

Elizabethton City Schools

504 Manual

Updated June, 2011

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Terms

Educational Need-

A substantial limitation on learning demonstrated by a serious academic deficit and/or serious behavior problems resulting from the student's disability and not from other causes.

Educational Placement-

Placement in a setting with children who are not disabled to the maximum extent appropriate to the needs of the child. *34 CFR § 104.34.*

Eligibility-

A student is eligible under §504 if the student:

- (a) has a physical or mental impairment which substantially limits one or more major life activities;
- (b) has a record of such an impairment; or
- (c) is regarded as having such an impairment. *34 CFR §104.3(j)(1).*

Students who are eligible for educational services under §504 & IDEA have dual eligibility.

Free Appropriate Public Education (FAPE)-

A student who is eligible under §504 & has an educational need is entitled to FAPE. A LEA shall provide FAPE to each qualified handicapped person who is in its jurisdiction. The LEA shall provide regular or special education and related aids or services designed to meet the individual's educational needs. FAPE must be provided without cost, except for fees that are also paid by nondisabled students. *34 CFR §104.33*

Major Life Activity- Functions such as walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, and performing manual tasks. The disability only needs to substantially limit one major life activity in order for the student to be eligible. *34 CFR §104.3(j).*

Manifestation Determination-

Meeting of the 504 review committee to determine whether the student's behavior is related to his/her disability when a student eligible under Section 504 is removed from classes to such an extent that it constitutes a significant change of placement.

Parent-

A natural or adoptive parent or guardian, surrogate parent, someone acting in place of a parent (i.e., grandparent with whom the child lives), or someone who is legally responsible for the child. The term parent also applies to an adult student receiving 504 services.

Physical or Mental Impairment-

(a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or (b) any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities. *34 CFR § 104.3 (j) (2) (I)*. A physical or mental impairment does not constitute a handicap unless its severity is such that it results in a substantial limitation of one or more major life activities.

Procedural Safeguards-

A system of activities established and implemented by the LEA that provides the parent or guardian with notice, an opportunity to examine relevant records, an impartial hearing with parental participation and representation by counsel, and a review procedure when there is a disagreement between the parents and the LEA regarding the identification, evaluation or educational placement of a student eligible under §504. *34 CFR §104.36*.

Section 504 Coordinator-

A responsible employee of a recipient of federal funds that employs fifteen (15) or more persons who shall coordinate the efforts to comply with the section 504 regulations.

Section 504 Review Committee-

A group of persons knowledgeable about the student, knowledgeable about the meaning of the evaluation data, the placement options, the legal requirements to place a disabled child in the least restrictive environment, and the legal obligation to provide comparable facilities to disabled students. The committee shall include the 504 coordinator or designee, possibly a counselor, parents, and professionals knowledgeable about the student.

Significant Change in Placement-

A substantial and fundamental change in a student's educational program. Whether a change in facilities is a significant change in placement must be determined on a case by case basis. For example, if a student is receiving the same services and programming in substantially the same environment, there has not been a significant change in placement. However, OCR considers regular education transfers made due to age considerations, including graduation, to be a significant change in placement.

Student Services Plan-

A written document developed by a student's 504 review committee which states the nature of the concern, the specific modifications, and the related support services to be provided to a child who is eligible under Section 504.

Substantially Limits-

Means: (1) the inability to perform a major life activity that the average person in the general population can perform;” or (2) Substantial limitation as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner, or duration which the average person in the general population can perform that same major life activity. *29 CFR § 1630.2 (j)*. This definition is not comprehensive and reflects the fact that a definition is not included in the regulations. The Office of Civil Rights (OCR) has declined to formally interpret the term in non-regulatory guidance. OCR has stated that the term has been interpreted to require an important and material limitation. Decisions should be made by the 504 review committee on a case by case basis.

PART ONE

The Section 504 Resource Guide is provided to assist the Elizabethton Community in understanding and implementing Section 504.

What is Section 504?

Section 504 of the Rehabilitation Act of 1973 is Congress's directive to schools receiving any federal funding to eliminate discrimination based on disability from all aspects of school operation. It states: "No otherwise qualified individual with a disability shall solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Since Elizabethton City Schools is a recipient of federal dollars, we are required to provide eligible disabled students with equal access (both physical and academic) to services, programs, and activities offered by our schools.

Section 504 is a civil rights statute and *not a special education statute*. Therefore, it is the responsibility of regular education staff and administration to implement those practices and procedures necessary for a school to fulfill this law's requirements. It is also important to understand that schools receive no additional funding to implement Section 504 accommodations. At each school, the responsibility for insuring Section 504 compliance rests with the building principal or principal's designee. Please note that when working with disabled students, Section 504 serves the same purpose as ADA (Americans with Disabilities Act).

Helpful Link: *The Council of Educators for Students with Disabilities, Inc.* has a web site (<http://www.504idea.org>) that provides helpful information about Section 504. It has information about the history and purpose of Section 504. One especially helpful section is the Question and Answer site it provides.

Identifying Students for Section 504 Eligibility

- What criteria are used to determine 504 eligibility?
- How is a Section 504 student review request made?
- What is the process for reviewing Section 504 eligibility?
- When it is inappropriate to offer a Section 504 accommodation plan?

What criteria are used to determine 504 eligibility?

Like other students, those students with a 504 eligible disability are entitled to a free appropriate public education. An appropriate education for a Section 504 disabled student may require the provision of specific accommodations and related services in order to meet the needs of the student. Section 504 focuses on assuring access to educational services and the learning process that is equal to that given students who do not have disabilities.

For a student to qualify for Section 504 protection the student must meet three criteria. The three criteria are (1) A mental or physical impairment (or has a record of an impairment or is regarded as having an impairment), (2) which substantially limits, (3) one or more major life activities. It is important to understand that all three criteria must apply to a student before that student is eligible for Section 504 protection. In addition, this disability must be why the student cannot equally access or receive benefit from the school's programs and services. Here is additional detail on each of the three criteria.

(1) Mental or physical impairment (a) has a record of such an impairment or (b) is regarded as having an impairment: This might include any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems. Additionally, this can include any mental or psychological disorder. This

criterion does not limit eligibility to specific diseases or categories of medical conditions. The law was intentionally written this way so that the range of diseases or medical conditions that might be considered for Section 504 eligibility is not limited.

