

WESTLAKE CITY SCHOOL DISTRICT

Section 504 Procedures:

Determining Eligibility and Services Under
Section 504 of the Rehabilitation Act of 1973

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WESTLAKE CITY SCHOOL DISTRICT POLICY OF NON-DISCRIMINATION NOTICE

The Board of Education of the Westlake City School District assures students, parents, applicants for employment, employees and citizens that it will not discriminate against any individual on the basis of disability. These guidelines comply with the Board's directive to establish a grievance procedure as a means of reaching, at the lowest possible administrative level, a fair and equitable settlement of differences and issues relating to alleged discrimination under Section 504 and the Americans with Disabilities Act (ADA). As directed by the Board, the Superintendent has established procedural safeguards for the identification, evaluation, and educational placement of students with disabilities.

Section 504 of the Rehabilitation Act of 1973 ("Section 504") prohibits discrimination against persons with a disability in any program receiving Federal financial assistance. The District's obligation, under Section 504, is to evaluate any student who, because of a disability, needs or is believed to need special education or related services. Disability is defined for purposes of eligibility for Section 504 placement and services as a physical or mental impairment which substantially limits one or more major life activities. A person with a disability is an otherwise qualified person who: *1. Has a physical or mental impairment, which substantially limits one or more major life activities; 2. Has a record of a physical or mental impairment which substantially limits one or more major life activities; or 3. Is regarded as having a physical or mental impairment, which substantially limits one or more major life activities.* Major life activities to be considered are not limited to learning, but include caring for one's self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working, as well as the operation of major bodily functions such as the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions, and this is not an exhaustive list. A student with food allergies may be eligible for evaluation and services under Section 504 if they meet the criteria stated above.

The Board of Education has specific responsibilities under Section 504, which include the responsibility to identify, evaluate, and, if the child is determined to be eligible under Section 504, to afford access to a F.A.P.E (*free and appropriate public education*) as defined by law. The Board of Education through the Superintendent has designated the Director of Student Services as the District's Compliance Officer to coordinate the District's efforts to comply with Section 504, the ADA and this Policy. A copy of the Rehabilitation Act of 1973 and Section 504's implementing regulations may be obtained from the District's Compliance Officer. The procedure for requesting a disability evaluation may be obtained from the Student Services Director at Westlake City School District, 24525 Hilliard Blvd., Westlake, Ohio 44145.

INTRODUCTION

Section 504 of the Rehabilitation Act of 1973 (Section 504) has critical implications for students, parents and professional educators. Section 504 is enforced by the U.S. Department of Education's Office for Civil Rights (OCR). OCR focuses on ensuring that school districts ensure that students with disabilities are not denied access to educational facilities, programs, and opportunities on the basis of their disability. School districts must provide general and special education and related aids and services to students with disabilities so that they may participate in, and benefit from, public education programs and activities. This is done primarily through a Section 504 plan that is developed for the student.

As described more fully in these Guidelines, students suspected of having a disability under Section 504 are evaluated by a team of individuals. After assessing the student, a team which includes the student's parent, meets to determine if the student is eligible under Section 504. If the student is eligible, and needs regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of non-disabled students, the team develops a Section 504 plan.

This program guide includes an explanation of Section 504 and its procedural requirements, information, guidelines, procedures, notices, and forms, to achieve compliance with Section 504 with respect to the education of the District's students, in a manner consistent with the District's non-discrimination policies. If you have questions about Section 504, please call the building principal or the Director of Student Services who serves as the District's Section 504 Compliance Officer.

Although Section 504 also applies to employment and facility access by individuals with disabilities, this manual only addresses student issues under Section 504.

WESTLAKE CITY SCHOOL DISTRICT

GUIDE TO SECTION 504

WHAT IS SECTION 504?

Section 504 is the section of the Rehabilitation Act of 1973, Public Law (P.L.) 93-112, which applies to persons with disabilities. It is a civil rights law that is designed to provide equal access to the school environment and programs operated by the district for individuals with disabilities. Section 504 prohibits organizations which receive federal funds from discriminating against otherwise qualified individuals solely on the basis of disability.

