



Township High School District 113 Student Services Department

SECTION 504 PROCEDURES AND GUIDELINES

Township High School District 113 1040 Park Avenue West Highland Park, IL 60035-2257

Phone: (224) 765-1000 - Fax: (224) 765-1060 www.dist113.org

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PART I: OVERVIEW OF SECTION 504 OF THE REHABILITATION ACT OF 1973

A. INTRODUCTION AND DEFINITIONS

Section 504 of the Rehabilitation Act of 1973 ("Section 504") is a federal civil rights law that prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance. Specifically, Section 504 provides that:

"No otherwise qualified individual with a disability in the United States...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

As a recipient of federal funding, the District may not discriminate on the basis of disability with respect to the provision of any of its programs, services, benefits or activities. For a student to be protected from discrimination under this law, he or she must: (1) have a physical or mental impairment which substantially limits one or more major life activities; or (2) have a record of impairment; or (3) be regarded as having an impairment. In addition to its general non-discrimination requirements, Section 504 requires the District to provide a free appropriate public education ("FAPE") to each eligible student who has a physical or mental impairment which substantially limits a major life activity and needs regular or special education and/or related aids and services. Under Section 504, FAPE consists of the provision of regular or special education and related aids and services designed to meet the student's individual needs as adequately as the needs of non-disabled are met, and in accordance with Section 504 requirements pertaining to educational setting, evaluation, placement, and procedural safeguards. The FAPE obligation extends to all eligible students, regardless of the nature or severity of their disability. For each eligible student, FAPE is set forth in a Section 504 Plan. Under Section 504, public elementary and secondary schools must have a system of procedural safeguards with respect to their actions regarding the identification, evaluation, or educational placement of persons, who because of disability, need or are believed to need special instruction or related service.

The following definitions apply to the District's Section 504 process and procedures:

Qualified Disabled Person means, with respect to public preschool, elementary, secondary, or adult education services, any individual with a disability who is (i) of an age during which non-disabled persons are provided such services, (ii) of any age during which it is mandatory under state law to provide such services to disabled persons, or (iii) an individual to whom a state is required to provide a free appropriate public education under the Individuals with Disabilities Education Act.

Individual with a Disability means any person who:

- Has a physical or mental impairment which substantially limits one or more major life activities; or
- Has a record of such an impairment; or
- Is regarded as having such an impairment.

Physical or Mental Impairment means:

- 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; skin; and endocrine; or
- Any mental or psychological disorder, such as cognitive impairment, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Substantial Limitation The determination of whether there is a substantial limitation on any major life activity due to the physical or mental impairment must be made on a case-by-case basis for each student. The term "substantially limits" means that a person is unable to perform a major life activity that most people in the general population can perform.

Major Life Activities

Major life activities include, but are not limited to:

• Caring for oneself	• Sleeping
• Performing manual tasks	• Standing
• Walking	• Lifting
• Seeing	• Bending
• Hearing	• Concentrating

• Speaking	• Thinking
• Breathing	• Communicating
• Learning	• Working
• Eating	• Reading
• Operation of major bodily functions (including but not limited to functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions)	

Has a Record of Impairment means that a person has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities. Someone with a record of an impairment may not be discriminated against because of his or her record of a disability.

Is Regarded as Having an Impairment means that a person:

- Has a physical or mental impairment that does not substantially limit major life activities but that is treated as constituting such a limitation;
- Has a physical or mental impairment that substantially limits a major life activity only as a result of the attitudes of others towards such impairment; or
- Has none of the impairments described above but is treated as having such an impairment.

Equal Access means equal opportunity of a qualified student with a disability to participate in or benefit from educational aids, benefits, or services.

Accommodation A physical, curricular, or programmatic change that allows the student with a disability to access his/her education. Such change does not constitute an alteration of the learning standard.

Typically, accommodations consist of a change in the format of the instructional material or a change in the physical location for the delivery of instruction or services. Taking a test outside of the classroom, or extended time, or tests read to a student are a few examples of accommodations.

Modification A change to the educational program that has the effect of altering or reducing the learning expectations. A modification does not hold the student with a disability to the same learning expectations

as their non-disabled peers. Reducing or otherwise altering assignments and tests is one example of a modification.

Mitigating Measures Measures that eliminate or reduce the symptoms or impact of impairment.

Examples include, but are not limited to, such things as medications, medical equipment and devices, prosthetic limbs, low vision devices, reasonable accommodations, and behavioral modifications.

However, mitigating measures do not include ordinary eyeglasses or contact lenses. The corrective effect of mitigating measures may not be used to rule out Section 504 eligibility when determining whether a physical or mental impairment substantially limits any major life activity.

Related Services Developmental, corrective, and other supportive services, including psychological, counseling, and medical diagnostic services and transportation; that may be necessary for an elementary or secondary student with disabilities to have an equal opportunity to benefit from a school district's instructional programs and services.

Multi-Tiered System of Supports (MTSS) A Multi-Tiered System of Supports or "MTSS" is a proactive, evidence-based framework designed to address the academic, behavioral, and social-emotional needs of all students. MTSS integrates data-driven decision-making with high-quality instruction and intervention, drawing from a strengths-based perspective. The District has developed a comprehensive MTSS framework that focuses on improving literacy, numeracy, and social-emotional learning.

