



Park Ridge - Niles School District 64

**Procedures and Processes
for
Section 504**

August 2019

BOARD POLICY 6:120

Education of Children with Disabilities

The School District shall provide a free appropriate public education in the least restrictive environment and necessary related services to all children with disabilities enrolled in the District, as required by the Individuals With Disabilities Education Act (IDEA) and implementing provisions of The School Code, Section 504 of the Rehabilitation Act of 1973, and the Americans With Disabilities Act. The term “children with disabilities,” as used in this policy, means children between ages 3 and 21 (inclusive) for whom it is determined, through definitions and procedures described in the Illinois State Board of Education’s *Special Education* rules, that special education services are needed.

It is the intent of the District to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services. Students may be disabled within the meaning of Section 504 of the Rehabilitation Act even though they do not require services pursuant to the IDEA.

For students eligible for services under IDEA, the District shall follow procedures for identification, evaluation, placement, and delivery of services to children with disabilities provided in the Illinois State Board of Education’s *Special Education* rules. For those students who are not eligible for services under IDEA, but, because of disability as defined by Section 504 of the Rehabilitation Act of 1973, need or are believed to need special instruction or related services, the District shall establish and implement a system of procedural safeguards. The safeguards shall cover students’ identification, evaluation, and educational placement. This system shall include notice, an opportunity for the student’s parent(s)/guardian(s) to examine relevant records, an impartial hearing with opportunity for participation by the student’s parent(s)/guardian(s), representation by counsel, and a review procedure.

The District may maintain membership in one or more cooperative associations of school districts that shall assist the District in fulfilling its obligations to the District’s disabled students.

If necessary, students may also be placed in nonpublic special education programs or education facilities.

LEGAL REF:

20 U.S.C. §1400 et seq., Individuals With Disabilities Education Improvement Act of 2004.

29 U.S.C. §794, Rehabilitation Act of 1973, Section 504.

42 U.S.C. §12101 et. seq., Americans With Disabilities Act

34 C.F.R §300.

105 ILCS 5/14-1.01 et. seq., 5/14-7.02, and 5/14-7.02b.

23 Ill. Admin. Code Part 226

CROSS REF.: 2:150 (Committees), 7:230 (Misconduct by Students with Disabilities)

ADOPTED: October 27, 1997

REVISED: June 14, 1999; October 22, 2001; January 26, 2009; February 24, 2014; July 15, 2019

I. The Americans With Disabilities Act ("ADA")/Section 504 Building Facilitator/Case Manager and ADA/Section 504 Coordinator

A. Appointments and Duties

District 64 has designated the Assistant Principals at each school building to facilitate/case manage its efforts to comply with and carry out its responsibilities under the ADA and Section 504.

The Director of Student Services will attain the duties of the District ADA/Section 504 Coordinator. Primary duties shall include answering questions regarding rights and responsibilities under the ADA and Section 504 and investigating any complaint or grievance alleging noncompliance with the ADA or Section 504.

B. Notification

District 64 shall make available to all interested individuals the name, office address, and telephone number of the employee designated as the ADA/ Section 504 Coordinator (Director of Student Services).

II. Disabled Students' Access to or Use of Educational Programs, Services, Activities

A. Discrimination Prohibited

Pursuant to Board of Education Policy Number 7:10, District 64 does not discriminate against students on the basis of disability as defined under the regulations implementing Section 504 of the *Rehabilitation Act of 1973* ("Section 504") and the *Americans with Disabilities Act* ("ADA") as regards to access to or the use of the District's programs, services and activities. Pursuant to Board of Education Policy Number 6:120, it is also this District's policy to /provide a free appropriate public education to all students with disabilities in conformance with the provisions of the *Individuals with Disabilities Education Act* ("IDEA") and Section 504.

B. Coordination With IDEA Requirements

District 64 actively seeks out disabled students through its "Child Find" program and annually notifies the public of available services for disabled students and how to access such services. Students who may be disabled, pursuant to Section 504's definition of the term, may also be considered disabled under the IDEA. The School District recognizes, however, that there may be some students who are disabled within the meaning of Section 504 and eligible for accommodations, special education, or related services who are not eligible for special education and related services under the IDEA.