Section 504 requires school districts to afford children with disabilities access to appropriate educational services. School districts must provide regular or special education and related aids and services designed to meet the individual educational needs of students with disabilities as adequately as the needs of students without disabilities. Schools must provide students with disabilities FAPE; a free appropriate public education, giving them access to the district's programs and services to the same extent as their non-disabled peers. Section 504 is enforced by the U.S. Department of Education, Office for Civil Rights (OCR).

HOW DOES SECTION 504 DEFINE "DISABILITY"?¹

A person is considered as having a "disability" if he/she has; (i) a physical or mental impairment which substantially limits one or more major life activities, (ii) a record of such an impairment, or (iii) is regarded as having such an impairment? *(Students who have a "record of" an impairment or are "regarded as" having an impairment are students with a disability BUT MAY NOT qualify to receive regular or special education and related aids and services, but are still afforded protection against discrimination under Section 504).* Impairment is considered any physiological condition that affects a bodily system, or any mental or psychological disorder.

WHAT DOES "SUBSTANTIALLY LIMIT" MEAN?

A student who has a physical or mental impairment that substantially limits a major life activity is considered a student with a "disability" under Section 504. Section 504 does not provide a definition for the term "substantially limit". As a result, the decision whether a condition creates a substantial limitation is made on a case-by-case basis by a team of individuals with knowledge

¹ Within this document, the terms handicap and disability are used interchangeably. Section 504 utilizes the term handicap while the IDEA uses the term disability as the accepted term for identifying an individual protected by either Section 504 or the IDEA is "student with a disability" this term will also be used.

of the student, including the student's parents. The term "substantially limits" is not necessarily synonymous with "unable to perform" or "significantly restricted in" a major life activity.

If a student has an impairment that is episodic in nature or is in remission, the student is eligible if the impairment, when active substantially limits one or more major life activity. A temporary impairment does not constitute a disability for purposes of Section 504 unless it is of such severity that it results in a substantial limitation of one or more major life activities for an extended period of time. This determination is to be made on a case-by-case basis.

Except for ordinary eye glasses or contact lenses, the ameliorative effects of mitigating measures may not be considered when assessing whether a student has an impairment that substantially limits a major life activity. "Mitigating measures" include, but are not limited to: medication, medical supplies, equipment or appliances; low-vision devices (devices that magnify, enhance, or otherwise augment a visual image); prosthetics including limbs and devices); hearing aids and cochlear implants or other implantable hearing devices; mobility devices; oxygen therapy equipment and supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; and learned behavioral or adaptive neurological modifications.

WHAT IS A MAJOR LIFE ACTIVITY?

A student is protected from all forms of discrimination and is eligible under Section 504 if the student has an impairment that substantially limits one or more major life activities, including, but not limited to, learning. Major life activities include such things as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, breathing, learning, reading, concentrating, thinking, communicating and working.

Major life activities also include the operation of major bodily functions, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder neurological, brain, respiratory, circulator, endocrine, and reproductive functions. The above list is non exhaustive, an activity or function not found on the list may nonetheless be a major life activity.

HOW IS A STUDENT REFERRED FOR INITIAL EVALUATION?

There are several important steps in the Section 504 process including; referral, evaluation, and eligibility determination, development of the plan, review, and reevaluation.

A student who, because of a suspected disability, is believed to need services under Section 504 is typically referred for a Section 504 evaluation by a parent, guardian, teacher, or other certified school employee, the student if 18 years of age or older, or other concerned adult individual.

The District must respond to referrals and complete evaluations in a timely manner, (complete evaluation process within 60 days of receipt of the request), the team initially meets to determine if the district will either agree or refuse to evaluate, and provide notice of refusal or request consent for evaluation. Once the District has received parent consent to evaluate, the District may begin the evaluation process. If a parent refuses to consent to an initial evaluation, the District may, but is not required to, use due process hearing procedures to seek to override the parent's refusal to consent to the evaluation. Additionally, if a parent refuses to consent to an evaluation that is necessary for determination of eligibility, the 504 Team may determine that the student is not eligible under Section 504, and therefore does not receive the protection of Section 504

The evaluation is the starting point for determining whether a student is an eligible student under Section 504. The district is required to conduct an evaluation before providing Section 504 services. 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, the meaning of evaluation data, and the placement options, i.e., the Section 504 team. Information obtained through the evaluation process must be documented and all significant factors must be considered. The District may, but is not required to, use the same evaluation process used to evaluate students under the IDEA.

WHAT HAPPENS AFTER AN EVALUATION?