B. SECTION 504 TEAM MEMBERS

Section 504 team membership may vary based on the purpose of the meeting and the impairment(s) under consideration. Invitations to a Section 504 team meeting will generally include the student, parents or guardians, the Section 504 Coordinator, at least one teacher/counselor, and other staff knowledgeable about the student, the evaluation data, and/or placement options, as appropriate. For meetings discussing eligibility and placement decisions, there must be a person(s) knowledgeable about evaluation data and placement options. This includes a professional who administered any recent assessment or one who is qualified to interpret the assessment and its instructional implications. For example, the school nurse, occupational therapist, or physical therapist would likely be a member when a physical impairment is being considered, depending on the nature of the impairment. District staff members may serve multiple roles if they meet the requirements of each role. Other staff members may attend if the 504

Coordinator believes they may contribute to the process. Other administrative staff, such as the Counseling Department Chair or the building Assistant Principal, may attend if necessary to provide guidance and/or assistance to the team. Parents may also invite individuals knowledgeable about their child and share any outside evaluations, reports, or information that they wish the Section 504 team to consider.

C. TYPES AND NOTIFICATION OF MEETINGS

Section 504 Eligibility Determination Meeting

A Section 504 Eligibility Determination Meeting is conducted when the Section 504 Coordinator convenes the team and applies the student evaluation data and other relevant information to the eligibility criteria in order to make a final determination as to whether a student is an individual with a disability under Section 504.

***Timeline:** The Eligibility Determination Meeting is held within a reasonable time after the parent/guardian provides written consent for the evaluation, generally within 60 school days. In most circumstances, Eligibility Determination and 504 Plan Development Meetings will occur at the same time.*

Section 504 Plan Development Meeting At the Section 504 Plan Development Meeting, the Section 504 Coordinator in collaboration with the team determines what general or special education and related aids and services, including, but not limited to, accommodations, modifications, and instructional and/or related services, the student needs to receive a free appropriate public education (“FAPE”).

***Timeline:** The Section 504 Plan Development Meeting is held at the same time as or within a reasonable period of time following the Section 504 Eligibility Determination Meeting, generally within 30 calendar days, but generally no later than 60 school days from the receipt of written consent for the evaluation. Every effort will be made to schedule the Eligibility Determination and Section 504 Plan Development Meetings at the same time.*

NOTE: The initial Section 504 Plan cannot be implemented until the Parent/Guardian Consent for Initial Provision of Section 504 Aids and Services is signed and dated with the parent/guardian indicating “I give consent”.

Section 504 Annual Review Meeting The Section 504 Annual Review Meeting allows team members to review and discuss the Section 504 Plan implemented over the past year, discuss the student's progress, current levels of performance and needs, and determine if any changes to the Section 504 Plan are needed for the next year. A Section 504 Annual Review Meeting may also be held at the beginning of the school year, as it affords the student's new teachers a chance to discuss and review the Section 504 Plan.

***Timeline:** A Section 504 Annual Review Meeting is held annually, generally within one year of the date of the initial Section 504 Plan Development Meeting or the last Section 504 Plan Annual Review Meeting.*

Section 504 Reevaluation Meeting Section 504 Reevaluation Meetings are conducted periodically to determine (1) if the student remains eligible under Section 504 as an individual with a disability and, if so (2) the student's current needs. Reevaluations are also conducted before any significant change in placement. The Section 504 Coordinator in collaboration with the team reviews current data collected by the 504 Coordinator and other relevant information such as any assessments that have been conducted.

***Timeline:** For students entering freshman year with a Section 504 plan, reevaluations will generally occur during sophomore year unless circumstances warrant initiating a reevaluation sooner, but no later than three (3) years from the last evaluation. For students whose initial eligibility occurs during freshman year, their team will determine if a reevaluation is needed senior year or sooner if circumstances warrant. A Reevaluation Meeting will typically be combined with the current year's Section 504 Annual Review Meeting.*

Other Meetings at Parent or Staff Request A parent/guardian or staff member may request either an informal consultation or a formal Section 504 team meeting. An informal consultation may be used to clarify concerns, review implementation, or exchange information; it is not a Section 504 team meeting, and the Section 504 Plan will not be changed during the consultation. If the request concerns eligibility, evaluation, placement, or a proposed change to the Section 504 Plan, the 504 Coordinator will convene a formal Section 504 team meeting. District staff may request clarification of the concern for scheduling and preparation purposes but generally will not delay or decline a requested formal meeting solely because clarification is not provided.

Accommodation decisions must be individualized and based on data rather than diagnosis, parent or student request, staff preference, or past practice. The Team will consider information from a variety of sources, as appropriate, including but not limited to classroom performance, assessment data, teacher observations, student and parent input, existing evaluation information, and other relevant records.

The Team must have sufficient information to support its decision. If the available data are insufficient to determine whether an additional or modified accommodation is necessary, the Team should identify and obtain the additional evaluation information needed before making any changes.

Timeline: *Meetings at parent or staff request will be held within a reasonable period of time, generally within 15 calendar days of receipt of the request.*

Manifestation Determination Meeting A Manifestation Determination Meeting is required if the student engages in misconduct and the recommended discipline is either suspension that results in a total of more than 10 school days of suspension in the aggregate in a school year and/or expulsion.