Accordingly, any student suspected of having a disability shall be referred to the student support team for consideration. If, as a result of such consideration, the team determines that the referred student may have a disability requiring the provision of special education and related services, the student shall be recommended for a case study evaluation under existing District special education procedures and the implementation of such procedures shall satisfy the

requirements of Section 504. Alternatively, if the student support team determines that a referral for a case study evaluation is not appropriate, or if an IEP team finds no eligibility for a student under the IDEA after completion of a case study evaluation, but the student support team determines that the student may be disabled within the meaning of Section 504, the Section 504 procedures set out in Section II.C. of these regulations shall be implemented.

C. Section 504 Procedures

Evaluation Team

The primary purpose of conducting an evaluation of a student is to gather information sufficient to permit a group of persons knowledgeable about the student to determine whether the student is disabled within the meaning of Section 504. A student suspected of having a disability shall be evaluated by a team consisting of an administrator, the general education teacher and relevant student support team members and/or other district staff with knowledge of the student, (i.e., nurse, social worker, counselor, therapist etc).

Eligibility Standard

In order to determine that a student who has been assessed is eligible, the evaluation team must conclude that:

- a. The student has a physical or mental condition (i.e., 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, lymphatic, skin, and endocrine or any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, or specific learning disability) that substantially limits one or more of the student's major life activities (i.e., caring for one's self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, breathing, learning and working) or major bodily functions (i.e., functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions); has a record of such an impairment; or is regarded as having such an impairment; and;
- b. Because of the identified disabling condition, the student is in need of accommodations/adaptations and/or related services.

The definition of a disability is to be interpreted broadly, and determining whether one has a disability should not demand extensive analysis. The ameliorative effects of mitigating measures cannot be considered when determining whether a student is disabled. Mitigating measures include, but are not limited to, 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 or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies, use of assistive technology, reasonable accommodations or auxiliary aids or services, or learned behavioral or adaptive neurological modifications.

An impairment need not prevent or severely or significantly restrict a major life activity to be considered substantially limiting. An impairment that is episodic or in remission is a disability if, when in an active phase, it would substantially limit a major life activity. Coverage is not limited to those whose impairments only concern learning. District 64 must consider how an impairment affects any major life activity of the student, and if necessary, must assess what is needed to ensure that student's equal opportunity to participate in the District's programs.

Assessment

A variety of sources shall be used by the evaluation team to assess whether or not a student is disabled within the meaning of Section 504. Information used by the team may come from, but is not limited to: standardized measures, interviews with the child and parents, rating scales, observational data, adaptive behavior assessments, teacher records, social and cultural background data, criterion-referenced measures, medical reports and/or records review.

Grades alone shall be an insufficient basis upon which to determine whether a student has a disability. Grades may not be the determinative factor in deciding whether a student with a disability needs accommodations/adaptations and/or related services. Grades shall be one consideration in making a determination, and shall not be considered evidence regarding how much effort or how many outside resources are required for the student to achieve those grades.

The assessment shall, when reasonably possible, be completed within sixty (60) school days of the date of received written consent for evaluation by parents.

The evaluation procedures shall be:

- a. Necessary and appropriate to determine the nature and extent of a disabling condition or a suspected condition or to assess general or specific areas of educational need;
- b. Appropriate for the age and stage of development of each student to whom they are administered;
- c. Validated for the specific purpose(s) for which they are used and administered in conformance with instructions provided by their producer;
- d. Free of racial, cultural, language, or sex bias;
- e. Selected and administered so as to 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 factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where these skills are the factors which the test purports to measure);
- f. Written and administered in the native language or conducted in the mode of communication most familiar to the person being assessed, unless it is clearly not feasible to do so; and

- g. Administered by trained personnel in conformance with the instructions provided by their publisher.