After a student has been evaluated, a team of educators and the student's parent(s) meet to determine whether or not the student is eligible for accommodations under Section 504. In other words, the team meets to determine whether the student has a physical or mental impairment that substantially limits one or more of his/her major life activities. In making this decision, the team must consider the student without regard to the ameliorative effects of mitigating measures such as: the use of medication; assistive technology; reasonable accommodations or auxiliary aides or services; or learned behavioral or adaptive neurological modifications.

If the team determines that the student does not have a substantial limitation of a major life activity, procedural safeguards will be provided to the parents, and no further action is taken. If the team determines that there is a substantial limitation of a major life activity, in other words, that the student is eligible under Section 504 and requires regular or special education and related aids and services, a Section 504 Plan is developed. The Section 504 Plan is a written plan that lists the accommodations the student will receive and which staff members from the district will be responsible for providing the accommodations. If the team determines that the student is eligible under Section 504 but does not require general or special education and related aids or services, no plan is needed, but the student is regarded by the District as a student with a disability. Section 504 protects students from discrimination who have a record of an impairment or who are regarded as impaired. A student is "regarded as" having an impairment if the District perceives the student as impaired. The District shall not treat students differently based upon a

record that shows that the student was disabled in the past, or based upon an assumption or perception of disability.

Absent extenuating circumstances, the District's evaluation and the development of a Section 504 Plan, if necessary, should be completed in a timely manner, following the District's receipt of the parent's consent to evaluate. If an extension of time is required, the parent must be notified in writing of the extension, the reason for the extension, and the expected date of completion of the process.

WHAT ARE "APPROPRIATE EDUCATIONAL SERVICES"?

To be appropriate, such services must be designed to meet the individual educational needs of students with disabilities as adequately or to the same extent as the needs of students without disabilities are met. An appropriate education could consist of education in regular classes, education in regular classes with the use of supplementary services, or special education and related services. Special education may include specially designed instruction in classrooms, at home, or in a private or public institutions and may be accompanied by related services as developmental, corrective, and other supportive services (including psychological, counseling, and medical diagnostic services).

A student may be eligible for a Section 504 plan if the student does not require educational services but does require modifications to District policies or health services in order to participate in District programs and activities.

WHAT IF THERE IS DISAGREEMENT?

If the members of the team from the district and the student's parents do not agree about either the student's eligibility under Section 504 or with the accommodations included in the Section 504 plan, the district will provide the parent with written notice that documents the disagreement. The district will also provide information on the procedural safeguards available to the parent/student. The parent will then decide whether he/she wishes to challenge the district's decision using the available procedural safeguards (*i.e.*, due process complaint, OCR complaint, *etc.*).

In the event you disagree with the district's actions regarding your child's eligibility, accommodations or provision of a FAPE, you are encouraged to discuss the issue with the district's Section 504 Compliance Officer in an effort to resolve the problem. Board Policy 2260.01 outlines the District's Internal Complaint Procedures. If the matter is not resolved to your satisfaction by the District's Section 504 Compliance Officer, you may submit a written request for a case review with the district's superintendent. The Superintendent will schedule a case review within ten (10) school days of receiving the request. You may be represented by an attorney or advocate during the case review before the superintendent.

A parent who disagrees with the identification, evaluation, placement, or the provision of a F.A.P.E of a student with a disability under Section 504 has the right to request an impartial due process hearing. Request for a Section 504 due process hearing must be made in writing to the District's Section 504 coordinator. Upon receipt of such a request, the necessary arrangements will be made by the District, including the selection of a hearing officer. A person who is an employee of the District, or any person having a personal or professional interest which would conflict with his/her objectivity in the hearing, may not be appointed as a hearing officer. For further clarification please see Board Policy IGBA-R.

Any person who believes they have been discriminated against by the District on the basis of disability or believes the District otherwise violated Section 504 and/or Title II of the Americans with Disabilities Act of 1990 has the right to file a complaint through the District's grievance procedure.

A person may file a complaint with the Office for Civil Rights (*OCR: Office for Civil Rights, U.S. Department of Education, 600 Superior Ave. East, Suite 750, Cleveland, OH 44114-2611*) if he/she does not wish to use the District's grievance procedure. A discrimination complaint may be filed with OCR at any time. Additionally, if a person is dissatisfied with the district's resolution of a complaint, that complaint may be filed with OCR within 60 days of the District's resolution.