Timeline: *Section 504 Manifestation Determinations will be convened as soon as possible but no more than 10 school days after the misconduct in question.*

Combination of Meetings Many Section 504 team meetings can be combined. For example, the Section 504 Eligibility Determination Meeting and Section 504 Plan Development Meeting are often held at the same time.

Required Notification of Meetings In addition to the above timelines, the school must provide a Section 504 Notice of Conference form to the parent(s), generally 10 calendar days before a Section 504 team meeting is held. A Manifestation Determination Meeting will generally be scheduled on a more expedited basis but must be held no later than 10 school days of the misconduct that led to suspension or recommendation for expulsion. Parents always have the option of waiving their right to 10-day notice in order to have the meeting occur sooner than 10 calendar days. As part of the Section 504 Notice of Conference form, the parent(s) will be provided a copy of the parental rights document, Parents' Rights In Brief.

PART II: SECTION 504 PROCESS AND PROCEDURES

A. PRIOR TO REFERRAL FOR 504 CONSIDERATION: MTSS

Prior to a formal request for a Section 504 initial evaluation (i.e., referral), it may be that academic or other regular education interventions have already been initiated. For students who are displaying academic, social, emotional, behavioral, or other difficulties in school, this process often begins with a referral to the Problem Solving Team. MTSS offers effective strategies for strengthening educational opportunities and supporting students with academic, social, emotional, behavioral, or other difficulties in school. MTSS strategies are often utilized before Section 504 referrals are initiated and are particularly important since many accommodations and services can be provided during the MTSS process.

However, although often beneficial, MTSS interventions are not required before a parent or staff member can make a Section 504 referral if the student has a mental or physical impairment that substantially limits one or more major life activities and needs, or is believed to need special education or related aids and services. If the classroom teacher or school interventionist implements MTSS interventions but the student continues to experience difficulties, the teacher/interventionist submits the data collected during the MTSS process to the appropriate Tiered Team for further review. Following its review of the MTSS data collected the team may suggest:

- Additional MTSS interventions; and/or
- A referral of the student for a Section 504 initial evaluation; or
- A referral to the Special Education Department for an evaluation under the Individuals with Disabilities Education Act ("IDEA").

B. REFERRAL/REQUEST FOR A SECTION 504 EVALUATION

An individual (parent/guardian/staff member) may submit a referral/request for a Section 504 evaluation for a student who is suspected of having a disability under Section 504 by completing the Request for Section 504 Evaluation form and submitting it to the 504 Coordinator. The Request for Section 504 Evaluation form is available [HERE](#). Upon request, the 504 Coordinator or another qualified individual designated by the Counseling Department Chair will provide any assistance that may be required for a parent/guardian or staff member to complete the form. The Section 504 Coordinator, in consultation with the Counseling Department Chair, Assistant Principal of Student Services and other staff knowledgeable

about the student and the suspected disability, will review the referral and the available data collected and provided by the 504 Coordinator to determine whether the District has reason to believe the student may have a disability and may need regular or special education and/or related aids and services under Section 504, and prior written notice will then be given to the parents utilizing the Parent/Guardian Notification of Decision Regarding a Request for a Section 504 Evaluation form. The prior written notice will state the reason(s) for the decision to evaluate or not to evaluate. Parents will also receive a copy of the Notice of Rights and Procedural Protections Under Section 504 and the Americans with Disabilities Act. The 504 Coordinator has 14 school days to respond to the request for an evaluation from the date of receipt of the request.

When the District proposes a Section 504 evaluation, the parent/guardian will be provided a Parent/Guardian Notification of Decision Regarding a Request for a Section 504 Evaluation form and asked to provide written consent for the evaluation. The Parent/Guardian Consent for Evaluation form will outline the specific components of the proposed evaluation, including data or other information already in the District's possession, and any additional information to be obtained. In some cases, a review of records from various sources may be sufficient, but in other cases assessments, surveys and/or interviews may be required in order to obtain an accurate and thorough understanding of the student's impairment and needs. In all cases, the District will request the Parent/Guardian Consent for Evaluation form be signed by the parents accompanied by a copy of the Parents' Rights in Brief. The initial evaluation will not be initiated until written parental consent is received.

C. SECTION 504 EVALUATIONS

After receiving written parental consent for the Section 504 evaluation, the evaluation and data collection process must be completed in a timely manner. The school will complete the evaluation process within 60 school days after receiving written parental consent. An evaluation under Section 504 could, but does not necessarily, require the administration of formal assessments, but does include the gathering and examination of all relevant information by the 504 Coordinator regarding the student for review by the Section 504 team. Sources of information may include, but are not limited to:

- Parental information (including data/information about mitigating measures, if any)
- State and District test results and curriculum-based assessments (e.g., PSAT, SAT, ACT,

ACCESS, MAP scores)

- Progress-monitoring data
- Report cards/student grades
- Work samples
- Teacher input (including data/information about mitigating measures, if any)
- Observation data
- Health history
- Developmental and/or cultural background information
- Attendance data
- Disciplinary and behavioral records and data
- Hearing and vision screenings
- Formal assessments of cognitive, academic, functional (e.g., adaptive), social-emotional, communication, and motor skills
- Physician's or other private service providers' reports

If formal testing is determined to be necessary, as identified in the evaluation/consent documentation, the evaluation procedures must ensure that:

- Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer.
- Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient.
- Tests are selected and administered so as to best ensure that when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except when those skills are the facets that the tests purports to measure).