Eligibility Determination

- a. The team will convene an evaluation meeting for a student whose evaluation has been completed.
- b. The meeting will, when reasonably possible, be conducted within sixty (60) school days of the date the team received parent consent.
- c. The team will be responsible for determining eligibility under Section 504 and determining what services and/or accommodations are needed to meet the child's needs as they relate to the educational setting.
- d. In interpreting evaluation data and making placement decisions, the team shall draw upon information from a variety of sources, including aptitude and/or achievement tests, teacher recommendations, physical condition, social or cultural background, and/or adaptive behavior. Information obtained from all such sources included in the Consent For Evaluation Form shall be documented in the Identification Form and shall be carefully considered.
- e. The Identification Form documenting the evaluation findings, eligibility, and the educational services/accommodations to be provided will be completed. The Identification Form will become a part of the student's temporary record.
- f. Recommendations made at the meeting shall be determined by consensus of the participating 504 team. Any dissenting opinions will be documented in the conference notes. Parents will receive the Section 504 Rights document.
- g. In the event the team determines that the student is not eligible for services as a disabled student within the meaning of Section 504, the team will document the reasons for their eligibility determination in the Identification Form.

Section 504 Plan

- a. The team shall prepare a services plan for an eligible student with a disability. The services and reasonable accommodations described on the service 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.
- b. The Section 504 Accommodation Plan will serve as the service plan by describing the needed educational services and/or reasonable accommodations to be made.
- c. The services/accommodations may be provided within the general education program and be of a consultative/monitoring nature. Direct services may include, but are not limited to, special education and related services, modification of the standard curriculum, alternative teaching techniques, adapted materials, adapted classroom environment,

alternative/individualized assignments, and/or behavior management system. If the student's education is adversely affected and specially designed instruction is needed, the team should give consideration to reviewing the student's eligibility for special education and related services pursuant to IDEA.

- d. If, at the meeting, the evaluation team determines that the child has a disability and is in need of services or reasonable accommodations, the district will provide the program and services based on the Section 504 Accommodation Plan.

Reevaluation

- a. A reevaluation of each initial evaluation will normally be conducted every three (3) years or more frequently if conditions warrant. A re-evaluation should be considered if there is significant change in student's medical status or performance, when a change of placement is being considered (could be as a result of a long-term suspension) or when a significant reduction in services or termination of services is being considered.
- b. Each reevaluation will, when reasonably possible, be completed within sixty (60) school days from the date when consent from parents/guardian is received.

Termination of Services

A re-evaluation should be conducted prior to a decision to terminate services. The evaluation team shall recommend the termination of a student's service plan if it determines on the basis of the review of all pertinent information that:

- a. The student is no longer disabled; or
- b. The student no longer requires any specialized services to meet the identified needs; or
- c. The student no longer requires any special accommodations; or
- d. The student can be appropriately educated in a general classroom environment without special support.

Yearly Review

On an annual basis, the evaluation team will review the service plan to determine continued eligibility and the nature and type of services the district shall provide.

A meeting will be scheduled and parents will be provided written notification of the meeting which will be accompanied by the Section 504 Rights document.

Procedural Safeguards

Procedural safeguards are provided in Appendix 1 of this document

Impartial Hearing Procedure

- a. A parent may request an impartial hearing by contacting the District's ADA/504 Coordinator (Director of Student Services).
- b. The parent request for a hearing shall be in writing. The request shall specify the reason(s) the hearing is being requested.
- c. The District shall select and provide the parents with an impartial hearing officer within a reasonable time.
- d. The hearing shall be scheduled by the hearing officer within a reasonable time.
- e. The District and the parents shall have the right to present evidence relevant to the issue raised by the parents. The parties shall have the right to be represented at the hearing by legal counsel.
- f. The hearing officer shall limit his/her decision to the issue or issues presented by the parents in their written request for a hearing. The hearing officer's decision must be written and shall include a summary of the evidence and the reasons for the decision. The decision is to be based solely on the hearing officer's interpretation of the meaning or application of Section 504 of the *Rehabilitation Act of 1973*.
- g. The hearing officer's decision will be issued within a reasonable period of time following the conclusion of the hearing. The hearing officer shall send a copy of the decision to the parent(s) and the District.
- h. The decision of the hearing officer shall be considered final.
- i. The hearing will be provided at no cost to the parents.