DISCIPLINE AND 504 STUDENTS

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 that constitutes a significant change in placement. Similar to suspension or expulsion of a student with a disability under IDEA, it is necessary to conduct a manifestation determination for a Section 504 student when:

- The suspension or expulsion will be for more than 10 consecutive school days; or
- The student has been subjected to a series of suspension that total more than 10 school days in a school year and a pattern of exclusion exists. Whether a series of suspension creates a pattern of exclusion is determined on a case-by-case basis taking into account the following factors; the length of each suspension, the proximity of the suspensions to one another, the similarity of the behavior that resulted in the removals and the total amount of time the student is excluded from school.

If either of the situations above applies, then the District is required to conduct a manifestation determination before any significant change in the student's placement may occur. The manifestation determination should be conducted within 10 school days of the decision to change the student's placement. The parent must be invited to participate in the meeting and be provided a copy of the Section 504 Notice of Procedural Safeguards. The purpose of the manifestation determination is to review whether the student's misconduct was caused by, or had a direct and substantial relationship to the student's disability; or whether the conduct was a direct result of the District's failure to implement the student's Section 504 Plan.

This determination should be made by a group of persons knowledgeable about the student, the meaning of evaluation data, placement options, the student's Section 504 Plan, and the disciplinary incident. In making its determination, the Section 504 Team must review all relevant information in the student's file, the student's Section 504 Plan, and any teacher observations of the student, and relevant information provided by the parent.

If the Section 504 Team concludes that the student's conduct is a manifestation of the student's disability, the student must remain in (or be returned to) his/her current educational placement unless the parent and the district agree to change the student's placement. If the 504 Team concludes that the student's conduct is not a manifestation of the student's disability, the District may apply the relevant disciplinary procedures applicable to all students. Unlike the IDEA, there is no requirement to provide a student whose conduct is not a manifestation of the student's disability education services during a disciplinary change in placement unless services are provided to similarly-situated non-disabled students.

Section 504 allows a student to be disciplined, without going through the manifestation determination review process, when the infraction results from the student's current illegal use of drugs or alcohol in violation of the code of Student Conduct. In the case of a Section 504 student who carries or possesses a weapon to or at school, on school premises, or at or at a school function, the District may place the student in an interim alternative educational setting for up to 45 school days if a student without a disability would be similarly disciplined. The Section 504 Team must meet to develop the interim alternate educational setting after evaluating the student as described previously. The interim alternate educational setting must be educationally appropriate and the services provided must enable the student to continue to progress in the general curriculum. The interim alternate educational setting must also address the behavior prompting the disciplinary action.

WESTLAKE CITY SCHOOL DISTRICT

GUIDELINES FOR DETERMINING SERVICE ELIGIBILITY

SECTION 504 EVALUATION PROCESS

When a referral is made because a student is suspected of having a disability that may qualify under Section 504, a building level team will start the referral process.

1. A student who, because of a suspected disability, is believed to need services under Section 504 is typically referred for a Section 504 evaluation by a parent, guardian, teacher, or other certified school employee, the student (if 18 years of age or older), or other concerned adult individual.
 - The referral should be reduced to writing. (Form: Referral for Eligibility/Services)
 - The parent should be provided written notice of the referral, and be asked to provide written consent to a Section 504 evaluation (Forms: Written Notice to Parents & Request for Consent to Evaluate to Determine Eligibility)
 - The parent should be provided with a copy of “Section 504 Notice of Procedural Safeguards” (Notice: Parent/child Rights and Procedural Safeguards)
2. Once the District has received parent consent to evaluate, the District may begin the evaluation process. If a parent refuses to consent to an initial evaluation, the District may, but is not required to, use due process hearing procedures to seek to override the parent’s refusal to consent to the evaluation. Additionally, if a parent refuses to consent to an evaluation that is necessary for determination of eligibility, the 504 Team may determine that the student is not eligible under Section 504
3. If the district refuses to evaluate in response to a parent request, Procedural Safeguards, *PARENT/STUDENT RIGHTS IN IDENTIFICATION, EVALUATION AND PLACEMENT*, will be provided to the parents.
4. If consent is provided, the student will be evaluated. The evaluation may include the administration of standardized assessments, observations, review of educational records, review of response to interventions, etc. The district may also ask that the parent provide information from the child’s physician depending on the nature of the suspected disability. 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, the meaning of evaluation data, and the placement options, i.e., the Section 504 team. Information obtained through the evaluation process must be documented and all significant factors must be considered. The District may, but is not required to, use the same evaluation process used to evaluate students under the IDEA.
5. When the evaluation is completed, the team (including the parents) will meet to review the data and assessments to determine whether the child is eligible under Section 504. To be eligible under Section 504, the child must have a physical or mental impairment that substantially limits one or more of his/her major life activities (see above for definition).
6. If there is not a substantial impairment of a major life activity, the student will not be eligible for accommodations under a Section 504 plan. The student may continue to receive interventions through the IAT process. Procedural Safeguards will be provided to the parents.

