade 7 statewide accountability assessment; or
5. A student is promoted from Grade 3 to Grade 4 under a good cause exemption of the Literacy-Based Promotion Act.

Referrals to the TST must be made within the first twenty (20) school days of a school year if the student meets any of the criteria 1-4 stated above.

Students who are thought to have a disability, either academic or behavioral, and meet the above criteria, may be referred to the school's TST committee by the student's teacher, parent, and/or administrator. The TST committee will assist the student by planning interventions for the student's teacher to implement to determine if the student can be successful in the regular classroom environment. This includes students who may be progressing from grade to grade. This process is the same as that mandated for use in the referral to placement process for IDEA.

Step No. 2: – Following the implementation of the three-tier intervention process, if the interventions implemented were not successful, the local TST committee may recommend that a student should be considered for a comprehensive evaluation for IDEA. The local committee may suggest that: 1) the interventions being implemented by the school continue; 2) further information is needed before a determination can be made; 3) the student remains in the regular education setting without an assessment or; 4) the student is referred to MET for consideration.

Step No. 3: Comprehensive Evaluation - If the MET determines that the student is in need of a comprehensive evaluation, all the necessary paperwork will be completed in order to conduct the evaluation. The evaluation should be conducted and a determination of eligibility for IDEA made within applicable timelines. (See IDEA 2004).

Step No. 4: IDEA Eligible – Following the comprehensive evaluation and eligibility determination meeting, if the student is found eligible for services under the IDEA, the student shall be offered services. Once the District finds a student to have a disability within the meaning of the IDEA and develops an IEP in accordance with the IDEA, parents cannot refuse to accept the IDEA services as specified therein and instead require the school district to develop an accommodation plan under Section 504. A rejection of the services offered under an IEP that complies with IDEA requirements amounts to a rejection of services under Section 504 as well.

Step No. 5: IDEA Ineligible – Following the comprehensive evaluation and eligibility determination meeting, if the student is found ineligible for services under IDEA the student should then be considered for services under Section 504. If the parents are in agreement to waive notice of requirements for the meeting and if additional members are available that are needed to comprise the 504 committee, the 504 eligibility determination may be made immediately following the IDEA eligibility team meeting. Procedural safeguards pursuant to Section 504 must be given and explained at that time. If the parent does not wish to go forward immediately or if all members of the team of knowledgeable about the child, the 504 committee will convene in a timely manner to review the evaluation and make a determination about eligibility for 504. Prior notice of the meeting and procedural safeguards must be provided to the parents.

The following data should be reviewed/considered by the 504 Committee: information provided by the student's teacher(s), cumulative record, standardized test results, samples of student's work, medical reports, teacher and parent checklists, results of the comprehensive evaluation if conducted, other test results from other professionals, school records from other states or districts, descriptions of interventions tried in regular class, response to interventions, and any other pertinent data. After review of the above data, the Committee will make a determination regarding eligibility for protections under Section 504.

The Office for Civil Rights has interpreted its regulations to require notice when a district declines to conduct an evaluation requested by the parents. (Attachment X in the State policies and procedures contains information that can be used for this purpose.)

CHRONIC HEALTH PROBLEMS

Long term/chronic health impairments (cancer, food allergies, epilepsy, heart disease, diabetes) that require accommodations/modifications beyond those normally available in the regular education environment should be referred to the 504 Coordinator so that a meeting can be arranged for 504 consideration. If the student is in need of services under IDEA (there is evidence that his/her disability adversely impacts his educational performance), the student should be referred to the Case Manager from the district. This student would not go through the school's intervention process because interventions would not change the status of the student's chronic impairment.

The District routinely provides appropriate modifications/adaptations for any student who experiences chronic medical problems such as arthritis, diabetes, epilepsy or cancer. In these situations, when the needs of a student are met with modifications that are routinely provided in the regular education setting to any student, regardless of the presence of a disability, it is not necessary to determine eligibility under Section 504 or IDEA. However, procedural safeguards, including the right to request an impartial hearing, are available for parents to utilize under both statutes when disagreements occur.

If a comprehensive evaluation was not conducted to determine that the student has a disability, there must be medical reports from physicians that indicate the disability.

When the 504 Coordinator is contacted regarding the need to consider protections under Section 504 for the student with chronic health problems, the 504 Coordinator will contact the school to schedule a meeting of the 504 Committee. The school's 504 Committee will determine whether a student has a physical or mental impairment that substantially limits one or more major life activities and how that impairment impacts the child's educational performance. The 504 Committee at the local school should consist of the principal or designee, counselor, student's teacher(s), parents (if possible), the District 504 Coordinator or assigned representative, and other school or district personnel with knowledge of the student.