(a) “Has a record of such an impairment” means that a person has a history of, or has been misclassified (by a recipient of federal funding) as having a mental or physical impairment that substantially limits one or more major life activities.

(b) “Is regarded as having an impairment” means that an individual has a physical or mental impairment that does not substantially limit major life activities, but that is treated by a recipient (of federal funds) as constituting such a limitation; or has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such an impairment.

Thus, in the case of “has a record of” and “is regarded as having” individuals receive Section 504 protection, not necessarily because they have a qualifying disability, but to protect them from being injured by the prejudice or stereotypic attitudes of others. Schools have no obligation to identify these students or provide them with a Section 504 plan. However, schools are prohibited from discriminating against them in all programs and activities.

(2) Substantially limits:

Section 504 does not specifically define the term “substantially limits”. The basis for evaluating this criterion is on the impact a disability has on one or more of a student’s major life activities. It is vital to understand that for a student to qualify the impairment must impose an important and material limitation to one or more major life activities at the current time. The eligibility team will consider the nature and severity of the disability as well as how long the disability is expected to last. Simply having a condition or disability does not automatically qualify a student for Section 504 protection. The condition must present a barrier to the student’s ability to access the same educational opportunities as that afforded a non-disabled student or a substantial limitation does not exist. The team may also consider what factors have been taken to mitigate the impairment and its actual impact on the student on a day-by-day basis. The team may consider the manner, conditions, and duration in which a student performs the task in comparison to how non-disabled students perform the same task.

(3) Major life activities:

Major life activities include but are not limited to caring for oneself, performing manual tasks walking, hearing, seeing, speaking, breathing, learning, and working.

How is a Section 504 student review request made?

A parent, guardian, teacher, student study team, counselors, related service providers, other school staff and administration, and/or community agencies can initiate a Section 504 review request. Please advise someone wanting a student review to use the Section 504 Student Review Request Form and forward it to the school principal.

Please keep in mind that a number of intervention plans are used with Elizabethton City students. Each has a specific purpose. While 504 plans provide students with access accommodations, others like Individual Health plans are also useful for certain student interventions. Part of the School Support Team (S-Team) discussion should include identifying the planning format and process that best supports student need and aligns available school resources.

What is the process for reviewing Section 504 eligibility?

The System expectation is that every school in Elizabethton City Schools convenes a Student Support Team (or similar group) whose purpose is to investigate the needs of students who demonstrate a pattern of academic failure or other significant needs. The Student Support Team conducts a preliminary review to determine the nature of the

student's need. If it is determined that the student should go through a 504 eligibility meeting then appropriate staff meet and conduct the meeting.

As mentioned above a student is eligible for Section 504 protection when it is determined that he or she has a physical or mental impairment that substantially limits one or more major life activities. A properly convened eligibility team will include individuals knowledgeable about the needs of the student, the data being reviewed, and appropriate accommodation options. This team can include parents/guardians, teachers, Student Support Team members, counselors, related service providers, other school staff and administrators, and staff from community agencies. Parents/guardians should be included in this process whenever possible. The team's role is to review the nature of the student's impairment determining how it affects educational access. If the team determines that the impairment does limit a major life function then the team will construct a Section 504 plan that outlines the necessary student accommodations.

Section 504 eligibility meetings are not intended to be as comprehensive as a special education evaluation. However, in every case the eligibility team needs to investigate the specific concern that triggered the student review request. Information that might be considered includes (but is not limited to) grades, attendance reports, behavior plans, review requests, cumulative file information, psychological evaluations, medical information observations, and standardized testing information. The eligibility team may administer and use other formal and informal measures as deemed necessary.

Are there situations when it is inappropriate to offer a Section 504 accommodation plan?

Yes! Eligibility for 504 is always decided by evaluating and determining that all three criteria are present. The student must have a mental or physical impairment. That mental or physical impairment must be substantially limiting. The impairment must substantially limit one or more major life activities. If any of the three criteria is missing or if there is no impact on the student's access to school programs or services because of the disability do not create a 504 plan for the student. Keep in mind that while a 504 plan might not be appropriate; other kinds of accommodation plans may be appropriate. Here are some of the common misuses of the 504 review request process.

A parent and/or doctor presents the school with a disability diagnosis and a 504 plan is written without first determining if the disability causes significant impairment of a major life activity.

A student is placed on a 504 plan solely because the parent wants the student to have additional time on college qualifying examinations (e.g. ACT, SAT).

A student fails to qualify for special education support and is automatically signed up for a 504 accommodation plan without first qualifying them based on Section 504 criteria.

A student is automatically placed on a 504 plan when the student no longer qualifies for special education services without first qualifying them based on Section 504 criteria, which are different.

A student is placed on a 504 plan as an alternative way to receive special education services because the parent refuses to "label" a student by including them in a special education program.

Design and Implementation of a 504 Plan

- Where will accommodations be provided for students and what are some examples of possible accommodations?
- How are 504 accommodations and related services documented and reviewed?

Where will accommodations be provided for students and what are some examples of possible accommodations?

Section 504 requires that a student with a disability be educated with non-disabled students to the maximum extent appropriate. As with IDEA, this is considered educating the student in the least restrictive environment. Implementation of most Section 504 student accommodations occurs within the regular classroom. Accommodations generally are those minor adjustments to things like seating arrangement, lesson presentation, assignments, and other facets of the learning environment that provide the student with equal access to learning opportunities. An example could be moving the student to a position in the room that best supports his or her ability to attend to schoolwork. Accommodations might involve the use of special visual aids, large print, or using video recordings. Allowing a student additional time to complete a specific kind of task is also an accommodation. Countless accommodations exist that can support a student's equal access to educational opportunities. It is the job of the 504 eligibility team to identify those accommodations that best support the access needs of a 504 eligible student.

How are 504 accommodations and related services documented and reviewed?

If the eligibility team determines that a student has a Section 504 disability, the team's second responsibility is to identify student needs and the services and/or accommodations the student will receive. Documentation of the plan's details is in the Section 504 Accommodation Plan. This plan provides a summary of accommodations that a student needs in order to have equal access to the learning process, or to other programs, activities, and services. In Sevier County, this document should be kept in the student's cumulative file. The eligibility team should review active Section 504 Accommodation Plans yearly with more frequent reviews occurring when needed. The purpose of a review is to add, subtract and/or modify student accommodations as needed.

