



SECTION 504

PROCEDURE MANUAL

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SECTION 504 OVERVIEW

This Manual contains information, procedures, and forms to achieve compliance with Section 504.

INTRODUCTION

Section 504 of the Rehabilitation Act of 1973 (Section 504) is a federal law designed to protect the rights of individuals with disabilities in programs that receive federal financial assistance from the United States Department of Education – including the Cleveland Metropolitan School District.

The law provides:

No otherwise qualified individual with a disability . . . 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

29 U.S.C § 794. The regulations implementing Section 504 in the context of educational institutions appear at 34 C.F.R. Part 104.

Section 504 provides a broad spectrum of protections against discrimination on the basis of disability. For example, Section 504 requires school districts to provide a “free appropriate public education” (FAPE) to each qualified student with a disability who is in the school district’s jurisdiction, regardless of the nature or severity of the disability. Under Section 504, FAPE consists of the provision of regular or special education and related aids and services designed to meet a student’s individual educational needs as adequately as the needs of students without disabilities are met. Section 504 also requires that students with disabilities receive an equal opportunity to participate in athletics and extracurricular activities, and to be free from bullying and harassment based on disability.

Additionally, Section 504 prohibits discrimination on the basis of disability in employment.

FACILITIES/PROGRAM

The District will ensure that students and others with disabilities, including parents, are not denied access to its programs or activities because of inaccessible facilities. The District will also comply with accessibility requirements established by the relevant construction and design standards as described by Section 504 and Title II of the Americans with Disabilities Act of 1990 (Title II).



IDENTIFICATION, EVALUATION AND PLACEMENT

Identification/Child Find

The District shall make all reasonable efforts to identify students with disabilities who reside within the District in order to determine possible eligibility for regular or special education and related aids or services in accordance with federal and state law and the District's Board Policy ADAD: Prohibiting Discrimination Based on Disability. The District will ensure that parents are provided with the [Section 504 Notice of Parents' Rights \(see back of this Manual\)](#) related to actions regarding the identification, evaluation, and educational placement of students with disabilities.

Evaluation

Any student who, because of a disability, needs or is believed to need special education or related services, must be referred for an evaluation in a timely manner. Absent extenuating circumstances, the District evaluation and the development of a Section 504 Plan, if necessary, should be completed no later than 30 school days following the District's receipt of the parent's consent to evaluate. In the rare circumstance that an extension of time is required, the parent should be notified in writing of the extension, the reason for the extension, and the expected date of completion of the process.

The District will conduct an evaluation at no cost to parents. In interpreting evaluation data and making placement decisions, the District will draw upon information from a variety of sources, such as aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior. All evaluation and placement decisions will be made by a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options (Section 504 team). As an example, if the suspected disability involves a medical issue, evaluation may consist of consultation with the student's parent(s), pediatrician, and teachers.

When evaluating a student to determine eligibility under Section 504, the assessment will not be limited to whether the mental or physical impairment substantially limits the major life activity of learning. 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, health services or food services in order to participate in District programs and activities. Parents and guardians shall be invited to participate in Section 504 meetings so as to have a meaningful opportunity to provide input into Section 504 team decisions regarding the identification, evaluation, and placement of students with disabilities. If the District denies a parental request for a Section 504 evaluation, it will provide him/her with the [Section 504 Notice of Parents' Rights](#).



Placement

A free appropriate public education shall be provided for each child determined to be qualified as a student with a disability under Section 504. The school building's 504 Site Coordinator (each school Principal will designate themselves and/or their Assistant Principal as Coordinator), shall involve a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options, in the Section 504 evaluation and placement process. The placement determination must be tailored to the individual needs of the student.

A qualified student with a disability shall be placed in an educational setting with students who do not have disabilities to the maximum extent appropriate to the needs of the student with a disability ("least restrictive environment" or LRE). If a student has an impairment that is episodic in nature or in remission, the student is eligible for placement pursuant to Section 504 if the impairment, when active, substantially limits one or more major life activities.

REEVALUATION/CHANGE IN PLACEMENT

Section 504 requires a periodic reevaluation to review the plan's efficacy and ongoing need, which allows teachers and service providers an opportunity to learn of the student's needs and ensure that the plan is being appropriately implemented. The District requires the student's Section 504 team, identified as persons knowledgeable about the student, to conduct a review of the Plan annually.

Additionally, a reevaluation is required prior to a significant change in placement. A significant change in placement includes transferring a student from one type of program to another (for example, from a general education class with pull-out special education services to a self-contained special education class), as well as terminating or significantly reducing a related service.

Additionally, disciplinary removals in excess of ten (10) consecutive days or a series of short-term exclusions that total more than 10 school days and create a pattern of removal are also considered a significant change in placement. The evaluation requirement may be satisfied with the manifestation determination review according to these procedures.

DISCIPLINE

Since expulsion or cumulative forms of suspension may, in cases when the student will be excluded from school for ten (10) or more days, constitute a significant change in placement, a group of persons knowledgeable about the student, including the parent, shall convene a meeting to discuss whether the behavior that led to the proposed disciplinary action is a manifestation of the student's disability (whether the student's behavior was caused by, or had a direct and substantial relationship to the child's disability). The administrator must complete the *Section 504 – Manifestation Determination Review* form in PowerSchool Special Programs.



If the team's determination is that the behavior leading to the proposed disciplinary action is not a manifestation of the child's disability then the child shall be disciplined according to the Student Code of Conduct, the same as students without disabilities. If the behavior is determined to be caused by or directly and substantially related to the student's disability, the District will not carry out the proposed discipline and must further evaluate to determine if the student's current placement is appropriate.

Section 504 FAPE requirements do not interfere with the District's ability to address extraordinary situations in which a student's behavior, including disability-based behavior, is an immediate threat to their own or others' safety.

COMPLAINT AND DUE PROCESS PROCEDURE

In accordance with Section 504, any student who believes s/he has been the victim of discrimination or harassment (including bullying) based upon disability or who believes s/he has been denied a free appropriate public education to which s/he as a student with a disability is entitled, is encouraged to report the alleged facts surrounding said treatment, entitlement or denial, within thirty (30) days of the alleged action to the Section 504/ADA Compliance Officer. The Section 504/ADA Compliance Officer is charged with interpreting Section 504 and overseeing the implementation of the District's Board Policy ADAD: Prohibiting Discrimination Based on Disability, and these procedures. Any complaint alleging a violation of law and/or this policy shall be investigated by, or at the direction of, the Section 504/ ADA Compliance Officer.

In addition to the Complaint Procedure set forth, alleged violations of Section 504 may be challenged through an impartial due process hearing or reported to the United States Department of Education, Office for Civil Rights, Lyndon Baines Johnson Department of Education Bldg at 400 Maryland Avenue, SW, Washington, DC 20202-1100; Telephone: 800-421-3481; Facsimile: 202-453-6012; TDD: 877.521.2172; E-Mail: OCR @ed.gov.

PROGRAM EVALUATION AND COMPLIANCE

The District shall evaluate its programs and practices on nondiscrimination and the provision of services under Section 504, in accordance with federal law, and document its findings on an ongoing basis and will adjust its practices as needed. The District shall submit assurance of compliance as required by federal law.



SECTION 504 PROCEDURES SUMMARY

	Procedure	Person Responsible	Forms
1	<i>Initial Referral for Section 504 Evaluation</i> When a parent refers a child for a Section 504 evaluation A parent may verbally or in writing request a Section 504 evaluation to the child's teacher, principal, or other administrative staff, a school nurse, school psychologist, school social worker, or guidance counselor. If a parent requests a 504 evaluation, the staff member must immediately inform the parent that the parent must fill out a Referral form and that, upon completion, the form must be given to the principal/assistant principal. If the parent requires assistance in writing the referral, the staff member shall assist the parent when filling out the referral form whether or not the staff member agrees with the grounds for the referral. Referrals from third parties When a third party submits a written referral for a Section 504 Evaluation, the child's parent/legal guardian must be notified of the referral. If the referral is given to the teacher, then that teacher must immediately forward the form to the principal/assistant principal for action.	Staff member receiving verbal or written request	<i>Section 504 Referral form</i> (administrators must complete all referenced forms in PowerSchool Special Programs) <i>(a) Section 504 Referral form;</i> <i>(b) Section 504 Written Notice to Parents;</i> <i>(c) Request for Consent to Evaluate; and</i> <i>(d) Parents' Rights Notice</i> (see back of this Manual)