The following information, if available, should be reviewed by the 504 Committee: information provided by the student's teacher(s), cumulative record, standardized test results, samples of student's work, medical reports, teacher and parent checklists, results of the comprehensive evaluation if conducted, other test results from other professionals, school

records from other states or districts, descriptions of interventions and responses tried in regular class and any other pertinent data.

PLAN FOR SERVICES

The 504 Accommodation Plan - Upon determination of eligibility under Section 504, a team of individuals who have knowledge regarding the child's needs as well as factors relating to the disability shall be responsible for determining what special services are required to provide the student with a free appropriate public education. In making this determination, the team shall consider all available relevant information including parent input and comprehensive assessments conducted by the District. The parent or guardian must be invited to attend any meetings where services for the student will be determined, and must be given an opportunity to examine all relevant records.

The District's team will notify the parents or guardian in writing of its decision concerning the services to be provided. In addition, all school personnel who work with the student must be informed of the plan.

If the local school's 504 Committee determines that a child is eligible under Section 504, an Accommodation Plan must be written and implemented. The plan should be designed for the provision of reasonable accommodations and modifications in order to meet the individual educational needs of the student with disabilities as adequately as the needs of a non-disabled child are met.

District personnel will monitor the progress of the student with disabilities regarding the effectiveness of the student's education plan to determine whether the services are appropriate or whether they continue to be necessary.

REEVALUATION

Periodic reevaluations of students eligible under Section 504 must occur. Although there is no specific time frame for conducting the reevaluation, it is suggested by the Office of Civil Rights that one should be conducted at least every three years in accordance with IDEA regulations.

A copy of the Notice of Parent and Student Rights must be given each time parents are notified that a 504 evaluation is to be conducted for their child.

PROCEDURAL SAFEGUARDS

The parents or guardian shall be notified in writing of all District decisions concerning the identification, evaluation, or educational placement of students eligible under Section 504. Procedural safeguards under Section 504 will be given at a minimum each time parents are notified that a 504 meeting or evaluation is to be conducted for their child and at any time there

is a disagreement between the parents and school personnel regarding identification, evaluation, placement, and/or the provision of services under Section 504.

DEFINITIONS

ACCOMMODATION

An accommodation alters the academic setting or environment and enables the student to accurately demonstrate what is known. Provisions are made so that a student can access information or demonstrate mastery of a standard.

DANGEROUS WEAPON

See IDEA definition

DISABILITY HARASSMENT

Disability harassment under Section 504 is intimidation, abusive behavior, or any conduct directed toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the school's program. Harassing conduct may take many forms, including verbal acts and name-calling, as well as nonverbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating.

HAS A RECORD OF SUCH AN IMPAIRMENT

Has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities. (34 C.F.R. Part 104.3)

INDIVIDUAL WITH DISABILITIES

Any individual who:

1. Has a physical or mental impairment that 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 an impairment. (29 U.S.C. §. 706 (8))

NOTE: Unless a student actually has a disabling condition, the mere fact that he/she has a "record" or is "regarded as" disabled is insufficient by itself to trigger 504's protections that require a free appropriate public education or reasonable accommodation.

INTERVENTION

An intervention consists of specific strategies and techniques to assist a student to acquire a specific skill and is considered part of the District's standard procedure to assist a student to improve his or her educational performance. If ongoing interventions are successful, there is no

need to refer a student for an evaluation under Section 504 or IDEA. When interventions do not provide for a student's educational progress, then a referral should be made for evaluation. Careful consideration should be given prior to providing substantial accommodations and modifications prior to formalizing the eligibility process.

IS REGARDED AS HAVING AN IMPAIRMENT

1. Has a physical or mental impairment that does not substantially limit major life activities but is treated by a recipient as constituting such a limitation;
2. Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or
3. Has none of the impairments defined but is treated by a recipient as having such an impairment. (34 C.F.R. Part 104.3)

LOCAL SURVEY COMMITTEE (LSC)

The Local Survey Committee is comprised of the student's teacher, a chairperson who has knowledge of the special education process, and other individuals who have knowledge of the regular education curriculum requirements for the grade level or subjects of the student under review. The LSC is one of the multidisciplinary teams involved in determining a student's individual educational needs.

MAJOR LIFE ACTIVITIES

Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. (34 C.F.R. Part 104.3).

MODIFICATION

A modification alters the work or activity required in some way that makes it different from the work required of other students in the same class or activity. Modifications change the expectation of what or how the student is to learn.

Some examples of modifications and accommodations are: use of tape recorders, use of calculators, "buddy system" for note taking, peer tutoring, subdivision of objectives, allowing extra time to work, classroom seating position, giving parents a set of texts, increase/decrease the opportunity for movement, provide for administration of medication, reduce stimuli, change teacher or teaching styles, address child's learning style, or special diet.

PHYSICAL OR MENTAL IMPAIRMENT

1. Any physiological disorder or condition, cosmetic disfigurement, 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.
2. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. (34 C.F.R. Part 104.3).