PART TWO

Disciplining a 504 Disabled Student

- Does a school need to conduct a manifestation meeting when considering the expulsion or long term suspension of a student with a Section 504 plan?
- Who makes the manifestation determination for a student on a 504 plan and what information is included in this process?
- How does a school proceed with drug and alcohol offenses that involve students who are on a Section 504 plan?
- Is a manifestation meeting necessary if a 504 student is cited for “exchange”?

Does a school need to conduct a manifestation meeting when considering the expulsion or long term suspension of a student with a Section 504 plan?

Yes. Similar to suspension or expulsion of a student having a disability under IDEA (special education) it is necessary to conduct a manifestation determination meeting for a Section 504 disabled student when:

The suspension or expulsion will be for more than 10 consecutive school days. Like IDEA, a suspension/expulsion of more than 10 consecutive days constitutes a significant change in placement and requires schools to determine if the cause of the misconduct is the disability identified in the student’s 504 plan.

A series of suspensions that total more than 10 days may also trigger the manifestation determination requirement of Section 504. If cumulative suspensions/expulsions for a student on a 504 plan total more than 10 days, it must be determined if a significant placement change has occurred. This is done on a case-by-case basis. If a group of short suspensions creates a pattern of exclusion then this constitutes a change in placement and school personnel must conduct a manifestation determination meeting before further suspensions or expulsions occur. The Office of Civil Rights has identified some of the key factors in determining patterns of exclusion. These include length of each suspension, the proximity of the suspension to one another, nature of the misconduct, and the total amount of time the student is excluded from school.

Who makes the manifestation determination for a student on a 504 plan and what information is included in this process?

Those involved in a manifestation determination meeting need to be knowledgeable about the student and the meaning of the data being reviewed. When possible, it is a plus to convene those individuals who designed the student’s 504 plan. When this is not possible teachers, parents, health professionals, counselors, etc. can serve on the team that makes a manifestation determination provided they have knowledge of the student and the data being reviewed. Those responsible for school disciplinary procedures, such as the school principal or school board officials cannot make the determination. However, it is appropriate for the administrator responsible for school discipline to present pertinent student information to the team making the manifestation determination.

The Office of Civil Rights indicates that those making the manifestation determination must have available information that competent professionals would require when making such a decision. Examples might include attendance and academic records, psychological evaluation data, behavior plans, discipline records, staff observations, anecdotal records, etc. It is important that the information considered is recent enough to afford an understanding of the student’s current behavior.

Those making the manifestation determination must decide whether the current educational placement is correct. Two questions are to be answered in determining plan appropriateness. 1) Are the accommodations in the student’s 504 plan appropriate as they relate to the current misconduct? 2) Were the accommodations in place at the time of the alleged infraction? If the majority/consensus is that the plan is not appropriate as it relates to the current

misconduct or that it was not substantially complied with, then the suspension/expulsion proceeding cease and a review and update of the current plan is to occur.

If the plan is determined to be both appropriate and in place, the team will next consider if the misconduct is the result of the student's disability. This is done by considering the following questions:

Does the student's disability impact his or her ability to control the behavior?

Does the disability impair the student's ability to understand the impact and consequences of the behavior? If it is determined that the misconduct is not caused by the disability, then the System can impose whatever long-term suspension or expulsion it would impose under the same circumstances if a non-disabled student were the offender. However, if it is determined that the misconduct is caused by the disability the student may not be further removed from his or her program.

How does a school proceed with drug and alcohol offenses that involve students who are on a Section 504 plan?

A student currently engaged in the illegal use of drugs or alcohol is not protected under Section 504 when the disciplinary actions of the school staff are based on that student's current use of illegal drugs or alcohol. Schools may take disciplinary action against a student with a 504 disability that is currently engaged in the use of alcohol or illegal drugs to the same extent that it takes disciplinary action against persons not having disabilities. Additionally, the procedural protections normally in place when a 504 student has a discipline related placement change do not apply when the misconduct involves the current use of illegal drugs or alcohol.

Drug possession is another matter. When the misconduct of a 504-disabled student centers on possession of illegal drugs and not use of illegal drugs then a manifestation determination must occur. If it is determined that the drug possession is not a manifestation of the disability then the student can be disciplined to the same extent as if a non-disabled student was the offender.

Is a manifestation meeting necessary if a 504 student is cited for "exchange"?

The meaning of "exchange" is:

1. "Passing" or "transferring" of drugs or alcohol to another person or receiving of drugs or alcohol from another person for any purpose, even if the students are not using the drugs or alcohol. (Does not have to be exchanged for value or use).
2. It may also mean the "purchase" of drugs or alcohol from another student.

Since exchange includes a number of possible scenarios, it is important to examine the specific circumstances that place the 504 student's violation within the category of exchange. If those circumstances include the use of drugs then Section 504 protection, including due process protection, does not apply. However, if the student's role in an exchange violation does not involve drug use then a manifestation determination is necessary.

Terminating a 504 Plan

How is a 504 plan terminated and what is done with terminated 504 plans?

The first step in terminating a student 504 plan is for the 504 eligibility team to review current student need and determine that the plan is no longer needed to provide the student equal access. Once this is determined the team should complete a Section 504 Plan termination form. This completed form should be attached to the front of the accommodation plan. Like active plans, a terminated plan should be kept in the student cum file. Like other educational documents, terminated plans are maintained in the student cumulative file to support the future efforts of staff that might need to consider some type of intervention for the student.

504 Procedural Safeguards and Parent/Student Rights

Are schools required to provide parents with prior notice of a Section 504 eligibility meeting? Must schools secure parental consent before conducting an initial student review?

Current Office of Civil Rights (OCR) guidelines require that parents receive prior notice of a Section 504 eligibility meeting. However, it is not necessary to secure their consent in order to conduct an initial eligibility review meeting. Parent permission is to be secured before administering any diagnostic evaluations designed to determine 504 eligibility.

Yearly or other plan reviews do not have these requirements. It is vital that the document providing prior notice explains the action the system proposes to take and the reasons why it has decided to proceed in that fashion.