2	Post Referral The principal/assistant principal signs and dates the referral. Three copies of the referral are made and within a reasonable time, are given to the: • Parent • School Psychologist • District Section 504/ADA Compliance Officer The original form is placed in the student's permanent educational file.	Principal/Assistant Principal	
3	Initial Determination of Suspicion An initial determination is made with deference given to the parent, psychologist, and nurse (if applicable), whether the school suspects that the child has a disability and may need special education and related aids or services. A doctor's statement does not make the child eligible for a 504 Plan. It can be used in conjunction with all data to be reviewed by the team in making a determination. The principal/assistant principal, upon consultation with the parent, teacher, school psychologist, guidance counselor (if applicable), the child's doctor and/or school nurse (if applicable), forwards a Section 504 Written Notice to Parents indicating whether or not the school suspects the child has a disability and may need special education and related aids or services. If the child has gone through the IDEA referral and evaluation process and is deemed ineligible under IDEA, the child does not need to start over at the referral stage for 504. Current evaluation data can assist in determining 504 eligibility.	Principal/Assistant Principal	(a) Section 504 Written Notice to Parents; and (b) Parents' Rights Notice



	If the school team does not suspect that the child has a disability and may need special education and related aids or services, then the team is not obligated to move forward with a full Section 504 evaluation. The school team should provide the parent with the <i>Section 504 Notice of Parents' Rights</i>.		
4	<i>Evaluation and Placement Determination</i> If the school team does suspect that the child may be qualified under Section 504, the team must move forward with a full Section 504 evaluation <u>within sixty (30) days of receipt of parental consent to conduct the evaluation.</u> The school team shall make efforts to include the parent and shall include at least one of the child's general education teacher(s), the school psychologist and school nurse (if applicable) and other applicable support staff, i.e., audiologist, PT, SLP, OT. Parent/guardian shall be notified in writing of the Section 504 team meeting to determine eligibility under Section 504. • If the student is found to be eligible, the school team should determine if the development of a Section 504 Plan is necessary at this time. • If the team determines that a 504 Plan is necessary, the team should craft a 504 Plan that is tailored to the individual student and provides the student with a Free Appropriate Public Education (FAPE). The team should provide the parent with <i>Section 504 Notice of Parents' Rights</i>. • If the student is found to be not eligible, the school team should also provide the parent with <i>Section 504 Notice of Parents' Rights</i>.	Principal/Assistant Principal and Section 504 School Team	<i>(a) Section 504 Meeting Notice and Invitation;</i> <i>(b) Section 504 Evaluation form;</i> <i>(c) Section 504 Plan; and</i> <i>(d) Parents' Rights Notice</i>



5	Section 504 Plan Consent of parent/guardian is obtained for implementation of the plan.	Principal/Assistant Principal	(a) Section 504 Plan, and (b) Parents' Rights Notice
6	Post Meeting After the Section 504 meeting, the principal/assistant principal shall make four (4) copies of the Section 504 Evaluation Form and Plan and give a copy to: • Parent • The child's general education teacher(s) • School psychologist and/or nurse (if applicable) • Section 504/ADA Compliance Officer • Student's permanent educational file (original)	Principal/Assistant Principal	(a) Section 504 Evaluation form; and (b) Section 504 Plan
7	Section 504 Plan is implemented with periodic review, at least annually.	General Education Teacher and designated team members	Section 504 Plan



SECTION 504 REFERRAL

It is the responsibility of the District to identify and evaluate students who, within the intent of Section 504, require regular or special education and related aids and/or services in order to receive a free appropriate public education (FAPE).

Any student who needs, or is believed to need, accommodations or services not available through existing programs, in order to receive a free appropriate public education, may be referred by a parent, teacher, or a third party for identification and possible evaluation of the student's individual educational needs.

The school building's Section 504 Site Coordinator shall have ample Section 504 Referral forms available in the main office for parents, teachers and other individuals who request them.

The Section 504 Referral form must be submitted directly to the school principal or assistant principal, who shall sign the original form upon receipt and make three (3) copies. A copy shall be forwarded to (1) the school psychologist; (2) the Section 504/ADA Compliance Officer; and (3) the parent. The original shall be placed in the student's permanent educational file.

Upon referral for an evaluation, the parent/legal guardian, or student if over 18, shall also be provided with a copy of the [Section 504 Notice of Parents' Rights](#), which describes the rights granted by the federal law to students with disabilities.

SECTION 504 EVALUATION

The Section 504 Team shall be composed of persons knowledgeable about the student's school history, the student's individual needs, the meaning of evaluation data, and options that enable the student to attain access to the education programs and activities.

The student's parent(s) shall be notified of, and invited to participate in, the Section 504 Team meeting within a reasonable amount of time (or approximately two (2) weeks prior to the meeting).

Any tests used for the purpose of qualifying a student under Section 504 shall be selected and administered so as best to ensure that the test results accurately reflect the student's aptitude or achievement or other factors being measured rather than reflect the student's disability, except where those are the factors being measured. All evaluation materials must be tailored to evaluate the specific areas of educational need and not merely those designed to provide a single intelligence quotient. The tests and other evaluation materials must be validated for the specific purpose for which they are used and appropriately administered by trained personnel.



The Section 504 Team shall consider all relevant information, from a variety of sources, on the student to determine whether s/he has a disability under Section 504. Information may include reports from outside physicians; observations from parents, teachers, and school personnel; results of standardized tests, and other relevant documents. An individualized evaluation will be conducted in the native language of the student. The Section 504 Team will evaluate the nature of the student's disability and the impact of the disability on the student's ability to access the District's education programs and/or activities.

The Section 504 Team, in writing, will make a final decision, and the parent(s) or guardian(s) of the student shall be notified of the [Section 504 Notice of Parents' Rights](#), including the right to an impartial due process hearing and review.

SECTION 504 PLAN

If the Section 504 Team determines that a student has a disability under Section 504, and that a 504 Plan is necessary, the Team will develop a Section 504 Plan describing what regular or special education and related aids and services are required to meet the student's individualized needs as adequately as the needs of students without disabilities. The meeting to develop the 504 Plan may occur immediately following the determination that a student qualifies as a student with a disability under Section 504, where appropriate. The plan will specify how the regular or special education and/or related aids and services will be provided, and by whom, and all school personnel who work with the student shall be informed of the plan.

The parent(s) or guardian(s) shall be invited to participate in the Section 504 Team meetings where the 504 Plan will be developed or modified, and shall be given an opportunity to examine all relevant records.

The Section 504 Team may also determine that no regular or special education and/or related aids and services are appropriate at present. If so, the record of the Section 504 Team proceedings will reflect the determination of the student as a person with or without a qualifying disability and will state the basis for the decision that no regular or special education and/or related aids and services are needed at this time. If the student is eligible but not presently requiring regular or special education and/or related aids and services, possibly due to a disability in remission, the Section 504 Team will provide notice to the parent(s)/guardian(s) to that effect with a plan to convene at a later date to consider whether circumstances have changed.

Even if no regular or special education and/or related aids and services are appropriate, the Section 504 disciplinary protections would still apply to the student. In addition to the disciplinary protections, the student is also covered by the antidiscrimination provisions of Section 504, which includes being protected from harassment based on disability, and Section 504's retaliation prohibition.



A qualified student with a disability under Section 504 shall be placed in a regular educational environment within the District, unless it can demonstrate that the education of the student in the regular education environment with the use of supplementary aids and services cannot be achieved satisfactorily. The student with a qualified disability shall be educated with those students who are not disabled to the maximum extent appropriate based on the individual needs of the student.

The Section 504 Team will monitor the effectiveness of the student's 504 Plan periodically, and at a minimum of every three (3) years, conduct a reevaluation. A re-evaluation will also be conducted prior to any significant change in the student's placement.

IMPLEMENTATION OF SECTION 504 PLANS

The identified school staff must faithfully implement the provisions of Section 504 Plans. Failure to implement a Section 504 Plan may be considered discrimination on the basis of disability with potential consequences imposed by the U.S. Department of Education, Office for Civil Rights, and/or an Impartial Hearing Officer.

MEDIATION PROCEDURE

Mediation procedures for Section 504 are not intended to delay or hinder the parent/legal guardian's right to a hearing. Rather, and is intended to assist the parent/legal guardian in resolving differences and obtaining a free appropriate public education for their child.