III. Grievance Procedure

The *Americans with Disabilities Act* ("ADA") and Section 504 require that each program, service, and activity offered by the School District, when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities or handicaps.

A "grievance" is any complaint under the ADA/Section 504 by an individual with a disability who:

- a. meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by the School District, and
- b. believes he or she has been excluded from participation in or denied the benefits of any program, service or activity of District 64 or has been subject to discrimination by District 64 on the basis of his or her disability or handicap.

District 64 will endeavor to respond to and resolve grievances without the need to resort to the formal grievance procedure established by the District's Uniform Grievance Procedure. A person who wishes to avail himself or herself of the formal Uniform Grievance Procedure, however, may do so only by filing a written grievance within three hundred sixty-five (365) calendar days of the alleged discrimination.

The ADA/Section 504 Coordinator (Director of Student Services) shall provide a copy of the Uniform Grievance Procedure and the required complaint form to anyone who requests it or expresses a desire to file a formal grievance.

Each grievance involves a unique set of factors which include but are not limited to: the specific nature of the disability; the essential eligibility requirements for, the benefits to be derived from, and the nature of the service, program or activity at issue; the health and safety of others; and whether or not an accommodation would constitute a fundamental alteration to the program, service or activity or constitute an undue hardship on District 64. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other grievant should rely.

IV. Notification of ADA/Section 504 Policy

Notice of District 64's policy on nondiscrimination on the basis of disability shall be included in recruitment materials; applications for employment, services or participation in programs and activities; handbooks, manuals, or pamphlets distributed to the public, employees, or students; and Board meeting policies. Notice shall be further provided by the display of informative posters in public areas of the school building.

Notice of Rights and Procedural Protections Under Section 504 and the Americans with Disabilities Act

The **Park Ridge - Niles School District #64** does not discriminate on the basis of race, color, religion, sex, age, national origin, or disability in admission, access, treatment, or employment in its programs, services, and activities. Applicants, students, parents/guardians, employees, referral agencies, and all organizations holding agreements with the District are hereby notified of this policy. Any person with concerns regarding the District's compliance with the regulations implementing Title VI, Title IX, Section 504 or the Americans with Disabilities Act is directed to contact:

Name: Dr. Lea Anne Frost

Position: Director of Student Services

Address: 164 S. Prospect, Park Ridge, IL 60068

Phone Number: (847) 318-4332

This document summarizes the procedures and rights you have as the parent of a student who may qualify for accommodations or services under Section 504 and the ADA.

INTRODUCTION. Section 504 of the 1973 Rehabilitation Act, along with the Americans with Disabilities Act, (Section 504/ADA), requires that the school district may not discriminate against students with disabilities. Accordingly, the district has adopted policies and procedures to ensure that discrimination does not take place. It is the intent of the District to ensure that students who are eligible for services/accommodations within the definition of Section 504 of the *Rehabilitation Act of 1973* are identified, evaluated, and provided with appropriate educational services/accommodations.

IDEA ELIGIBILITY. Many students who meet the definition of an "individual with a disability" under Section 504/ADA also qualify for services under the Individuals with Disabilities Education Act (IDEA). Such students are served pursuant to the requirements of the IDEA. The rest of this document addresses only the rights of parents of students who satisfy the definition of an individual with a disability under Section 504/ADA, but do not qualify under IDEA.

AN APPROPRIATE EDUCATION. If it is determined that your child meets the definition of an individual with a disability under Section 504/ADA, then your child will be entitled to a free and appropriate public education. This means that your child's education will be designed to meet his/her individual educational needs as adequately as the needs of non-disabled students are met in the least restrictive environment. This also includes the right to have the school district make reasonable accommodations to allow your child an equal opportunity to participate in school-related activities, including non-academic and extracurricular activities. A "free" public education means that no fees will be imposed on you except for the same fees that are imposed on parents of non-disabled students. However, insurance companies and other third parties that are obligated to provide or pay for service to your child are still obligated to do so.