SUBSTANTIALLY LIMITS

An impairment is substantially limiting if it renders a student unable to perform a major life activity that the average student in the general population can perform. (29 C. F. R. § 1630.20 (1) (i)-(ii) (2001)). Decisions regarding whether a student has an impairment that substantially limits a major life function, must be made on a case-by-case basis. If the student has a disability but does not qualify for services under IDEA and is in need of substantial modifications and/or accommodations to the classroom or curriculum as a result of his/her disability, then the student may be entitled to services under Section 504. If standard modifications that are routinely provided in the regular education setting are sufficient, then the student may not be substantially limited by the impairment and may not qualify under Section 504.

TEACHER SUPPORT TEAM PROCESS (TST)

A team of people at the local school that consists of the student's teacher, the school counselor, and other school personnel, as needed, who writes interventions to help students referred with academic and/or behavioral difficulties.

**RANKIN COUNTY SCHOOL DISTRICT
NOTICE OF PARENT AND STUDENT RIGHTS
IN IDENTIFICATION, EVALUATION AND PLACEMENT
UNDER SECTION 504**

Under Section 504 of the Rehabilitation Act of 1973 you have a right to be informed by the school district of your rights under Section 504 of the Rehabilitation Act of 1973. The purpose of this notice is to advise you of those rights. The following is a description of the rights granted by federal law to student 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.

If your child is determined to be a child with a disability, he/she has the following rights:

1. You have a right to be informed by the school district of your rights under § 504.
2. Your child has the right to a free appropriate public education designed to meet his/her individual needs as adequately as the needs of nondisabled students are met.
3. Your child must be provided an equal opportunity to participate in nonacademic and extracurricular services and activities offered by the district to the same extent as nondisabled students.
4. Your child has the right to free educational services except for those fees that are imposed on nondisabled students or their parents.
5. Your child has a right to placement in the least restrictive environment.
6. Your child has a right to an evaluation prior to an initial placement and any subsequent significant change in placement.
7. Testing and other evaluation procedures must conform to the requirements of § 504 regarding test validity, proper method of administration and appropriate test selection. The district will consider information from a variety sources in making its determinations, including, for example: aptitude and achievement test, teacher recommendations, reports of physical condition, social and cultural background, adaptive behavior, student grades, progress reports, state wide testing results, and parent input.
8. Placement decisions regarding your child must be made by a group of persons knowledgeable about your child, the meaning of the evaluation data, the placement options, the requirement that to the maximum extent appropriate, disabled children should be educated with nondisabled children

and the requirement students with disabilities must have access to comparable facilities as nondisabled students.

9. If your child is eligible for services under § 504, periodic reevaluations will be conducted to determine if there has been a change in educational needs. Generally, a reevaluation will take place every three years.
10. You have the right to be notified by the district prior to any action regarding the identification, evaluation, or placement of your child.
11. You have the right to examine all relevant education records, relating to the decisions regarding your child's identification, evaluation, program, and placement. You also have the right to obtain copies of education records at reasonable cost unless the cost would deny you access to the records.
12. You have the right to request amendment of your child's record if you believe information contained in the record is inaccurate or misleading. If the school district refuses to amend the record, you will be notified of that decision within a reasonable time and you then have a right to request a hearing.
13. You have the right to an impartial hearing if you disagree with the district's actions regarding your child's identification, evaluation, or educational process hearing pursuant to the Individuals with Disabilities Education Act (IDEA), that part of the complaint will be set-aside until the conclusion of the due process hearing.
14. If an issue is raised in a 504 complaint that has previously been decided in a due process hearing pursuant to the IDEA involving the same parties, the due process hearing decision is binding on that issue.
15. The District shall publish its policy of nondiscrimination against persons with disabilities and shall inform parents of their rights under § 504.

SECTION 504 COMPLAINT/GRIEVANCE PROCEDURES

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against students with a disability in any program receiving Federal financial assistance. No discrimination against any student with a disability will knowingly be permitted in any of the programs and activities of the school district. To ensure the District's compliance with Section 504 as it applies to students with disabilities, the following procedures have been adopted:

1. If a student claims that he/she has been subjected to discrimination on the basis of his/her disability, in violation of Section 504 of the Rehabilitation Act of 1973, or if the District has reason to believe that a student has a disability requiring special instruction or related services and the student is ineligible for services under the IDEA, a team of people who are knowledgeable of the student's educational needs shall be convened to review and consider all pertinent information related to the suspected disability. This team should be a multi-disciplinary team including, where possible, the student's teachers, parents, principal or designee, and someone qualified to interpret test scores. Information such as grades, classroom documentation, comprehensive assessment data, and other relevant information should be examined. This meeting shall be convened within fifteen (15) calendar days after the District receives a written statement describing the specific discriminatory conduct or as soon after the date as practical when the District becomes aware of the student's disability requiring special instruction or related services.
2. The team described in paragraph #1 above shall determine (i) whether the student is disabled under Section 504, and (ii) whether that student, because of the disability, requires special instruction or related services. If the student meets both criteria, the team must determine what accommodations are required to allow the student an equal opportunity to participate and progress in school and school-related activities.
3. If the student's parents disagree with the District's conclusion and recommendations, the parents shall be informed of their right to ask for an impartial hearing to decide the matter. Hearing requests shall be made in writing to *Dr. Undray Scott, at 1220 Apple Park Place, Brandon, MS 39042* within five (5) calendar days of the District's conclusion and recommendations regarding accommodations. The request shall give specific reasons describing the discriminatory actions by the District and why the District's accommodations are not appropriate. The hearing request shall include a list of accommodations requested by the parents and an explanation of why such accommodations are appropriate, along with copies of any documents upon which the parents rely for support.

4. An impartial hearing shall be held within thirty (30) calendar days of receipt of the written request. The District shall obtain as a hearing officer an individual who is not an employee of the District and who is knowledgeable of Section 504. The District may agree with adjacent school district to obtain the services of that district's Section 504 Coordinator to serve as the hearing officer. The parent and student may take part in the hearing and have an attorney represent them at their own expense. The District also may be represented by counsel.
5. The hearing officer shall conduct the hearing so as to give the parents an opportunity to present evidence supporting their claim that their child has been subjected to discriminatory treatment in violation of Section 504. The District shall be given the opportunity to present evidence supporting its position with respect to the student. A tape recording of the hearing will be made by the District and a copy of the tape recording will be provided to the parents.
6. The impartial hearing will be conducted in an informal manner with the hearing officer directing the meeting and presentation of evidence.
7. The hearing officer shall make a decision within fifteen (15) calendar days after the conclusion of the hearing. The decision shall be given in writing to the District's 504 Coordinator and the parents.
8. The decision made by the hearing officer shall be final, except that any party aggrieved by the findings and decision shall have the right to file a civil action with respect to the issues of the due process hearing. Such action may be brought in any State court of competent jurisdiction or in a district court of the United States.
9. The District shall publish its policy of nondiscrimination against persons with disabilities and shall inform parents of their rights under Section 504.

Section 504 Eligibility Determination
RANKIN COUNTY SCHOOL DISTRICT

Name: _____ Date: _____

Date of Birth: _____ Age: _____

School: _____ Grade: _____

If a student with an impairment does not need accommodations/modifications beyond those normally made available to any student, then he or she is not entitled to have a 504 plan. If the student requires individually designed instruction due to the severity of his/her impairment, then the student should be referred under IDEA.

Indications of Difficulty in Learning/Behavior

The team should determine whether the student's learning is "substantially limited" as a result of the impairment by considering the following factors:

- | | | |
|------------|-----------|---|
| Yes | No | Does the student have excessive tardiness or absenteeism due to a physical or mental impairment? |
| Yes | No | If so, do those tardies/absences significantly interfere with the student's educational progress? |
| Yes | No | Has the student been retained one or more years or is the student two or more years older than students in the same grade? |
| Yes | No | Are the majority of the students grades unsatisfactory during the past two semesters? |
| Yes | No | Are there other factors not caused by the student's physical or mental impairment that may have caused the student's grades to decline? |
| Yes | No | Does the student consistently demonstrate a need for substantially more time to complete in-class assignments and/or homework assignments than that required by nondisabled students? |
| Yes | No | Does the student have significant difficulty staying on-task, |

organizing and completing school-related assignments or activities?

- Yes** **No** Have at least two interventions been attempted in the classroom?
- Yes** **No** If interventions have been attempted, does the student continue to have significant problems?
- Yes** **No** Does the student have a history of significant discipline problems that are due to other factors not caused by the student's physical or mental impairment?
- Yes** **No** Do behaviors exhibited in class frequently interfere with the student's educational progress?

For a student to qualify as having a disability under Section 504, at least one of the following questions must be answered "yes".

- Yes** **No** Does the student have a physical or mental impairment which substantially limits one or more major life activities?
- Yes** **No** *Does the student have a record of such an impairment?
- Yes** **No** *Is the student regarded as having such an impairment?
- Yes** **No** Does the student's impairment substantially limit the student's access to a free appropriate public education?

*These factors by themselves do not trigger 504's protections that require a free appropriate public education or reasonable accommodations.

If a comprehensive evaluation was not conducted to determine that the student has a disability, there must be medical reports from physicians supplied by the parent that indicate the disability.

Other Factors:

The team of people who are knowledgeable of the student's educational needs reviewed and considered the following information:

The team made the following recommendation: (Check appropriate statement.)

Eligible for services under Section 504

Not eligible for services under Section 504.

The above recommendation was based on:
