

SUBJECT: SECTION 504 PROCEDURE

The District will comply with the following procedures with respect to students who have a disability or are suspected of having a disability, as that term is defined by the Rehabilitation Act of 1973.

Section 1: Evaluation and Placement Procedures

- 1.1 A student who, because of an impairment or a disability, needs or is believed to need accommodations, will be referred, in writing, to the District's Director of Special Education for an evaluation and determination of eligibility under Section 504 of the Rehabilitation Act. The written request must state the reasons for the referral and include any test results, medical diagnosis, evaluations or reports that describe the student's impairment or disability. The District may initiate a referral if it has reason to believe the student may have a qualifying disability.
- 1.2 Within ten (10) school days of its receipt of a request that meets the requirements of Section 1.1, the District will contact the student's parent/person in parental relation in writing to request consent to initiate an evaluation of the student and, where necessary, provide the parent/person in parental relation with a copy of the referral.
- 1.3 Upon receipt of the consent of the parent/person in parental relation to the student, the District will have sixty (60) school days to conduct an evaluation to determine whether the student is eligible for and requires Section 504 accommodations.
- 1.4 Specific areas of assessment of a student conducted pursuant to these procedures will be dependent upon the specific disability or impairment at issue. The evaluation may include, but is not limited to: cognitive aptitude and achievement tests; review of the student's educational and disciplinary records; classroom observations; teacher observations; review of medical documentation, request for medical documentation, physical examinations; and communications with the student's parents to obtain developmental, social, or cultural background information.
- 1.5 Following the District's evaluation, and within sixty (60) school days of the referral, the District will schedule a meeting with the parent/persons in parental relation to the student (the "Section 504 Meeting") to discuss the results of the evaluation and recommend the appropriate resolution to the referral. The parent/persons in parental relation to the student will be provided with written notice of the meeting date, time, and location five (5) calendar days before the meeting.

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- 1.6 Attendance at the Section 504 Meeting may include the student's parents/persons in parental relation to the student and District personnel that are knowledgeable about the student ("504 Committee"), and the student. The 504 Committee will consider information from a variety of sources when determining whether the student is eligible for and requires Section 504 accommodations. The weight to be accorded to any one piece of information will be determined by the committee, given the student's circumstances.
- 1.7 Within ten (10) days of the Section 504 Meeting, the District will notify the parents/persons in parental relation to the student in writing of the determination regarding the referral.
- 1.8 Where the District determines that the student is eligible for Section 504 accommodations, the 504 Committee will prepare a Section 504 Plan for the student. The plan will be provided to the parents/persons in parental relation to the student. The plan will become effective upon the District's receipt of the parent's written consent to provide services according to the Section 504 Plan. If the student is determined to be ineligible for services under Section 504, written notification will be sent to the parent(s) or person in parental relationship to the student.

Section 2: Re-Evaluation and Reviews

- 2.1 The District will conduct periodic re-evaluations of students with existing 504 plans as necessary, but no less often than once every three (3) years, except where the District and the parent/person in parental relation agree in writing that such re-evaluation is unnecessary.
- 2.2 The 504 Committee will convene periodically to discuss the student's current needs and accommodation plan.

Section 3: The Grievance Procedure

- 3.1 Level I: Issues and differences of opinion can generally be resolved with an informal conference between District personnel and other relevant stakeholders. Any individual with a complaint concerning the District's Section 504 determination or administration must first present a written complaint to the Director of Special Education. The complaint will state the nature of the grievance and the remedy requested.

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Within ten (10) school days of receiving the written complaint, the Director of Special Education will contact the complaining party to schedule a meeting and discuss the complaint.

Within ten (10) school days of the meeting, the Director of Special Education will notify the complainant, in writing, of his or her decision regarding the complaint. The Director of Special Education will dismiss the complaint if the complaining party fails to attend the meeting.

- 3.2 Level II: If the complaint is not resolved at Level I, the complaining party may file a written request with Director of Special Education for a 504 hearing. All requests must be filed within twenty (20) calendar days of the receipt of the Level I decision. The District will select a hearing officer to decide the grievance. The hearing officer will be competent in the area of education law, as determined by the District, and will not have any conflict of interest in serving as a hearing officer.
- 3.3 Resolution Period: The Director of Special Education will, within fifteen (15) school days of receiving a request for an impartial hearing, convene a meeting with the complaining party and other relevant members of the 504 Committee, as determined by the parent and the Director of Special Education (the "Resolution Meeting"). The purpose of the Resolution Meeting will be to discuss the complaint and the facts that form the basis of the complaint. The Director of Special Education will notify the parents/persons in parental relation of the meeting, in writing, at least 3 calendar days before the meeting. If the parents fail to attend or participate in the meeting after reasonable efforts by the District to accommodate their schedule, the District may dismiss the complaint within thirty (30) calendar days after receipt of the request for a 504 hearing.
- 3.4 Where the complaining party and the Director of Special Education resolve the complaint during the resolution process, they will execute a legally binding agreement that is signed by the parents/person in parental relation to the student and the District's designee.
- 3.5 The resolution period will be 30 school days. The parties may waive the resolution process by joint written agreement.
- 3.6 Prehearing Conference: If the parties are unable to resolve the complaint during the resolution period, there will be a pre-hearing conference ten (10) school days after the expiration of the 30 school day resolution period.

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3.7 504 Hearing: An 504 hearing will be held within sixty (60) school days of the date that the written request for a 504 hearing was received by Director of Special Education. The complaining party will bear the burden of proof and persuasion at the hearing. The parties will exchange documents they intend to introduce at the hearing 5 calendar days before the hearing. The hearing officer will render a decision within 45 calendar days from the date the hearing officer closed the record. The hearing officer may provide her or his decision to the parties in electronic format. Electronic filing for pleadings will be accepted and considered filed when sent.

The hearing officer's decision will be based solely on the evidence presented at the hearing and will include a summary of the evidence received and considered, and the rationale for the decision.

Date: 6-3-16