SECTION 504 RIGHTS AND PROCEDURES

Section 504 of the Rehabilitation Act of 1973 and its implementing regulations prohibit discrimination on the basis of disability by any program or activity that receives or benefits from federal funding. Section 504 requires that disabled students be provided with a free appropriate public education including education with non-disabled peers to the maximum extent appropriate.

The following procedures apply regarding the evaluation, identification, and provision of services to students under Section 504:

I. Definition Of Qualified Individual With A Disability Under Section 504

A person has a disability within the meaning of Section 504 of the *Rehabilitation Act of 1973* if he/she/they has a mental or physical impairment, has a record of such impairment, or is regarded as having such an impairment, which **substantially limits** one or more major life activities. 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 (except for ordinary eyeglasses or contact lenses).

Major life activities include, but are not limited to, functions such as 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.

Major life activities also includes 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, endocrine, and reproductive functions.

II. Prohibition Against Discrimination

No qualified individual with a disability under Section 504 shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination in any program or activity.

It is the intent of the Mahomet-Seymour Community School District #3 to ensure that students who are disabled within the definition of Section 504 are identified, evaluated and provided with appropriate education aids and services to meet their needs.

III. Designation Of Responsibility

It is the responsibility of the School District to provide a free appropriate public education to each qualified student with a disability who is a resident of the District regardless of the nature or severity of the student's disability.

IV. 504 Evaluation

Referrals for consideration for Section 504 eligibility may be made at any time. Referrals may be made by individuals with knowledge of the student's needs and/or educational programming, including teachers, other staff members, parents, etc. Referrals should be directed to each building's principal or designated Section 504 Facilitator.

An assessment or evaluation team, consisting of persons knowledgeable about the student, will conduct an individual evaluation of a student initially referred for a Section 504 evaluation. The designated team will review all submitted documentation, current teacher reports, past records and tests. Additional evaluation tests will be conducted by the School District if deemed necessary. Parental consent will be obtained prior to the initial evaluation completed by the District. If a parent refuses consent for an initial evaluation, the school district may (but is not required to) use hearing procedures to seek to override the parents' denial of consent.

The 504 evaluation procedures shall be:

1. necessary and appropriate to determine the nature and extent of a disabling condition or a suspected disabling condition;

2. tailored to evaluate the specific areas of educational need and not merely those designed to provide a single intelligence quotient;

3. validated for the specific purpose(s) for which they are used and administered by trained personnel in conformance with instructions provided by their author/publisher;

4. free of racial, cultural, language or sex bias;

5. appropriate for the age and stage of development of each student to whom they are administered;

6. selected and administered so as best to ensure that the test results accurately reflect the student's aptitude or achievement or other factor being measured rather than reflect the student's disability, except where those are the factors being measured; and

7. administered in the student's familiar language or conducted in the mode of communication most familiar to the person being assessed, unless it is clearly not feasible to do so.

No single procedure shall be used by the District to evaluate whether or not a student has a disability under Section 504.

V. Determination Of Eligibility

The designated team will convene a Section 504 eligibility conference for a student whose evaluation has been completed, within 60 school days of signed consent.

The eligibility conference will involve a group of persons knowledgeable about the student, including the student's parents/guardians. The participants may include the student's teacher(s), member(s) of the assessment team, Section 504 Facilitator or District Coordinator, School Psychologist, and the School Nurse (collectively called the "504 Team").

Notice to attend the eligibility conference shall be sent to all 504 Team members, including the student's parents/guardians, at least ten (10) calendar days prior to the conference. Any evaluation results will be shared with the parents at least three (3) school days prior to the conference so that they have an opportunity to review the information prior to meeting.

The 504 Team will determine eligibility under Section 504 and determine what services and/or accommodations are needed to meet the student's needs as they relate to the educational setting, if any. The Team will base its determination on a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior.

In order to determine that a student who has been evaluated is a student with a disability under Section 504, the Team must conclude, that:

1. the student has a physical or mental condition (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, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine or any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disability);

2. the presence of such a physical or mental impairment substantially limits one or more of the student's major life activities; and

3. because of the identified disabling condition, the student is in need of accommodations/adaptations to the regular education environment or support service.

In interpreting evaluation data and in making placement decisions, the School District shall use relevant information from a variety of sources, establish procedures to ensure information is documented and carefully considered, ensure that the placement decision is made by a knowledgeable team, and ensure the LRE mandate is met.

If the 504 team concludes that the student has a mental or physical impairment that substantially limits a major life activity, reasonable accommodations and services shall be recommended in order to provide the student with a free appropriate public education. The evaluation findings, eligibility, and the educational services/accommodations to be provided shall be recorded on the "Section 504 Plan." This Plan shall be generated by the 504 Team and sent to each of the student's teachers. Parents shall receive a copy of this Plan as notice of the student's eligibility and services.

The Plan shall include the following:

1) A description of the identified disability that substantially limits a major life activity;

2) A description of how the identified disability needs to be addressed in relation to school, the education setting, and extracurricular activities (i.e. the substantially limited major life activity/ies);

3) A list of the recommendations/accommodations designed to address the needs; and

4) The names of the people responsible for ensuring that the accommodations or services are put into effect.

The services and reasonable accommodations described in the Section 504 Plan shall be based on a composite understanding of the student's characteristics and how the physical or mental condition substantially limits one or more major life activities.

If the 504 team concludes that the student has a mental or physical impairment that currently does not substantially limit a major life activity, a Section 504 Plan will be written to formally document the impairment and state that there is no need for accommodations at this time. Annually, the impact of the impairment will be reviewed to determine if additional information needs to be gathered to make recommendations of reasonable accommodations and services to provide the student with a free appropriate public education. Parents will receive notice of this determination if made.

If it is determined that there is no evidence of the student having an impairment and therefore he/she/they will not be receiving any special services or accommodations, a written notice of the findings shall be provided to the parents along with a notice of their right to appeal the determination.

VI. Educational Services

The District shall provide a free appropriate public educational program with related aids and services that are designed to meet individual educational needs of students with disabilities under Section 504. These students shall be educated with students who do not have disabilities to the maximum extent appropriate to meet the identified educational needs of the student with disabilities. The student will be placed in the regular education environment

unless it is demonstrated that the education of the student with disabilities in the regular education environment with the use of supplementary aids and services cannot be achieved satisfactorily. If the student requires specially designed instruction to make progress in the educational setting, he/she/they may then also be evaluated for special education services under the Individuals with Disabilities Education Improvement Act.

Students shall be afforded the opportunity to participate with individuals who do not have disabilities in nonacademic and extracurricular activities to the extent appropriate to the needs of the students with disabilities.

VII. 504 Re-evaluation

At least triennially, and before any significant change in placement occurs, a group of persons knowledgeable about the student shall re-evaluate the Section 504 Plan for each eligible student to determine continued eligibility and services. This group need not be the same group of persons who determined initial eligibility.

A "significant change in placement" includes an exclusion from the educational program of more than ten (10) school days (i.e. due to an expulsion or pattern of suspensions), the transferring of a student from one type of program to another, or terminating or significantly reducing a related service. A notice will be sent to the parents informing them of the intent to conduct a Section 504 Re-evaluation. Parental consent shall be obtained before any additional evaluation tests are conducted as part of the Re-evaluation.

VIII. Procedural Safeguards

1. The parent/guardian of a qualified disabled student shall be notified of all District actions concerning the identification, evaluation, or educational placement of the student made under Section 504.

2. The parent/guardian has a right to review the student's records.

3. The parent/guardian has a right to file a grievance under the District's Uniform Grievance Procedure regarding any complaints that allege action prohibited by Section 504.

4. The parent/guardian has a right to an impartial hearing and representation by legal counsel at the parent/guardian's expense at the hearing if he/she/they is unable to resolve disagreements with the District relative to the identification, evaluation, or educational placement of their child.

5. The parent/guardian may seek review of the Impartial Hearing Officer's decision by a court of competent jurisdiction.

6. Complaints regarding Section 504 may also be filed with the U.S. Department of Education Office for Civil Rights, Chicago Office, 230 South Dearborn Street, 37th Floor, Chicago, IL. 60604.

IX. Impartial Hearing Procedures

If parents/guardians disagree with the district relative to their child's identification, evaluation, or educational placement, including any special services, or change or termination of services, under Section 504, they should notify both the District's Section 504 Coordinator and the District's Assistant Director of Student Support Services to attempt to resolve their differences informally. If informal procedures fail, the parents/guardians may request a hearing before an impartial hearing officer. The due process review procedures set forth in the IDEA and in Article 14 of the Illinois School Code shall not be employed unless the parents are contesting or asserting a right to special education services under Article 14 or IDEA. The parents' request for a hearing shall be submitted in writing to the Superintendent within ten (10) days of the date of the decision to be reviewed. The Superintendent shall then appoint the impartial hearing officer.

The parents/guardians shall be provided with written notice of the hearing, which shall include the time, date, and location of the hearing and the identity of the hearing officer. Generally, the notice shall be sent at least five business days in advance of the hearing. The notice shall inform the parents/guardians that they have the right to review any relevant records before the hearing. The parents/guardians shall have the right to be represented by counsel at the hearing and shall have the opportunity to participate in the hearing. The decision of the impartial hearing officer shall be in writing and shall be rendered within ten (10) days of the hearing.

Either party may seek review of the Hearing Officer's decision by a court of competent jurisdiction.