7. If there is a substantial impairment of a major life activity and related aids and services in the school setting are necessary to allow the child equal access to the curriculum, a Section 504 Plan listing the necessary aids and services will be developed. This plan will be developed by district staff members in conjunction with the student's parents. Procedural Safeguards will be provided to the parents.
8. If the team determines that the student is eligible under Section 504 plan but does not require general or special education and related aids or services, no plan is needed, but the student is regarded by the District as a student with a disability. Section 504 protects students from discrimination who have a record of an impairment or who are regarded as impaired. A student is "regarded as" having an impairment if the District perceives the student as impaired. The District shall not treat students differently based upon a record that shows that the student was disabled in the past, or based upon an assumption or perception of disability. Procedural Safeguards will be provided to the parents.
9. A copy of the student's Section 504 Plan will be provided to the student's teachers and other staff members who are responsible for the implementation of the plan. A copy will also be provided to the student's parents. The original signed Section 504 plan will be maintained in the student's file.
10. If there is disagreement between the parent and the district at any point in this process (e.g., eligibility, contents of Section 504 Plan, etc.), the district will send written documentation of the disagreement to the parent and provide the parent with a copy of their procedural safeguards.
11. The student's Section 504 Plan will be reviewed and revised (if necessary) on an annual basis. Parents must have an opportunity to have input during the review, and if unable to have a face to face meeting, they must be afforded to opportunity to provide input via phone, email, or on a copy mailed to them for review and/or comment.
12. The Section 504 Team must review the student's continued eligibility at least every three (3) years, or sooner if the Section 504 Team believes necessary. A reevaluation is also required before a significant change in the student's placement.

WESTLAKE CITY SCHOOL DISTRICT
SECTION 504 PARENT/CHILD RIGHTS AND PROCEDURAL SAFEGUARDS

The following is a list of procedural safeguards outlining the rights granted to students with disabilities under Section 504 of the Rehabilitation Act of 1973 and their parents.

1. Your child has a right to take part in and receive benefits from public education programs without discrimination based on a disability.
2. You have the right to receive written notice prior to any action by the district in regard to the identification, evaluation, or placement of your child.
3. Your child has a right to an evaluation prior to the development of an initial Section 504 plan and any subsequent significant change in placement. Your child is eligible for a free appropriate public education under Section 504 of The Rehabilitation Act of 1973 if the Section 504 Team determines that your child has a physical or mental impairment that substantially limits one or more major life activities, including the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of the student as adequately as the needs of students without disabilities are met and that are based upon adherence to Section 504's procedural requirements. Major life activities include, but are not limited to, caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating, working, and learning, or 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, or endocrine functions.
4. The district shall consider information from a variety of sources, including (as appropriate) but not limited to aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, adaptive behavior, medical reports, student grades, progress reports, parent observations, anecdotal reports, and test scores when making eligibility, educational, and placement decisions under Section 504.
5. Eligibility decisions must be made by a group of persons knowledgeable about your child, the meaning of the evaluation data, and the placement options.
6. If eligible as disabled under Section 504, your child has a right to periodic reevaluations, generally every three years, before your child's placement is terminated or significantly changed, and if otherwise determined to be necessary.
7. Your child has the right to a free appropriate public education ("FAPE"), meaning the provision of regular or special education and related aids and services without cost to the person with a disability or his or her parents or guardians except for those fees that are imposed equally on non-disabled students or their parents.
8. Your child has a right to access facilities, services, and activities that are comparable to those provided for non-disabled students.
9. You have the right to examine educational records of your child and obtain copies at a reasonable cost.
10. With respect to actions regarding the identification, evaluation, or educational placement of your child under Section 504, you have the right to notice, an opportunity to examine relevant

records, an impartial hearing with opportunity for participation by you and representation by counsel, and a review procedure.