NOTICE. You have the right to be notified by the district prior to any action that would identify your child as having a disability, evaluate your child for services under Section 504/ADA, or place your child in a program based on a disability. You also have the right to have the school district advise you of your rights and procedural safeguards under Section 504 in an understandable language.

EVALUATION. Prior to conducting an evaluation of your child for purposes of service under Section 504/ADA, the district will seek your informed written consent. An evaluation will not be conducted unless you give consent. However, school officials may review existing records, test scores, grades, teacher reports, and recommendations and other such information without your consent to the same extent they would do so for non-disabled students.

If an evaluation is conducted, the school will make sure that:

- All testing and other evaluation procedures are validated for the specific purpose for which they are used;
- They are administered by trained personnel in conformity with the instructions provided by the producer;

- They include tests and other evaluation materials designed to assess specific areas of educational need and not merely those designed to elicit a general IQ score; and
- Tests are selected and administered to best ensure that they accurately measure what the test seeks to measure, rather than any sensory, speaking, or manual impairments the student may have (except when the test is designed to measure sensory, speaking, or manual skills)

An evaluation that satisfies these requirements will be conducted prior to your child's initial placement and conducted or reviewed prior to any subsequent significant change in placement.

If your child is identified as an individual with a disability under Section 504/ADA, the school will periodically reevaluate your child in accordance with the District's procedures..

PLACEMENT. If your child is identified as an individual with a disability under Section 504/ADA, placement decisions about your child will be made by the school's 504 Team, which will include professional staff members who, collectively, are knowledgeable about your child, the meaning of the evaluation data, and the placement options. You will be invited to participate in any meeting of the 504 Team if your child's placement and/or services are to be discussed. The 504 Team will also ensure that your child is placed in the "least restrictive environment."

LEAST RESTRICTIVE ENVIRONMENT. If your child is identified as an individual with a disability under Section 504/ADA, your child will be placed and served in the "least restrictive environment." This means that your child will be served with non-disabled students in the regular education environment to the maximum extent appropriate. Prior to removing your child from the regular education environment due to his/her disability, the school will consider the use of supplementary aids and services. Your child will be removed from the regular education environment only if he/she cannot be served satisfactorily in that environment, even when supplementary aids and services are provided.

If it becomes necessary to service your child in an alternate setting due to disability, the school will take into account the proximity of the alternate setting to your home.

EXAMINATION OF RECORDS. You have the right to see and examine any educational records that pertain to your child or are relevant in serving your child, including records relating to decisions regarding your child's identification, evaluation, educational program and placement, and obtain copies of educational records at a reasonable cost unless that fee would effectively deny you access to the records.

HEARINGS. If you disagree with a decision of the 504 team regarding the identification, evaluation, or educational placement of your child you have the right to an impartial hearing. Parents and school staff should try to work out any differences before moving to due process or filing a complaint with OCR. You have the right to participate in such a hearing and to be represented by a person of your choice, including an attorney, at your expense.

If you wish to request a hearing, your request for a hearing must be filed with the district's Section 504 Coordinator. The impartial hearing officer will be selected by the District.

Upon receipt of a timely request for a hearing, the district will notify you of the date, time, and location of the hearing. If you disagree with the decision of the hearing officer, you have the right to a review of that decision by a court in a competent jurisdiction.

OTHER COMPLAINTS. You also have the right to file a complaint with the district's section 504 Coordinator pertaining to harassment, retaliation or discrimination against your child in ways that do not involve your child's identification, evaluation, or educational placement. You may file a grievance under the District's Uniform Grievance Procedure with the District's complaint manager.

OFFICE FOR CIVIL RIGHTS. You also have the right to file a complaint with the Office for Civil Rights. You may file a complaint by contacting: Office for Civil Rights, US Department of Education, Citigroup Center, 500 W Madison St., Suite 1475, Chicago, IL 60661-4544, voice phone (312) 730-1560, FAX (312) 730-1576, TDD (800) 877-8339