Parent Rights

Are schools required to provide parents with a list of parent/student rights under Section 504 before conducting an initial student review?

Yes! The following is a listing of student and parent rights granted by federal law. The intent of the law is to keep parents fully informed concerning decisions made about their child and to inform parents of their rights should they disagree with these decisions.

For further information:

Contact

Dr. Gardenhour 423-547-8000

804 South Watauga Ave

Elizabethton, TN 37643

Or

Office for Civil Rights

61 Forsythe Street, SW, Suite 19T70

Atlanta, GA 30303

(404-562-6350)

You may also find further information about parent rights at (<http://www.504idea.org>)

(See also Appendix A20)

Parents have the right to:

1. Have your child take part in, and receive benefits from public education programs without discrimination based on a disability.
2. Have the System advise you as to your rights under federal law.
3. Receive notice with respect to identification, evaluation, or placement of your child.
4. Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have the System make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
5. Have your child educated in facilities and receive services comparable to those provided students without disabilities.
6. Have your child receive special education and related services if he or she is found to be eligible under the Individuals with Disabilities Education Act (IDEA), or to receive reasonable accommodations under Section 504 of the Rehabilitation Act.
7. Have eligibility and educational placement decisions made based upon a variety of information sources, and by individuals who know the student, the evaluation data, and placement options.
8. Have transportation provided to a school placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the System.
9. Give your child an equal opportunity to participate in nonacademic and extracurricular activities offered by the System through the provision of reasonable accommodations.
10. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement.
11. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
12. Receive a response from the System to reasonable requests for explanations and interpretations of your child's records.
13. Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the System refuses this request, it shall notify you within a reasonable time, and advise you of the right to a hearing.
14. Request an impartial due process hearing related to decisions regarding your child's identification, evaluation, and educational placement. You and your child may take part in the hearing and have an attorney represent you at your own cost.
15. File a complaint with the System when you believe your child's rights have been violated

Working with Parent Concerns and Complaints (see Appendix A2 and A3)

What is the District process for addressing Section 504 parent complaints?

The best solutions to parent concerns occur at the school level. Therefore, the first step in resolving a complaint involves the parent or guardian working with the building principal, building 504 coordinator and other appropriate staff to reach a joint resolution of the issue. Should the issue not be resolved and the parents desire to file a 504 complaint, advise them to take the following steps.

Parent completes and submits a Section 504 Complaint Form to principal or school designee.

Principal or designee reviews complaint and attempts to facilitate resolution of the concern.

If the concern is not resolved at the school level then parent can contact the Area Administrator assigned to that school and describe the concern. Area Administrators will follow System complaint procedures.

Should the parent not be satisfied with the resolution (or upon request by Area Administrator) the System 504 Coordinator or designee will intervene. The System 504 Coordinator or designee will review the concern and decide whether to reopen mediation or issue a written decision.

Should the parent not be satisfied with the decision made at the District 504 Coordinator level, then the Superintendent or designee reviews the decision to determine if all System Policy or 504 guidelines and procedures were followed. Adjustments to the decision will be made if needed.

If concern is not resolved then parents have the option of filing a complaint with the Office of Civil Rights (OCR). The Office of Civil Rights (OCR) is the federal agency responsible for enforcing Section 504 compliance. While it is highly recommended that all parties begin resolution of issues as described above, parents and guardians always have the right to initiate a complaint with OCR or to involve OCR at any time during the complaint process.

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A-1

Section 504 Coordinator

General Responsibilities

1. Work in partnership with the local Director of Special Education.
2. Develop a district-wide compliance plan.
3. Gain school board approval of the compliance plan.
4. Disseminate the compliance plan in school system newsletters and to each school building.
5. Develop, implement and disseminate a detailing of procedural safeguards (Student/Parent Rights and Options).
6. Locate and appoint building-based compliance officers.
7. Develop, implement and disseminate commensurate Section 504 procedures.
8. Train compliance officers in Section 504 procedures.
9. Communicate district-wide procedures to staff and parents.
10. Continually seek new information relative to Section 504 compliance and up-date all data.
11. Appoint a local hearing officer.
12. Identify and locate a mediator, hearing and/or appeals officer for impartial due process hearings and related to referral, evaluation or placement of individuals with handicaps.
13. Facilitate the training of building-based compliance officers as to applicant and employment issues or related to Section 504 (also Americans with Disabilities Act – ADA).
14. Allocate public resources with report to the funding of Section 504 – (nonspecial education) related placements and/or issues.
15. Serve as the district liaison with the Office for Civil Rights.

A-2

GRIEVANCE PROCEDURE

The Board hereto acknowledges that it is usually most desirable for a grievance and the immediately involved employee to resolve alleged acts of discrimination through free and informal communications. A request for an informal conference shall be made by the grievant within ten days after an alleged violation has occurred. A conference shall be made within five days after receipt of said notice. If, however, the informal process fails to satisfy the grievant, a grievance may be processed as follows:

Step 1:

Within five days following the informal conference, the grievant shall file a grievance on the form provided by the central office. The grievant should present the grievance in writing to the Section 504 Coordinator. Within twenty days of the receipt of the grievance, the Coordinator shall conduct a hearing regarding the complaint. All parties involved in the grievance shall be given five days notice of the date, time and place of the hearing. The parties shall be granted appropriate due process rights as required by law including the right to be represented by counsel, offer testimony, present evidence, cross examine witnesses, and appeal rulings. Within twenty days of the adjournment of the hearing, the Coordinator shall render a written decision regarding the grievance.

Step 2:

If the grievant is not satisfied at Step 1, the grievant may refer the grievance to the superintendent within ten days after receipt of the Step 1 answer. The superintendent or his designee shall hold a de novo hearing following the same procedures as in the previous hearing.

Step 3:

If the grievant is not satisfied at Step 2, the grievant may within ten days request a Due Process Hearing. This hearing shall follow the same procedures as required in the cases involving Special Education.

Advanced Step Filing: Grievances may be initially filed at Step 1 thereby eliminating the informal conference.

No Reprisals: No reprisals shall be taken by the Board or its agents against any individual because of participation in this process.

Withdrawal: A grievance may be withdrawn at any level without establishing a precedent.