Medical Information A medical diagnosis of a physical or mental impairment does not, in and of itself, determine Section 504 eligibility or entitle a student to a Section 504 Plan. As mentioned above, Section 504 requires the District to draw upon information from a variety of sources in making an eligibility

determination. A medical diagnosis is only one source of information that the Section 504 team will consider. Additionally, the District may request, but not require, a parent to provide a medical statement or authorize the release of the student's medical information as part of the evaluation process. If the District determines, based on the facts and circumstances of an individual case, that medical information or a medical assessment is necessary for an appropriate evaluation, the District must ensure that the student receives this assessment at no cost to the parents. If alternative assessment methods meet the evaluation criteria, those methods may be used in lieu of a medical assessment. If a parent refuses to consent to a medical assessment and alternate methods are not available, the Section 504 Coordinator in collaboration with the team may proceed to make an eligibility determination based on the information it has on hand.

D. SECTION 504 ELIGIBILITY DETERMINATIONS

After the evaluation components have been completed and the information compiled, the Section 504 team led by the 504 Coordinator meets to determine if the student qualifies as an individual with a disability and whether a Section 504 Plan is warranted. While some students will require systematic, consistently implemented accommodations, modifications and/or related aids and services, a student should not have to be designated as having a disability and have a Section 504 Plan in order to be able to use an organizer or to change where he/she sits in the classroom. Section 504 Plans go beyond the everyday regular education support that teachers provide as a matter of course. The fact that there are, or may be in the future, teachers who do not typically provide such support does not automatically render the student eligible for a Section 504 Plan. Similarly, the student would not be considered eligible because his/her parents want to ensure that future teachers will be required to provide a classroom adaptation.. Only the current needs of the student are considered in making a decision about whether a student with a disability requires a Section 504 Plan.

Eligibility Determinations Upon a review of any testing done as well as data and/or other information gathered, the Section 504 Coordinator and team *determines* whether the student has a physical or mental impairment that substantially limits one or more major life activities. An impairment does not, in and of itself, qualify a student for protection under Section 504. School districts are prohibited from considering the ameliorating effects of any mitigating measures in making this determination. As an

example, the ameliorating effects of a daily dosage of insulin to control a diabetic student's condition may not be used to exclude him from qualifying as an individual with a disability. The only exception to this rule is that the corrective effects of ordinary eyeglasses or contact lenses may be considered in determining if an impairment substantially limits a major life activity.

Section 504 eligibility determinations follow this process:

1. Physical or Mental Impairment?

Discuss evaluation data and other information from a variety of sources and (a) determine if there is a physical or mental impairment; (b) if there is, identify the specific impairment; and (c) document the bases for these conclusions.

2. Substantial Limitation on One or More Major Life Activities?

If a physical or mental impairment exists (a) *decide* if, without the positive effects of mitigating measures, the impairment substantially limits any major life activity; (b) identify the major life activity(ies); and (c) document the basis for these conclusions.

3. Need for Regular or Special Education and/or Related Aids and Services?

Determine if, as a result of the physical or mental impairment of a major life activity, the student needs regular or special education and/or related aids and services to receive a free appropriate public education. The positive effects of mitigating measures may be considered in determining the student's current educational needs.

In considering Section 504 eligibility, the Section 504 Coordinator in collaboration with the team reviews and documents evaluation data from a variety of sources. The team then makes an individualized determination regarding whether the student has a physical or mental impairment that substantially limits one or more major life activities and, if so, whether the student requires regular or special education and/or related aids and services designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met. In making this determination, the Team applies the standards established by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act Amendments Act. The term "substantially limits" is construed broadly. The Team considers all applicable major life activities and major bodily functions and does not limit its consideration to learning or academic performance. The ameliorative effects of mitigating measures are not considered

when determining whether an impairment substantially limits a major life activity, except for ordinary eyeglasses or contact lenses. An impairment that is episodic or in remission is considered a disability if it would substantially limit a major life activity when active. The Team will make one of the following determinations:

1. No Physical or Mental Impairment

The student does not have a physical or mental impairment. Therefore, the student does not meet the definition of a student with an actual disability under Section 504 and is not eligible for a Section 504 Plan on that basis.

2. Physical or Mental Impairment That Does Not Substantially Limit a Major Life Activity

The student has a physical or mental impairment; however, based on the evaluation data and application of the standards described above, the impairment does not substantially limit one or more major life activities. Therefore, the student does not meet the criteria for Section 504 FAPE based on a current physical or mental impairment and a Section 504 Plan will not be developed on that basis.

3. Student Has a Disability Under Section 504 but Does Not Require a Section 504 Plan

The student has a physical or mental impairment that substantially limits one or more major life activities and therefore has an actual disability under Section 504. However, based on the evaluation data and the student's individual needs, the Team determines that the student does not require regular or special education and/or related aids and services in order for the student's individual educational needs to be met as adequately as the needs of nondisabled students are met. Accordingly, a Section 504 Plan will not be developed. The student remains protected from discrimination on the basis of disability under Section 504.