11. If you wish to challenge the actions of the district's Section 504 Team in regard to your child's identification, evaluation, or educational placement, you may contact the district's Section 504 Coordinator at Westlake City School District, 24525 Hilliard Boulevard, Westlake, Ohio 44145, within 10 calendar days from the time you received written notice of the Section 504 Team's action(s). A hearing will be scheduled before an impartial hearing officer selected and appointed by the district and you will be notified in writing of the date, time, and place for the hearing.
12. If you disagree with the decision of the impartial hearing officer appointed by the district, you have a right to a review of that decision by a court of competent jurisdiction.
13. If you feel that you have been discriminated against by a student, staff member, or employee of the Westlake City School District, you may file a grievance with the District 504 Compliance Officer at Westlake City School District, 24525 Hilliard Boulevard, Westlake, Ohio 44145.
14. You have a right to file a complaint with the United States Department of Education Office for Civil Rights (OCR) at any time. OCR may be contacted at 600 Superior Avenue, East, Suite 750, Cleveland, Ohio 44114-2611.

WESTLAKE CITY SCHOOL DISTRICT
SECTION 504 INTERNAL REFERRAL PROCEDURES

The principal/designee shall ensure that Section 504 referral forms are available in the main office. If a parent or school staff member suspects that a child may have a disability and may be entitled to the provision of regular or special education and related aids and services that are designed to meet individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met and/or services under Section 504, the principal/designee shall follow these procedures.

	<u>REFERRAL AND EVALUATION PROCEDURE</u>	<i>PERSON RESPONSIBLE</i>	FORM(S)
1	<p><u>INITIAL REFERRAL FOR SECTION 504 EVALUATION</u></p> <p>(PARENT REFERRALS)</p> <p>A Parent may <i>verbally</i> or <i>in writing</i> request a Section 504 evaluation to their child’s teacher, principal/designee, school counselor, social worker, and nurse or school psychologist.²</p> <ul style="list-style-type: none"> • Parent must fill out a “<i>Referral for Service Form</i>”. Upon completion, the form must be given directly to the principal/assistant principal. The parent can obtain the Referral for Service form from the building principal or school counselor. The completed referral form should be sent/given to the building principal. • If parent requires assistance, a staff member shall assist the parent in filling out the referral form, whether or not the staff member agrees with the grounds for the referral. 	<p>Parent</p> <p>Parent/Principal</p> <p>Teacher, principal/ designee</p> <p>Principal/ designee</p>	
	<p>(STAFF REFERRALS)</p> <p>When a staff member has a concern about a student and possible eligibility under Section 504, then the staff member will complete the Referral for Services form and submit it to the principal. An Intervention Assistance Team (IAT) meeting will be scheduled and the parent/guardian invited to attend to discuss the concerns.</p> <p>The parent/guardian must be notified of the referral.</p>	<p>Principal/ designee, Staff member</p>	<p>Section 504 Referral for Services</p>
	<u>POST REFERRAL</u>	<i>PERSON RESPONSIBLE</i>	FORM(S)
2.	<p>The principal signs and dates the completed referral. Copies of the referral are made and forwarded to the following:</p> <ol style="list-style-type: none"> 1. parent 2. school psychologist 3. counselor 4. principal’s Section 504 file 5. the original shall be forwarded to the Section 504 Compliance Officer. 	<p>Principal</p>	<p>Completed Section 504 Referral for Services</p>

² For purposes of these Section 504 procedures, the term “parent” includes natural and adoptive parents, surrogate parents, legal guardians or anyone acting as a parent with whom the child resides.