When the parent/legal guardian does not agree with the Section 504 evaluation findings and/or the Section 504 Plan, and wants to participate in mediation, the Principal/Assistant Principal will arrange a conference that includes the parent/legal guardian, the classroom teacher(s), and/or other participants as needed. The parent/guardian will be informed that the process does not interfere with his/her right to file a formal complaint. The parent/legal guardian is given a copy of [Section 504 Notice of Parents' Rights](#). If the parent/legal guardian is non-English speaking, an interpreter is provided.

The Principal/Assistant Principal will conduct the conference where an informal resolution of differences is sought, and summarize the results of the conference in writing. The Principal/Assistant Principal will send copies to the parent/legal guardian and place copies in the student's permanent educational file.

DUE PROCESS PROCEDURE

A parent/guardian or the school district may initiate a hearing on matters dealing with identification, evaluation, or the provision of a free appropriate public education. The district may initiate a hearing to override the parent's refusal or revocation of consent for a Section 504 evaluation.



Parents will receive timely notice of the date and time of the hearing, which shall be mutually convenient. The hearing officer will be selected by the District. The hearing officer shall not be: (1) employed by an agency involved with the care or education of the student subject to the hearing, or (2) a person having a professional or personal interest that would conflict with his/her objectivity in a hearing.

DUE PROCESS HEARING RIGHTS

The parties to a Section 504 Due Process Hearing have the right to:

1. Be accompanied and advised by an attorney or representative.
2. Have the assistance of an interpreter (if the parent's natural language is not English and they have given adequate notice to the District).
3. Present evidence and examine witnesses.
4. The hearing officer shall render a decision, subject to judicial review that is binding on all parties, except that in all cases any action taken must comply with the current Ohio Revised Code and federal court decisions.
5. The party initiating the due process hearing will bear the burden of proof.
6. Parents or the District may initiate a due process hearing on a matter related to (1) eligibility and related procedures, (2) procedural safeguards, or (3) provision of a free and appropriate public education to the student.
7. Requests for a due process hearing must be submitted in writing to the Section 504/ADA Compliance Officer.
8. **The request shall include:**
 - The name of the student.
 - The name of the parent or legal guardian.
 - The address and telephone number of the legal guardian.
 - The name of the school the child attends.
 - A statement of the issues to be presented at the hearing.
 - A statement of the remedy requested by the hearing



Decision of the Hearing Officer

The hearing officer shall review all relevant facts and render a decision.

A copy of the hearing officer's decision shall be delivered to the District and the parent/legal guardian within forty-five (45) days from the date of the hearing.

Notification will include a statement that either party may appeal the decision to a district court of competent jurisdiction.

COMPLAINT PROCEDURE

General Statement

The District strives to provide an environment free from discrimination. The District encourages students, parents, and staff to identify barriers to a discrimination-free and appropriate learning environment in the school(s). The purpose of the [Complaint Form](#) is to address complaints of disability discrimination under Section 504 and Title II. All complaints will be received and investigated in a fair and expeditious manner. The District will take affirmative steps to address and correct any substantiated findings of discrimination.

Steps to Resolution

Step 1: Principal or Immediate Supervisor (Informal and optional – may be bypassed by the complaining party).

An informal meeting with the parties and the Principal or Section 504/ADA Compliance Officer can solve many problems. An individual with a complaint is encouraged to first discuss it with the teacher, counselor, or building administrator involved with the objective of resolving the matter promptly and informally. Employees with a complaint are encouraged to first discuss it with their principal or immediate supervisor with the same objective.

Step 2: Section 504/ADA Compliance Officer

If the complaint or issue is not resolved at Step 1, or if the complainant does not wish to use the informal procedures set forth in Step 1, the complaining party may complete a written [Complaint Form](#), stating: (1) the nature of the complaint; and (2) the remedy requested. The complaining party must sign and date the complaint. The written [Complaint Form](#) must be filed with the building's Section 504 Site Coordinator (Principal/Assistant Principal) within (30) days of the event or incident, or from the date the complaining party could reasonably become aware of such occurrence. The building Section Site Coordinator will provide the complaint to the Section 504/ADA Compliance Officer who is responsible for Section 504 compliance throughout the District.