4. Student Has a Disability Under Section 504 and Requires a Section 504 Plan

The student has a physical or mental impairment that substantially limits one or more major life activities and requires regular or special education and/or related aids and services designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met. The Team will develop a Section 504 Plan identifying the regular or special education and/or related aids and services necessary to provide the student with a free appropriate public education (FAPE). The 504 Coordinator

will inform all staff members who work with the student of the student's disability, Section 504 Plan content, and the staff members role in implementing the 504 Plan. The 504 Coordinator will confirm staff's understanding of the plan and accommodation and their knowledge of implementing both the plan and accommodations. Under Section 504, FAPE consists of regular or special education and related aids and services designed to meet the individual educational needs of a student with a disability as adequately as the needs of nondisabled students are met. Depending upon the student's individual needs, this may include education in regular classes, regular classes with supplementary services, special education and/or related services.

Record of or Regarded as Having a Disability A student who does not qualify for Section 504 FAPE based on a current physical or mental impairment may nevertheless be protected from disability discrimination under Section 504 if the student has a record of an impairment or is regarded as having an impairment. These bases for protection do not, by themselves, establish entitlement to Section 504 FAPE or require the development of a Section 504 Plan.

Implementation of the Section 504 Plan

When a Section 504 Plan is developed, the Section 504 Coordinator will ensure that staff responsible for implementing the Plan receive the information necessary to understand and fulfill their responsibilities. Staff are responsible for implementing the student's Section 504 Plan as written.

Documentation Provided to Parents/Guardians

At the conclusion of the meeting, the parent/guardian will be provided with final or completed copies of:

- the completed Section 504 Eligibility Determination;
- the evaluation report(s) and other applicable evaluation documentation; and
- a copy of the District's Section 504 Procedural Safeguards/Parents' Rights.

Special Eligibility Determinations

- **Students with Episodic Impairments:** An episodic physical or mental impairment is evaluated based on the limitations it would impose when active. The team must separately determine whether the student currently requires regular or special education and/or related aids and services to receive a free appropriate public education. Any Section 504 Plan must describe the supports needed now and, when appropriate, the support or response procedures to be implemented when the condition

becomes active. When the impairment is inactive, the plan will not be implemented. The student remains protected from disability discrimination when the impairment is inactive.

- **Students with Impairments in Remission:** An impairment in remission is evaluated based on the limitations it would impose when active. The team must separately determine whether the student currently requires regular or special education and/or related aids and services to receive a free appropriate public education.
- **Students With Temporary Impairments:** A temporary impairment (typically one with an actual or expected duration of six months or less) does not constitute a disability under Section 504 unless its severity is such that it results in a substantial limitation of one or more major life activities. The determination must be made on a case-by-case basis. No fixed minimum duration applies. The six-month standard relates to the separate "regarded as" analysis for impairments that are transitory and minor; it is not a minimum-duration requirement for an actual disability.

E. SECTION 504 REEVALUATIONS

A reevaluation for purposes of reestablishing eligibility for a Section 504 Plan must be held periodically. For students entering freshman year with a Section 504 Plan, reevaluations will generally occur during sophomore year unless circumstances warrant initiating a reevaluation sooner, but no later than three years from the last evaluation. For students whose initial eligibility occurs during freshman year, the team will determine whether a reevaluation is needed during senior year or sooner if circumstances warrant; in all cases, reevaluation will occur periodically and no later than three years from the last evaluation. Similar to the initial evaluation, the team may draw upon existing data and/or decide to conduct testing. If, after completing and compiling the data, the Section 504 Coordinator in collaboration with the team determines that the student remains eligible for a Section 504 Plan, the 504 Plan is revised as appropriate.

F. TERMINATION OF SECTION 504 ELIGIBILITY

The Section 504 Coordinator must conduct a reevaluation before making any significant change in placement, including any determination that a student is no longer eligible for a Section 504 Plan. If the reevaluation reveals that the student's physical or mental impairment no longer exists or no longer

“substantially limits” a major life activity, or that the student no longer needs special education or related aids and services, then the student is no longer eligible for a Section 504 Plan.

Parents will be provided with a copy of the Section 504 Eligibility Determination as well as a copy of the evaluation report(s) and the Parents’ Rights in Brief at the conclusion of the meeting.

PART III: SECTION 504 PLANS

After determining eligibility, the Section 504 coordinator in collaboration with the team is responsible for preparing a plan to ensure that the student with a disability has opportunities in the educational environment that are equal to that of his or her nondisabled peers and provides him/her with a FAPE. This may be in the context of physical accessibility, learning opportunities, testing situations, nonacademic, athletic, and extracurricular activities, and other aspects of the student’s participation in the District’s programs, services, and activities.

A. SECTION 504 PLAN

At the Section 504 Plan Development Meeting, the Section 504 Coordinator in collaboration with the team determines what general or special education and related aids and services, including, but not limited to, accommodations, modifications, and instructional and/or related services, the student needs to receive a free, appropriate public education (“FAPE”). After a student’s Section 504 Plan is developed or revised, the 504 Coordinator will provide staff members and others (e.g., coaches, club sponsors), as appropriate, with information about any services or supports that such staff members or others may be responsible for providing, which may include ensuring access to the Section 504 Plan.

B. ACCOMMODATIONS

Accommodations deemed necessary by the team should be presumed to apply throughout the educational environment unless specified otherwise in the Section 504 Plan. The need for a specific accommodation must be made on an individualized basis and relate to the area of the identified impairment and is based on data or other information that supports the need for the accommodation. In cases where an accommodation is requested without adequate data to support the need for the

accommodation, the Section 504 Coordinator may decide to collect the necessary data and convene again to determine the need for the accommodation based on a review of data. Accommodations should be clearly written and specific. For example, if a student's Section 504 Plan includes "preferential seating" as an accommodation, it should be specific as to whether that means that the teacher should seat the student near the teacher or the door, out of direct sunlight, etc.

C. MODIFICATIONS

Modifications are typically changes made to the learning standards and may involve the use of lower or alternate learning expectations than those for nondisabled peers.

D. RELATED AIDS AND SERVICES

There is a difference in the provision of related services under IDEA and Section 504. Under IDEA, related services are provided if they are needed in order for a student to benefit from their special education. Under Section 504 a student may require a related service to ensure equal access and the same educational opportunities as those provided to their nondisabled peers. Related services may include, but are not limited to, school health or nursing services, social work services, or occupational or physical therapy services.

E. SPECIAL EDUCATION

Section 504 Plans may include the provision of general or special education. Special education services may include the involvement of special education personnel in the regular education classroom or a separate classroom or setting. However, the Section 504 team should give careful consideration to whether those services would be more appropriately provided under an Individualized Education Program ("IEP") to meet the needs of an identified disability under the Individuals with Disabilities Education Act. If that is the case, a referral for a special education evaluation under the IDEA should be made following the District's special education procedures.

F. NONACADEMIC, ATHLETIC, AND EXTRACURRICULAR ACTIVITIES

Students with disabilities will be afforded an equal opportunity to participate in the District's nonacademic, athletic, and extracurricular activities as their nondisabled peers. The student's Section 504 team will

make an individualized inquiry to determine if there are reasonable accommodations or modifications and/or necessary related aids and services which would allow the student with a disability the chance to take part in the activity. Examples **could include, but are not limited to:**

- Using a light along with a starter pistol so that a deaf runner can compete; or
- Providing for, or assisting with, the administration of needed medication like insulin so that a student with diabetes can take part in an after-school club.

The requirement to provide an equal opportunity to participate **does not mean:**

- Changing essential elements that affect the fundamental nature of the activity;
- Changing the nature of selective teams – students with disabilities have to compete with everyone else and legitimately earn their place on the team; or
- Compromising student safety.

G. SECTION 504 ANNUAL REVIEWS

The Section 504 Coordinator in collaboration with the team will conduct an annual review of each student's Section 504 Plan, generally within one year of the date of the Section 504 Eligibility Determination Meeting or last Section 504 Annual Review Meeting. During the Annual Review Meeting, the team will discuss the effectiveness of and the student's continued need for the general or special education and related aids and services currently provided in the Section 504 Plan. The Section 504 Plan will be updated by the team as warranted. All Section 504 Plan services and supports listed on a student's Section 504 Plan must be designed to meet the student's needs in his/her current educational program. Any services and supports that are no longer warranted are removed and not included in the revised Section 504 Plan. All decisions to remove, add, or reject any services and supports are based on data, made by the student's Section 504 Coordinator in collaboration with the team, and explained in the Section 504 Plan document and Conference Notes, as appropriate. It should be noted that in many cases, the physical or mental impairment as identified through the Section 504 eligibility criteria review and the identified major life activity that is substantially limited by the identified impairment remain the same as determined at the last Eligibility Determination Meeting. If there are new data regarding changes in either the physical or mental impairment, major life activity determinations, or disability-based needs,

the team should first review the data by conducting a Section 504 reevaluation and completing a new Section 504 Eligibility Determination report.

H. REVOCATION OF CONSENT FOR SECTION 504 PLAN

A parent/guardian may choose to revoke consent for evaluations or the Section 504 Plan. In such cases, the parent/guardian will be given the Confirmation of Revocation of Consent and Prior Written Notice of Termination of Services. Following the revocation request, parent/guardian will be given a 10-day notice before provisions afforded through the 504 plan will be discontinued. However, all testing will be canceled immediately.

PART IV: DISCIPLINE OF

SECTION 504-PROTECTED STUDENTS WITH DISABILITIES

A. GENERAL SCHOOL RESPONSIBILITIES RELATED TO DISCIPLINE OF SECTION 504

PROTECTED STUDENTS

Generally, the District may apply the same disciplinary rules and disciplinary consequences to all students, including students with disabilities, unless otherwise specified in a student's Section 504 Plan. For disciplinary consequences that constitute a significant change in placement, the Section 504 procedural safeguards and some special rules apply. In all cases, Section 504-protected students who are suspended or expelled will be afforded their procedural safeguards and have the opportunity to make up their schoolwork for equivalent academic credit.

B. SHORT-TERM DISCIPLINARY REMOVALS

When suspending a student with a Section 504 Plan, school staff should follow suspension procedures used for nondisabled students, along with the aforementioned protections. Since Section 504 is first and foremost a non-discrimination law, imposing a harsher sanction than would be given to nondisabled peers under the same circumstances for the same misconduct is prohibited discrimination.