	<u>INITIAL SUSPECTING OF A DISABILITY</u>	<i>PERSON RESPONSIBLE</i>	FORM(S)
3.	<p>The District must respond to referrals and complete evaluations in a timely manner, (<i>complete evaluation process within 60 days of receipt of the request</i>), the team initially meets to determine if the district will either agree or refuse to evaluate, and provide notice of refusal or request consent for evaluation. The school counselor or other designated person assigned as the 504 Case Manager, provides the parent/guardian the Section 504 Meeting Notice to Parents and the Section 504 Procedural Safeguards.</p> <p>During this meeting an initial decision shall be made whether the school initially suspects that the child has a present disabling condition that substantially limits a major life activity. If the district does not suspect a disability under Section 504 then the school provides the parent written notice of their decision by providing the Section 504 Notice to Parents.</p> <p>If the school suspects that the child may be qualified under Section 504, the parent must be provide consent for an evaluation (Request for Consent to Evaluate to Determine Eligibility under Section 504). If the parent consents, the Section 504 Team must complete the student’s Section 504 evaluation within thirty (30) days of receipt of the consent. If the parent does not consent, a Section 504 Notice to Parents must be sent indicating that the District was prepared to evaluate the student but cannot proceed due to lack of parental consent. The Section 504 Procedural Safeguards Notice must also be sent.</p>	School Counselor and/or designated 504 case manager	<ol style="list-style-type: none"> 1. Section 504 Meeting Notice to Parents w/504 Procedural Safeguards; 2. Written Notice (if parent declines or district does not believe evaluation is warranted); 3. Request for Consent to Evaluate to Determine Eligibility under Section 504;
	<u>EVALUATION</u>	<i>PERSON RESPONSIBLE</i>	FORM(S)
4.	<p>When the evaluation is complete, the parent shall be notified in writing of the date, time and place of the Section 504 team meeting that will be held to discuss the evaluation and determine eligibility (Section 504 Meeting Notice to Parents). The Section 504 Team shall make efforts to include the parent and at least one of the child’s general education teacher(s) and related service personnel (if applicable). If the parent is unable to attend, the school will use alternative means to obtain the parent’s input prior to making a final eligibility decision.</p>	Principal/ designee	<ol style="list-style-type: none"> 1. Section 504 Meeting Notice to Parents ; 2. 504 Procedural Safeguards
5	<p>The Section 504 Team will convene and consider all pertinent data including medical reports, educational records, response to intervention, teacher data, physical condition, social or cultural background, adaptive behavior, and standardized assessments. The team will consider and determine if the child has a mental or physical impairment that substantially limits one of</p>		<ol style="list-style-type: none"> 1. Section 504 Eligibility Determination; 2. Section 504 Written Notice to Parents (if disagreement)

	<p>more of the major life activities (such as, but not limited to, walking, seeing, hearing, breathing, speaking, learning, caring for oneself, performing manual tasks, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating, and/or working, or 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, and endocrine functions).</p> <p>If the Section 504 Team determines that the child does not have a mental or physical impairment that substantially limits a major life activity then the child is not determined to have a disability and the school is not obligated to develop an accommodation plan. A Section 504 Notice to Parent, including Section 504 Procedural Safeguards, must be given to the parent that fully explains this decision.</p>		
	<u>INDIVIDUAL PLAN FOR RELATED AIDS AND/OR SERVICES</u>	<i>PERSON RESPONSIBLE</i>	FORM(S)
6.	<p>The Section 504 Team will convene and consider all pertinent data including medical reports, educational records, response to intervention, teacher data, physical condition, social or cultural background, adaptive behavior, and standardized assessments. The team will consider and determine if the child has a mental or physical impairment that substantially limits one of more of the major life activities (such as, but not limited to, walking, seeing, hearing, breathing, speaking, learning, caring for oneself, performing manual tasks, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating, and/or working, or 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, and endocrine functions).</p> <p>If the Section 504 Team determines that the child does not have a mental or physical impairment that substantially limits a major life activity then the child is not determined to have a disability and the school is not obligated to develop an accommodation plan. A Section 504 Notice to Parent, including Section 504 Procedural Safeguards, must be given to the parent that fully explains this decision.</p>	Principal/ designee	Section 504 Evaluation and Services/Accommodation Plan
7.	<p>Within three (3) school days of the Section 504 evaluation meeting, the principal/designee shall make copies of the Section 504 Evaluation and forward a copy of the evaluation to:</p> <ol style="list-style-type: none"> 1. parent (the parent should also be provided notice of procedural safeguards) 2. the child's general education teacher(s) 	Principal/ designee	Section 504 Evaluation and Services/Accommodation Plan