Time Limitations: An extension of the time limits is permissible by mutual consent of the parties at any level

Definitions

A "Grievance" shall mean any claim by any student, parent or employee that there has been a violation, misinterpretation, or misapplication of the terms of Section 504.

The term "days" shall mean any day, Monday through Friday, on which schools are open during the normal school year. After the last day of the normal school year, a "day" shall be Monday through Friday, excluding holidays.

A-3

DUE PROCESS HEARING PROCEDURES

Section 504 (34 CFR § 104.36) requires that school systems maintain a procedure for conducting impartial hearings with opportunity for participation by the student's parents or guardian and representation by counsel. Since compliance with the due process requirements of the Individuals with Disabilities Education Act is one means of meeting the Section 504 provision, the following outline of IDEA due process is provided.

A DUE PROCESS HEARING IS A LEGAL PROCEDURE, WHICH IS CONDUCTED BY AN ADMINISTRATIVE LAW JUDGE. EITHER THE PARENT OR THE PUBLIC EDUCATION AGENCY MAY REQUEST A HEARING. THIS METHOD OF RESOLVING DISAGREEMENT IS USUALLY SOUGHT AFTER FORMAL COMPLAINT PROCESSES AND MEDIATIONS HAVE FAILED TO RESOLVE DISPUTES. A LIST OF TRAINED HEARING OFFICERS IS AVAILABLE FROM THE TENNESSEE DEPARTMENT OF EDUCATION, DIVISION OF SPECIAL EDUCATION, BY CONTACTING THE OFFICE OF LEGAL SERVICES. PARENTS REQUESTING A HEARING SHOULD SUBMIT A WRITTEN REQUEST TO THE SUPERINTENDENT OF THE LOCAL SCHOOL SYSTEM AND INCLUDE THE FOLLOWING INFORMATION:

- *The reason for the request
- *A suitable time for the hearing: morning, afternoon, evening
- *Two possible dates for the hearing
- * Whether the hearing will be closed or open to the public

The hearing must be held no less than fifteen (15) days and no more than thirty (30) days from the time you asked for the hearing, unless you agree otherwise, or the administrative law judge grants a continuance at the request of one of the parties.

REASONS FOR THE REQUEST:

1. Denied identification, evaluation or educational placement of persons who, because of disability need or are believed to need special instruction or related services
2. Placed in a setting which is not the least restrictive environment
3. Denied appropriate services due to inaccessibility of programs
4. Denied accommodations and/or modification to regular education program because of identified disability
5. Denied participation in extracurricular and nonacademic activities because of a disability

SCHOOL SYSTEMS RESPONSIBILITIES:

- * The school system will provide a location for the hearing.
- * The cost of the Administrative Law Judge and Court Reporter will be paid by the school system. The school system will provide the parents with a copy of the hearing transcript at no cost to the parent.
- * The school system must allow the child to remain in his/her present placement until after the hearing, unless the parents agree that a change in the placement would be best for the child.
- * The school system must inform the parents of any free or low-cost legal services or other relevant services available in the area.

BEFORE THE HEARING...

- * All exhibits to be presented at the hearing shall be exchanged between the school system and the parents at least five days prior to the hearing.
- * The school system must allow the parents to examine the child's records and make copies if requested.

DURING THE HEARING...

- * Parents and the school system may be represented by legal counsel or some other professional who may be knowledgeable about the child, or an advocate.
- * You may present and cross-examine witnesses who know about the child's disability.
- * The child may be present at the hearing.

- * After the Administrative Law Judge has heard the case, he/she will give a written decision.
- * The Administrative Law Judge is impartial, and is not an employee of any school system, but he/she will be well-trained and understand what the law requires for children with special needs.

AFTER THE HEARING...

- * The parents will receive a written record or tape recording of all that was said at the hearing.
- * A copy of the Administrative Law Judge's decision will be given to both the school system and the parents. The Judge must render a decision within 45 days after the school superintendent's receipt of the request for a hearing, unless the parents agree otherwise or the Judge has granted a continuance at the request of one of the parties.
- * The decision made by the Administrative Law Judge is final unless the parents or the school system appeals the decision to appropriate state or federal court.

A-4

Elizabethton City Schools Notice of Nondiscrimination

The following sample notice of nondiscrimination meets the minimum requirements of the regulations enforced by OCR: The (Name of recipient) does not discriminate on the basis of race, color, national origin, sex, or disability in its programs and activities. The following person has been designated to handle inquiries regarding the nondiscrimination policies:

Name and/or Title _____

Address _____

Telephone No. _____

Name and/or Title* _____

Address _____

Telephone No. _____

*For use when more than one official has been designated to coordinate civil rights compliance.

Methods of Notification:

In accordance with Section 504, notification may include:

1. posting of notice
2. publication in local newspapers
3. publication in newspapers and magazines operated by the LEA
4. publication in student publications, alumnae or alumni, newspapers or magazines
5. other written communications to students and employees.

A-5

DISABLED INDIVIDUALS POLICY STATEMENT 504

It is the policy of the Elizabethton City Schools that no otherwise qualified disabled person shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity sponsored by this school district.

Inquiries regarding compliance with this policy should be directed to Dr. Corey Gardenhour of the Elizabethton City School District, 804 S Watauga Ave. Elizabethton, TN 37643 or to the Office for Civil Rights, U.S. Department of Education, Washington, D.C.

GENERAL POLICY NOTIFICATION STATEMENT

It is the policy of the Elizabethton City School System not to discriminate on the basis of race, color, religion, sex, national origin, age, or disability in its educational programs or employment policies as required by Titles VI and VII of the Civil Rights Act of 1964, the Equal Pay Act of 1973, Title IX (1972 Educational Amendments), Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act. Inquiries regarding compliance with Title IX, Section 504 or the Americans with Disabilities Act should be directed to Dr. Corey Gardenhour of the Elizabethton City School System, *04 S Watauga Ave. Elizabethton, Tn 37643 or to the Office for Civil Rights, U.S. Department of Education, Washington, D.C.