A student with a Section 504 Plan may be suspended for up to 10 days per school year, regardless of disability (days are cumulative per school year) but in accordance with the requirements of State law and board Policy. Educational services do not have to be provided during the first 10 school days of

disciplinary removal in a school year if services are not provided to students without disabilities. A manifestation determination is not required for suspensions less than 10 days (cumulative or consecutive). However, the district may elect to reconvene the student's Section 504 team during the suspension to determine if accommodations or other supports need to be adjusted or discontinued and/or if new accommodations or other supports are needed.

C. DISCIPLINARY REMOVALS CONSTITUTING A SIGNIFICANT CHANGE IN PLACEMENT OR EXPULSION (more than 10 school days)

If any of the above disciplinary exclusions occur, the team will conduct a Manifestation Determination ("MD") Meeting. The MD Meeting must be held no later than 10 school days after taking the disciplinary action. The parent/guardian will be provided advance notice of the meeting through a telephone call to notify the parent of the date, time, location, and purpose of the meeting. The telephone call will be followed by written notification of the meeting.

During the MD Meeting, the team must answer the following two questions:

- 1. Is the misconduct in question caused by, or did it have a direct and substantial relationship to, the student's mental or physical impairment as identified in the student's Section 504 Plan; or**
- 2. Is the misconduct in question a direct result of the school's failure to implement the Section 504 Plan?**

The misconduct will be a manifestation of the student's disability if the team makes the determination that either of the two criteria listed above are applicable for the student.

If the team determines the behavior is not a manifestation of the student's disability:

- The student may be disciplined as any other general education student; and
- The District may cease educational services during the periods of disciplinary removal that exceed 10 school days if nondisabled students in similar circumstances do not continue to receive educational services.

If the team determines the behavior is a manifestation of the student's disability:

- The suspension or expulsion will be terminated and the student will return to their

educational program unless otherwise mutually agreed. The Section 504 team may consider any needed revisions to the student's Section 504 Plan. The team may consider the need for a Functional Behavioral Assessment (FBA) or changes to an existing Behavior Intervention Plan (BIP), if appropriate.

- The Section 504 team may also consider the need for a Section 504 reevaluation or an evaluation to determine eligibility for a referral for special education services/placement under the IDEA.
- The Section 504 team may consider other factors related to the safety of the student and others in the current setting and collaborate with the parents to make adjustments to the student's educational setting as appropriate.

Regardless of the outcome of the manifestation determination, the student will have an opportunity to make up schoolwork for equivalent academic credit. Disciplinary removals that exceed a total of 10 school days during a school year may be considered a significant change in placement, necessitating the initiation of a reevaluation as described in Part II.

D. DISCIPLINE OF SECTION 504-PROTECTED STUDENTS WHO USE DRUGS OR ALCOHOL

Section 504 excludes a student who is currently engaging in the illegal use of drugs from protection when the District acts on the basis of that illegal drug use. This exclusion does not apply to a student who:

- Has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer in such use; or
- Is participating in a supervised rehabilitation program and no longer engaging in such use.

A student who is currently engaging in the illegal use of drugs is not entitled to Section 504 protections, including a manifestation determination, when the District takes disciplinary action on the basis of that illegal drug use. The District may discipline a student with a disability for the use or possession of illegal drugs or alcohol to the same extent that it disciplines students without disabilities for the same conduct. Use, possession, sale, or distribution of illegal drugs does not result in a loss of protections under Section 504 unless the student is currently using drugs. In such cases, a Manifestation Determination Meeting will be held.

PART V: COMPLAINT AND GRIEVANCE PROCEDURES

A. INFORMAL RESOLUTION PROCESS

If a parent/guardian, student, or employee is dissatisfied with the decisions of the Section 504 team regarding the identification, evaluation, and educational placement/program for a student with a disability, or believes the 504 Plan has not been implemented, or believes the student has been subject to discrimination (including, but not limited to, bullying, harassment, or intimidation) due to their disability, he/she may request a Section 504 review and informal resolution process by completing the Request for Section 504 Informal Resolution form. The 504 Coordinator or designee will conduct an internal review of the issue, which may include interviewing the complainant and witnesses. The findings and a proposed resolution, if any, will be completed within thirty (30) days of receipt of request for informal resolution, excluding any extenuating circumstances. Should the internal review indicate that prohibited actions occurred, the District will take steps to prevent the recurrence of any prohibited actions and to correct their effects on the complainant and others, as appropriate. The informal resolution process is entirely optional, and its use is encouraged but not required prior to initiating an impartial due process hearing or complaint of discrimination as described in this Part.

B. IMPARTIAL DUE PROCESS HEARINGS

Right to Impartial Hearing: If a parent/guardian wishes to formally contest an action or failure to act by the District with regard to the identification, evaluation, or program/placement of a student with a disability under Section 504, or believes the Section 504 Plan has not been implemented, he/she may request a due process hearing before an Impartial Hearing Officer.

Procedure to Request Impartial Hearing: The parent/guardian ("complainant") must submit a written Request for Section 504 Impartial Due Process Hearing to the Assistant Superintendent of Student Services. The Request for Section 504 Impartial Due Process Hearing form is available at the Student Services Office. The request for an impartial hearing must include:

- The name of the student and their date of birth;
- Address of the student's residence;
- A description of the alleged action(s) or omission(s) regarding the student's Section 504 evaluation, eligibility determination, or placement/program that serve as the basis for the hearing request;

- The date(s) of the alleged action(s) or omission(s), if known; and
- A description of the resolution or action requested.