The Section 504/ADA Compliance Officer will review the complaint and attempt to resolve the allegation(s). If the allegation(s) are not resolved, the Compliance Officer will forward the Complaint to the District's Director of Equal Employment Opportunity/Title IX Coordinator, who will complete a written report of the investigation, which shall include the following:

- A clear statement of the allegations of the complaint and the remedy sought by the grieving party.
- A statement of facts as contended by each of the parties.
- A statement of facts and identification of evidence to support each fact.
- A list of all witnesses interviewed and documents reviewed during the investigation
- A narrative describing attempts to resolve the complaint.
- The determination as to whether the allegations in the complaint are meritorious.

The District will complete the investigation and issue a final decision and report within forty-five (45) days after receipt of the written complaint. The District will take appropriate corrective action to address any substantiated finding(s) of discrimination noted in the final decision and report. The District will send a copy of the final decision and report to the complaining party within the forty-five (45) day period. If a determination is made that the allegations are meritorious, the final decision and report will be issued that includes recommendations for appropriate corrective actions taken by the District.

Other Options of the Complaining Party

A person is not required to use this procedure and may instead seek private counsel or file a complaint directly with the U.S. Department of Education, Office for Civil Rights, Lyndon Baines Johnson Department of Education Bldg, 400 Maryland Avenue, SW, Washington, DC 20202-1100; Telephone: 800-421-3481; Facsimile: 202-453-6012; TDD: 877.521.2172; **E-Mail: OCR@ed.gov.**



DEFINITIONS

“Individual with a disability”:

An “individual with a disability” is a person who:

- (A) Has a physical or mental impairment that substantially limits one or more major life activities;
- (B) Has a record of such an impairment; or
- (C) Is regarded as having such an impairment.

“Physical or Mental Impairment”:

(A) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs, respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary, hemic and lymphatic; skin; and endocrine; or

(B) Any mental or psychological disorder, such as a cognitive impairment, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

The definition does not include all specific diseases and conditions because of the difficulty of ensuring the completeness of such a list.

Major Life Activities:

To be eligible under Section 504, a student’s physical or mental impairment must interfere with one or more “major life activities.” “Major life activity” includes, but is not limited to, the activities listed below:

This list is not exhaustive. An activity or bodily function not found on the list may nonetheless be a major life activity under Section 504.

- | | |
|---------------------------|---|
| • Caring for oneself | • Reading |
| • Performing manual tasks | • Concentrating |
| • Seeing | • Thinking |
| • Hearing | • Communicating |
| • Eating | • Working |
| • Sleeping | • Operation of major bodily functions |
| • Walking | (including but not limited to functions of |
| • Standing | the immune system, normal cell growth, |
| • Lifting | digestive, bowel, bladder, neurological, |
| • Bending | brain, respiratory, circulatory, endocrine, |
| • Speaking | and reproductive functions) |
| • Breathing | |
| • Learning | |



This list is not exhaustive. An activity or bodily function not found on the list may nonetheless be a major life activity under Section 504.

Substantially Limits:

The Amendments Act expanded the definition of disability so that it would be construed more broadly and not demand extensive analysis. An impairment need not prevent or severely or significantly restrict a major life activity to be considered substantially limiting. Also, an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as the following examples: medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aids and cochlear implants, mobility devices, or oxygen therapy equipment and supplies, use of assistive technology, reasonable accommodations or auxiliary aids and/or services; and learned behavioral or adaptive neurological modifications. This list is not exhaustive.

Has a record of a disability: To meet the Section 504 definition of an individual with a disability, a person could also have a record of a disability. Having a record of a disability means that a person either has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

A student who has a record of a disability may or may not need special education or related aids and services. However, even if a student with a disability does not need services, the student is protected from disability-based discrimination under Section 504's general non-discrimination requirements.

Is regarded as having a disability: A person could also meet the definition of an individual with a disability by being regarded as having a disability. An individual is regarded as having a disability if he or she (A) has a physical or mental impairment that does not substantially limit major life activities but that is treated by a district as constituting such a limitation; (B) 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 (C) does not have a physical or mental impairment but is treated by a district as having such an impairment.

Even though a student who is solely regarded as having a physical or mental impairment may not need special education or related aids or services, he or she would be entitled to protection from discrimination, including but not limited to protection from retaliation and harassment on the basis of disability.