A-6

MEMORANDUM

DATE:

TO: Physicians, Child Care Centers, Community Agencies, Nursery Schools, Local Newspapers, and Radio Stations

FROM: ,Section 504 Coordinator

RE: Identification and Location of Children With Disabilities

The Elizabethton City Schools provides special education and related services, and special accommodations to children who are disabled. Under state and federal laws, public schools are required to provide a free, appropriate, public education to all children who are disabled between the ages of three and twenty-two, and may not, on the basis of disability, discriminate against these children.

This memorandum is part of an effort to locate and serve those children who may need special education and related services, and/or special accommodations. If you know of a child, three to age twenty-two, who may qualify for, and is not now receiving available services, please call or write:

Elizabethton City Schools
804 S Watauga Ave
Elizabethton, TN 37643
423-547-8000

Any help you can provide by publicizing and disseminating this important information will be greatly appreciated.

THANK YOU!

A-7

Annual Notice to Parents

In compliance with state and federal law, the Elizabethton City Schools district will provide to each protected student with a disability without discrimination or cost to the student or family, those related aids, services or accommodations which are needed to provide equal opportunity to participate in and obtain the benefits of the school program and extracurricular activities to the maximum extent appropriate to the student's abilities. In order to qualify as a protected student with a disability, the child must be of school age with a physical or mental disability, which substantially limits or prohibits participation in or access to an aspect of the school program. These services and protections for "protected students who are disabled" are distinct from those applicable to all eligible or exceptional students enrolled (or seeking enrollment) in special education programs. For further information on the evaluation procedures and provision of services to protected handicapped students, contact Dr. Gardenhour 423-547-8000

A-8

EDUCATION OF STUDENTS IN ACCORDANCE WITH SECTION 504 OF THE REHABILITATION ACT OF 1973 PARENTAL RIGHTS

Pursuant to Section 504 of the Rehabilitation Act of 1973, disabled children and their parents or guardians are entitled to procedural safeguards with respect to actions taken by the Elizabethton City Schools regarding the identification, evaluation, or educational placement of students who are identified under this statute. In this regard, the following rights are afforded:

1. Notice of any action taken with regard to identification, evaluation, or educational placement of a disabled student;
2. An opportunity to examine relevant records;
3. An impartial hearing with the opportunity for participation by the disabled student's parents or guardians and representation by counsel; and
4. A review procedure.

If you would like further explanation of these rights, please contact, Section 504 Coordinator, at 423-547-8000.

Section 504 Parental Rights were given by _____
Name and Title on _____ for _____,

Date

Student Date of Birth

Name of School

Original: Section 504 File (Central Office)

Yellow: Section 504 File (School)

Blue: 504 Designee

Pink: Parent or Guardian

A-9

Section 504 Informational Notice

Section 504 is an Act, which prohibits discrimination against persons with a disability in any program receiving federal financial assistance. The Act defines a person with a disability as anyone who:

- *Has a mental or physical impairment which substantially limits one or more major life activity (major life activities include activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working);*
- *Has a record of such impairment;*
- *Is regarded as having such an impairment.*

In order to fulfill its obligation under Section 504, the Elizabethton City Schools district recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person with a disability will knowingly be permitted in any of the programs and practices in the school system.

The school district has specific responsibilities under the Act, which include the responsibility to identify, evaluate, and if the child is determined to be eligible under Section 504, to afford access to appropriate educational services.

If the parent or guardian disagrees with the determination made by the professional staff of the school district, he/she has a right to a hearing with an impartial hearing officer.

The Family Educational Rights and Privacy Act (FERPA) also specifies rights related to educational records. This Act gives the parent or guardian the right to:

- *Inspect and review his/her child's educational records;*
- *Make copies of these records;*
- *Receive a list of all individuals having access to those records;*
- *Ask for an explanation of any item in the records;*
- *Ask for an amendment to any report on the grounds that it is inaccurate, misleading, or violates the child's rights'*
- *A hearing on the issue if the school refuses to make the amendment.*

If there are questions, please feel free to contact, Section 504 Compliance Coordinator a (Dr. Gardenhour 423-547-8000).

A-10

ELIZABETHTON CITY SCHOOLS REFERRAL FOR SECTION 504

Name of Student _____ Birth Date _____

School _____ Grade _____

Person Initiating Referral _____ Position _____ Date _____

Reason for Referral:

Attendance: Days Present _____ Days Absent _____

Current Grades:

Subject Grade Subject Grade

Testing Data: Attach a copy of the student's most recent achievement/aptitude test, TCAP (if appropriate), and classroom subject matter test results.

Academic Characteristics: Estimate the student's grade level.

Oral Reading Spelling

Reading Comprehensive Math Calculation

Basic Reading Skills Math Reasoning

Written Expression Writes Legibly

Comments:

A-11

Elizabethton City Schools Notice of Section 504 Committee Meeting

Name Birthdate

School Teacher Grade

This Section 504 Committee will be meeting to discuss referral and evaluation information. If it is determined the student has a disability, the student's educational needs will be discussed and any applicable programs or modifications will be considered.

If you wish to have further information or have any questions, please contact:

504 Contact Person _____

Telephone Number _____

Date Sent _____

Original: Section 504 File (Central Office)

Yellow: Section 504 File (School)

Blue: 504 Designee

Pink: Parent or Guardian

A-12

ANNUAL REVIEW NOTICE

Date: _____

Student's Last Name First Name ID Number School

Dear Parents,

Your child has been receiving services under Section 504 of the Rehabilitation Act of 1973. The 504 Review Committee will convene to consider current data as they reevaluate the educational services your child is now receiving. In order to continue to receive 504 services, you will need to provide the following current documentation:

The meeting will be held:

Date Time: Place

Should you have questions, please feel free to contact the school principal at the number listed below.

Sincerely,

Section 504 Designee

Telephone:

Original: Section 504 File (Central Office)

Yellow: Section 504 File (School)

Blue: 504 Designee

Pink: Parent or Guardian

A-13

STUDENT SERVICES AGREEMENT

Section 504

Academic Year: From _____ To _____

STUDENT NAME: _____ BIRTH DATE: //

month/ day/ year

SCHOOL: GRADE:

HOME

PARENTS: PHONE:

Last First

BUSINESS:

ADDRESS:

Street City State Zip

A. REFERRAL

DESCRIBE THE NATURE OF THE CONCERN, THE EDUCATIONAL IMPLICATIONS, AND ADDITIONAL INFORMATION. Relate information from observations, progress reports, and other data provided by teachers and other service providers.