	<ol style="list-style-type: none"> 3. school psychologist and/or related service personnel (if applicable) 4. principal/designee's Section 504 file 5. the ORIGINAL shall be forwarded to the Section 504 Compliance Officer. <p>If the service/accommodation plan is developed at a meeting separate from the evaluation meeting, within 3 school days of the meeting the principal/designee shall make copies of the Service/ Accommodation Plan and forward a copy of the plan to:</p> <ol style="list-style-type: none"> 1. parent 2. the child's general education teacher(s) 3. school psychologist and/or related service personnel (if applicable) 4. principal/designee's Section 504 file 5. the ORIGINAL shall be forwarded to the Section 504 Compliance Officer. 		
8.	If the Section 504 Team determines the student is eligible under 504, the Section 504 team will determine whether the child requires accommodations and services as a result of the disability to provide the student with FAPE. If services and accommodations are required, the team will develop a Section 504 plan. Parental consent must be obtained prior to initiating the INITIAL Section 504 placement/services. However, the team may move forward even without parental consent for the annual review of the plan if a change in placement is not recommended. If the team determines that no accommodations or services are necessary, a Section 504 plan will not be developed. However, the student will still be eligible for all Section 504 protections.	Principal/ designee	Section 504 Services/Accommodation Plan
9.	Section 504 plan is implemented	General or special education teachers and related service personnel if applicable. Principal	Section 504 Services/Accommodation Plan
10.	The Section 504 Plan shall be reviewed periodically (at least annually)	Principal/ designee	Section 504 Services/Accommodation Plan
	<u>REEVALUATION</u>	<i>PERSON RESPONSIBLE</i>	FORM(S)
11.	The Section 504 Team must review the student's continued eligibility at least every three (3) years, or sooner if the Section 504 Team believes necessary. A reevaluation is also required before a significant change in the student's placement.		

**WESTLAKE CITY SCHOOL DISTRICT
NOTICE OF DUE PROCESS PROCEDURES UNDER
SECTION 504 OF THE REHABILITATION ACT OF 1973**

In the event that a parent or guardian challenges the decisions of the school district regarding the identification, evaluation or placement of his/her child, the following procedures are to be used:

1. In the event you disagree with the district's actions regarding your child's eligibility, accommodations or provision of a FAPE, you are encouraged to discuss the issue with the district's Section 504 Compliance Officer in an effort to resolve the problem.
2. If the matter is not resolved to your satisfaction by the District's Section 504 Compliance Officer, you may submit a written request for a case review with the district's superintendent. The Superintendent will schedule a case review within ten (10) school days of receiving the request. You may be represented by an attorney or advocate during the case review before the superintendent. The Superintendent will issue a written decision within five (5) days of the case review.
3. A request for a due process hearing may be filed at any time with the Director of Student Services. The District will appoint an individual to serve as the impartial hearing officer for the proceeding. The impartial hearing officer will schedule a hearing which will commence no later than thirty (30) days after the impartial hearing officer's appointment. This timeline may be extended by the impartial hearing officer at the request of either party. The parent may choose to represent themselves or may choose to be represented by an attorney during the due process hearing.
4. The impartial hearing officer will issue a written decision to the parent and the district within thirty (30) days of the conclusion of the due process hearing. This timeline may be extended by the impartial hearing officer at the request of either party.
5. Any party aggrieved by the findings and decision of the impartial hearing officer may appeal the decision to a court of competent jurisdiction within the timelines proscribed by law.

WESTLAKE CITY SCHOOL DISTRICT
SECTION 504 COMPLAINT FILING FORM

Date ____/____/____

Name of Aggrieved Person _____ D.O.B.: _____

Address _____ School _____

Parent's Name (print) _____

Home Phone _____ Cell Phone _____ Work Phone _____

Email _____

Nature of your grievance: (Please describe the policy or action you believe may be in violation of Section 504. Please also identify any person(s) you believe may be responsible.)

If others are affected by the possible violation, please give their names and/or positions:

Signature of Grieving Party _____ Date ____/____/____

THIS FORM SHOULD BE SENT WITHIN 10 DAYS OF THE ALLEGED VIOLATION TO:

Section 504 Compliance Officer*

Jane Reilly Perry, Director of Student Services

Westlake City School District
24365 Hilliard Boulevard
Westlake, Ohio 44145

Board of Education Use Only

Person Receiving Grievance: _____ Date ____/____/____