Related services: A term used in the elementary and secondary school context to refer to developmental, corrective, and other supportive services, including psychological, counseling and medical diagnostic services and transportation.

School Staff: A group of knowledgeable persons familiar with the student and his/her needs. Within the District's Section 504 policy and procedure manual, school staff may include, but are not limited to, the school principal, psychologist, general education teacher, guidance counselor, administrative staff and nurse (if applicable).



SECTION 504 COMPLAINT FILING FORM

Date ____/____/____

Name: _____

D.O.B. _____

Address: _____

School _____

Parent's Name (print) _____

Phone Number: _____ Email: _____

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

Please provide your proposed remedy to the alleged violation:

Signature of Complaining Party

_____/_____/_____
Date

Signature of Person Receiving Complaint

_____/_____/_____
Date

THIS FORM SHOULD BE **IMMEDIATELY** FORWARDED TO:

Section 504/ADA Compliance Officer

Cleveland Metropolitan School District

1111 Superior Avenue East

Cleveland, Ohio 44114

Phone: (216) 838-0215

E-mail: CMSDSection504@clevelandmetroschools.org



SECTION 504 NOTICE OF PARENTS' RIGHTS

Notice, and other procedural safeguards, shall be provided to parent(s) and guardian(s) with respect to actions regarding the identification, evaluation or educational placement of students with disabilities. Below is a description of the rights granted by Federal law to individuals with disabilities. It is the intent of Section 504 of the Rehabilitation Act of 1973 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.

You have the right to:

- a. Have your child take part in, and receive benefits from, public education programs without discrimination because of his/her disability.
- b. Have the District advise you of your rights under Federal law.
- c. Receive notice with respect to identification, evaluation, or placement of your child.
- d. Have your child receive a free appropriate public education that consists of regular or special education and related aids and/or services designed to meet the student's needs as adequately as the needs of students without disabilities are met. This also includes the right to be educated with students without disabilities to the maximum extent appropriate.
- e. If the District places your child in a separate facility (while ensuring placement in the least restrictive environment), the District will ensure that the facility and services and activities are comparable to the other facilities, services, and activities of the District.
- f. Have your child receive special education and related services if s/he is found to be eligible under Individuals with Disabilities Education Improvement Act, and/or regular or special education and related aids and/or services under Section 504.
- g. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, and are knowledgeable about the evaluation data and placement options, including the child's parents.
- h. Have transportation provided to and from an alternative setting at no greater cost to you than would be incurred if the student were placed in a program operated by the District and not in addition to any cost normally charged to a student without a disability for such transportation.
- i. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the District.
- j. Examine all relevant records relating to decisions regarding your child's identification, evaluation, and educational placement.
- k. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records, the same as for all individuals requesting such records.



- l.** A response from the District to reasonable requests for explanations and interpretations of your child's records.
- m.** Request amendments of your child's educational records if there is reasonable cause to believe that information contained in the record(s) is inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the District refuses to amend the record(s), you have the right to request a hearing and/or to place in the record a statement of why you disagree with the information it contains.
- n.** Request mediation or an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, or educational placement. You and your child may take part in the hearing and be represented by counsel. Hearing requests must be made to the Section 504/ADA Compliance Officer.
- o.** Receive all information in the parent's native language and mode of communication.
- p.** File a local grievance or a complaint with the Office for Civil Rights at any time.

The District's Section 504/ADA Compliance Officer is:

Coralise Terwilliger
 Section 504/ADA Compliance Officer
 Cleveland Metropolitan School District
 1111 Superior Avenue, East
 Cleveland, Ohio 44114
 Phone: (216) 838-0215
 E-mail: Coralise.Terwilliger@clevelandmetroschools.org

The Office for Civil Rights (OCR) of the United States Department of Education enforces the requirements of Section 504 of the Rehabilitation Act of 1973. OCR, along with the Department of Justice, also enforces Title II of the Americans with Disabilities Act of 1990 (Title II) in public schools. OCR's address is:

U.S. Department of Education
 Office for Civil Rights
 Lyndon Baines Johnson Department of Education Bldg.
 400 Maryland Avenue, SW
 Washington, DC 20202-1100
 Telephone: 800-421-3481
 Facsimile: 202-453-6012TDD: 877-521-2172
 E-Mail: OCR@ed.gov