DESCRIBE THE BASIS FOR THE DETERMINATION OF A DISABILITY (IF ANY).

***Discuss the severity of the problem and the major life activity or activities affected.**

Page 1 of 4

B. ELIGIBILITY

1) _____ has been identified as meeting Section 504 eligibility as _____. Reports supporting this determination were completed by:

disability

DATE OF

NAME TITLE REPORT

(SEE ATTACHED REPORTS)

2) Does the student have a physical or mental impairment, which substantially limits one or more major life activities? Yes _____ No _____

3) Nature of impairment:

Page 2 of 4

C. CLASSROOM SCHEDULE (List all classes/teachers)

D. MODIFICATIONS

_____ no modification _____ alternative materials

_____ peer tutoring cooperative learning

_____ oral testing grading (explain)

_____ abbreviated assignments

_____ other (explain)

E. The following strategies will be employed to meet the individual needs of the student:

Comments:

Person responsible for implementation:

Page 3 of 4

F. TEAM MEMBERS:

Signature Title Date Yes No

Copy to Section 504 Coordinator

G. SECTION 504 PARENTAL RIGHTS WERE GIVEN AND EXPLAINED TO THE PARENTS OR GUARDIANS.

H. REEVALUATION DATE: _____

Comprehensive Reevaluations must be conducted at least every three years after the initial assessment.

Original: Section 504 File (Central Office)

Yellow: Section 504 File (School)

Blue: 504 Designee

Pink: Parent or Guardian

A-14

ALTERNATIVE LEARNING PLAN - ADDENDUM

Section 504

Reasonable Modifications for

(Student's Name)

Mark student's correct and acceptable work, not his mistakes.

Examinations and quizzes should be given orally.

Reading assignments should be presented on cassette tapes.

Make arrangements for homework assignments to reach home with clear, concise directions.

Reversals and transpositions of letters and numbers should not be marked wrong. Instead, reversals or transpositions should be pointed out for correction.

Recognize and give credit for student's oral participation in class.

Provide extra test time.

Student should be allowed to tape classroom lectures or discussions.

Student should be allowed to copy another student's class notes.

Student should be provided a carbon copy of another student's class notes.

Utilization of peer tutoring.

Utilization of cross-age tutoring.

Avoid placing student under pressure of time or competition.

Accept homework papers typed by the student or dictated by him and recorded by someone else, if need be.

Do not return handwritten work to be copied over, paper is often not improved and student's frustration is added to.

Quietly repeat directions to him after they have been given to the class; then have him repeat and explain directions to you.

Let the student dictate themes or answers to questions on a cassette tape.

_____ Accompany oral directions with written directions for child to refer to (on blackboard or paper)

_____ Do not require lengthy outside reading assignments.

_____ Student should be permitted to use cursive writing.

_____ Other:

Comments:

xc Parent

Section 504 Coordinator

Principal

Teacher

Educational Record

A-15

Receipt for Rights Booklet*

Name of Student

Date of Birth School

This is to verify that I have received a copy of Section 504 *Parent and Student Rights in Identification, Evaluation and Placement* which informs me of my rights throughout the child-centered educational process. These rights have been explained to me by:

Name Position

on .

Date

I understand that my rights include the right to receive:

- (1) this and all other written notices in the language I understand (primary language or, if needed, a translation of such orally, in sign language, or Braille as appropriate), and
- (2) answers from school personnel to additional questions I may have.

My signature below indicates that I received the booklet and understand its contents.

Signature of Parent, Guardian, or Adult Student

Date Signed

A-16

PARENT/STUDENT RIGHTS IN IDENTIFICATION, EVALUATION AND PLACEMENT

Please Keep This Explanation for Future Reference
(Section 504 of the Rehabilitation Act of 1973)

The following is a description of the rights granted by federal law to students with disabilities. * The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

You have the right to:

1. Have your child take part in, and receive benefits from public education programs without discrimination because of his/her disability;
 2. Have the school district advise you of your rights under federal law;
 3. Receive notice with respect to identification, evaluation, or placement of your child;
 4. Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have the school district make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities;
 5. Have your child educated in facilities and receive services comparable to those provided non-disabled students;
 6. Have your child receive special education and related services if he/she is found to be eligible under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act;
 7. Have evaluation, education, and placement decisions made based upon a variety of information sources, and by persons who know the student, the evaluation data, and placement options;
 8. Have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the district;
 9. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district;
 10. Examine all relevant records relating to decisions regarding your child's identification, evaluation, education program, and placement;
 11. Obtain copies of education records at a reasonable cost unless the fee would effectively deny you access to the records;
- *(29 U.S.C. 706(7), §794; 34 C.F.R. Part 104, 20 U.S.C. §1232g; 34 C.F.R. Part 99)
12. A response from the school district to reasonable requests for explanations and interpretations of your child's records;
 13. Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the school district refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing;
 14. File a local grievance;
 15. Request mediation or an impartial hearing related to decisions or action regarding your child's identification, evaluation, educational program or placement. You and the student may take part in the hearing and have an attorney represent you. Written hearing requests must be submitted to the superintendent of the local school system and include the following information:
 - The reason for the request
 - A suitable time for the hearing: morning, afternoon, evening
 - Two possible dates for the hearing
 - Whether the hearing will be closed or open to the public

The hearing must be held no less than fifteen (15) days and no more than thirty (30) days from the time you asked for the hearing, unless you agree otherwise, or the administrative law judge grants a

continuance at the request of one of the parties.