Requests for impartial hearings not utilizing the Request for Section 504 Impartial Due Process Hearing form must include all of the information described above in order for the request to be processed.

Requests without all of this information will be returned to the complainant for purposes of amendment to secure the missing information. The 504 Coordinator is available to assist parents/guardians in completing this form as needed.

Appointment of Impartial Hearing Officer and Scheduling of Hearing: Upon receipt of the written request for an impartial Section 504 due process hearing, the Assistant Superintendent of Student Services or designee will appoint an Impartial Hearing Officer to conduct the hearing and issue a decision. This Hearing Officer will be secured by the District at no cost to the parent. The Hearing Officer will not be an employee of the District. The District's choice of an Impartial Hearing Officer is final. In collaboration with the Hearing Officer, the District will secure a date and a time to conduct the impartial hearing. Every effort should be made to hold the impartial hearing at a mutually agreed-upon time and date and within 45 days after the date the Request for Section 504 Impartial Due Process Hearing was received by the District.

Upon securing a date and time for the impartial hearing, the Assistant Superintendent of Student Services will notify the parent/guardian in writing of the hearing date, time, and location. The timeline for the hearing may be extended upon mutual agreement of the parties. The Hearing Officer is also empowered to extend the hearing time frame at his/her discretion.

Pre-Hearing Conference: The Hearing Officer may order a pre-hearing conference with the parties. During this conference, the parent or his/her representative will state and clarify the issues to be addressed at the hearing. The pre-hearing conference can also serve to resolve preliminary matters, jurisdictional issues, and answer the parties' questions regarding the hearing process.

Conduct of Hearing: Any party to an impartial Section 504 hearing has the right to:

- Be accompanied and advised by counsel or an individual with special knowledge or expertise;
- Present evidence and cross-examine witnesses;
- Obtain a written or electronic verbatim record of the hearing or obtain alternative forms of the verbatim record to be provided in the parent's native language;

- Obtain written or electronic findings of fact and decisions; and
- Seek judicial review of the Hearing Officer's decision.

The Hearing Officer may prohibit the introduction of repetitive or irrelevant evidence. The verbatim record of the hearing, when requested, and the written decision are provided to the parent at no cost.

Hearing Decision: The Hearing Officer must issue a written decision within thirty (30) days of the completion of the hearing and/or the closing of the record. The Hearing Officer must confine his or her orders or rulings to those matters that involve the identification, evaluation, or placement of children under Section 504 and the provisions of the regulations implementing Section 504. This is the scope of the Hearing Officer's jurisdiction. Any party may raise objections or move to dismiss any claims that do not fall under Section 504. In the absence of an appeal, the District will implement the decision of the Hearing Officer within 15 calendar days of the District's receipt of the decision.

Appeal Rights: If either party is not satisfied by the final decision of the Hearing Officer, the party may seek review of the hearing decision in a court of competent jurisdiction.

C. COMPLAINTS OF DISCRIMINATION – DISTRICT GRIEVANCE PROCEDURE

The District's Board of Education has established Policy 2:260, Uniform Grievance Procedure, through which students, parents/guardians, employees, and other individuals can make complaints when they believe that their rights have been violated, including but not limited to complaints of discrimination under Section 504. A person who wants to avail him/herself of the Uniform Grievance Procedure may do so by filing a complaint with one of the District's Complaint Managers. Please refer to Policy 2:260, which is included in Appendix 2 and available on the District's website, for the contact information for the District's Complaint Managers and more information about the complaint investigation process.

D. COMPLAINTS OF DISCRIMINATION – OFFICE FOR CIVIL RIGHT (OCR)

The District's Uniform Grievance Procedure referenced above does not preclude a parent/guardian, student, or other individual from filing a formal complaint of disability-based discrimination with the Office for Civil Rights at any time. The Office for Civil Rights is part of the U.S. Department of Education, and it handles complaints of disability-based discrimination (among other things) separately and independently of the District's impartial hearing and grievance process, and in accordance with the guidelines set forth

in OCR's Complaint Resolution Manual. Complaints of disability discrimination may be directed to OCR at:

U.S. Department of Education Office for Civil Rights
Lyndon Baines Johnson Department of Education Building
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Telephone: 800-421-3481 Fax: 202-453-6012
TDD: 800-877-8339
Email: OCR@ed.gov

Complaints may also be sent to OCR using its electronic complaint form at the following website:
<https://www.ed.gov/laws-and-policy/civil-rights-laws/file-complaint/ocr-discrimination-complaint-form>

E. RETALIATION PROHIBITED

The District prohibits retaliation against persons who request Section 504 evaluations or services or who initiate a due process hearing or a complaint of discrimination as described in this Part.

APPENDICES

Appendix 1: [Protecting Students with Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities \(U.S. Department of Education, Office for Civil Rights 6/15/26\)](#)

Appendix 2: District 113 Policies:

[6:120 Education of Children with Disabilities](#)

[7:10 Equal Educational Opportunities](#)

[7:20 Harassment of Students Prohibited](#)

[7:180 Prevention of and Response to Bullying, Intimidation, and Harassment](#)

[7:230 Misconduct by Students with Disabilities](#)

[7:250 Student Support Services](#)

[2:260 Uniform Grievance Procedure](#)