REASONS FOR THE REQUEST:

1. Denied identification, evaluation or educational placement of persons who, because of a disability, need or are believed to need special instruction or related services
 2. Placed in a setting which is not the least restrictive environment
 3. Denied appropriate services due to inaccessibility of programs
 4. Denied modifications to regular education program because of identified disability
 5. Denied participation in extracurricular and nonacademic activities because of a disability
 6. Ask for payment of reasonable attorney fees if you are successful on your claim
- The person in this district who is responsible for assuring that the district complies with Section 504 is
Telephone number_

A-17

SECTION 504

RELEASE OF INFORMATION FORM

For the purpose of providing the most appropriate instruction and assistance in school, I do hereby give permission for a mutual exchange of psycho-educational evaluation, psychosocial evaluations, and medical evaluations concerning:

NAME OF STUDENT: BIRTHDATE: _____

SCHOOL WHERE ENROLLED: GRADE:

Between the and the following:

(Hospitals, Clinic, Physician, Institution, Association of School)

(Address of above)

(City, State and Zip)

Telephone: Other:

Date Signed:

Release all information

Release the checked information

1. General identifying data (Name, Address, Birthdate, Grade Level Completed, Grades, Class Standing, Attendance Record)
2. Standardized Achievement and Aptitude Test Scores
3. Personality and Interest Scores
4. Teacher Ratings
5. Record of Extra-Curricular Activities
6. Individualized Education Programs
7. Psychological Reports
9. Medical Reports
10. Psychiatric Reports
11. Other (Specify)

Please Return to:

xc: Parent Above Named Institution

Principal Education Record

A-18

LETTER TO PHYSICIAN REGARDING MEDICAL CONCERNS

(Date)

Dear Dr. _____:

A referral has been initialed for (student's name) , (date of birth) of (address) under Section 504 of the Rehabilitation Act of 1973. The reason(s) for the referral is (are)

[type reason(s) here]

Since the questions presented are relative to medical concerns and it appears that these concerns are affecting a 'major life activity' (i.e., education), we would appreciate your input. Please complete the attached questionnaire. A release of information has been signed by the parent/guardian and is attached for your convenience.

If you have any questions regarding this request, please do not hesitate to contact me.

Thank you in advance for your assistance.

Sincerely,

(Name and Title)

xc: Parent

Educational Record

A-19

PHYSICIAN QUESTIONNAIRE FOR MEDICAL CONCERNS

STUDENT: DATE OF BIRTH:

ADDRESS: GRADE:

PARENT: PHONE:

1 Detail available medical background, including a written diagnostic statement and copies of any/all reports.

2. In your opinion, how do these difficulties “substantially limit” this student’s ability to receive and benefit from learning?

3. Recommendations for consideration at an upcoming conference.

Please attach any reports pertinent to the medical/educational needs of this child.

Please forward this copy to (name) by (date) .

Thank you.

xc: Principal

Parents

Educational Record

Page 1 of 2

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Notice of Parent and Student Rights under Section 504, the Rehabilitation Act of 1973

The Rehabilitation Act of 1973, commonly referred to as Section 504, is a nondiscrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to nondisabled students.

An eligible student under Section 504 is a student who (a) has, (b) has a record of having, or (c) is regarded as having, a physical or mental impairment which substantially limits a major life activity such as learning, self-care, walking, seeing, hearing, speaking, breathing, working and performing manual tasks.

DUAL ELIGIBILITY: Many students will be eligible for educational services under both Section 504 and Individuals with Disabilities Education Act (IDEA). Students who are eligible under the IDEA have many specific rights that are not available to students who are eligible solely under Section 504. A *Rights of Children with Disabilities and Parent Responsibilities* brochure, prepared by the Division of Special Education, Tennessee Department of Education, is available through the school district's Special Education Department and sets out the rights assured by IDEA. It is the purpose of this Notice form to set out the rights assured by Section 504 to those disabled students who do not qualify under IDEA. The enabling regulations for Section 504 as set out in 34 CFR Part 104 provide parents and/or students with the following rights:

1. You have a right to be informed by the school district of your rights under Section 504. (The purpose of this Notice form is to advise you of those rights.) 34 CFR 104.32.
2. Your child has the right to an appropriate education designed to meet his/her individual educational needs as adequately as the needs of nondisabled students are met. 34 CFR 104.33.
3. Your child has the right to free educational services except for those fees that are imposed on nondisabled students or their parents. Insurers and similar third parties are not relieved from an otherwise valid obligation to provide or pay for services provided to a disabled student. 34 CFR 104.33.
4. Your child has a right to placement in the least restrictive environment. 34 CFR 104.34.
5. Your child has a right to facilities, services, and activities that are comparable to those provided for disabled students. 34 CFR 104.34.
6. Your child has a right to an evaluation prior to an initial Section 504 placement and any subsequent change in placement. 34 CFR 104.35.
7. Testing and other evaluation procedures must conform with the requirement of 34 CFR 104.35 as to validation, administration, areas of evaluation, etc. The district shall consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations, anecdotal reports, and TCAP or TPT scores. 34 CFR 104.35.
8. Placement decisions must be made by a group of persons (i.e., Section 504 Committee), including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. 34 CFR 104.35.
9. If eligible under Section 504, your child has a right to periodic reevaluations, generally every three years. 34 CFR 104.35.
10. You have the right to notice prior to any action by the district in regard to the identification, evaluation, or placement of your child. 34 CFR 104.36.
11. You have the right to examine relevant records. 34 CFR 104.36.
12. You have the right to an impartial hearing with respect to the district's actions regarding your child's identification, evaluation, or educational placement, with opportunity for

parental participation in the hearing and representation by an attorney. 34 CFR 104.36.

13. If you wish to challenge the actions of the district's Section 504 Committee in regard to your child's identification, evaluation, or educational placement, you should file a written Notice of Appeal with the district's Section 504 Coordinator who may be reached at the Board of Education, within five work days from the time you receive written notice of the Section 504 Committee's action(s). In the event the complaint is not resolved through the Superintendent of the School System, the Board of Education shall meet and review the complaint and decide (1) that no hearing is warranted or (2) notify the complainant of the schedule of a hearing. You may bring legal counsel or an advisor to the hearing.

14. If you disagree with the decision of the impartial hearing officer, you have a right to a review of that decision by a court of competent jurisdiction. 34 CFR 104.36.

15. On Section 504 matters other than your child's identification, evaluation, and placement, you have a right to file a complaint with the district's Section 504 Coordinator (or designee), who will investigate the allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution.

16. You also have a right to file a complaint with the Office of Civil Rights. The address of the Regional Office, which covers Tennessee, is:

Office for Civil Rights

61 Forsythe Street, SW, Suite 19T70

Atlanta, GA 30303

(404-562-6350)

My signature indicates that I have received this Notice form, setting out the rights assured by Section 504 of the Rehabilitation Act of 1973.

Signature Date