

THIEF RIVER FALLS PUBLIC SCHOOLS

POLICY 650

504 POLICY STATEMENT

It is the policy of the Thief River Falls Board of Education to provide a free and appropriate public education to each qualified student with a disability within its jurisdiction, regardless of the nature or severity of the disability.

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 under this policy even though they do not require services pursuant to the individuals with Disabilities Education Act (IDEA).

Due process rights of students with disabilities and their parents under Section 504 will be enforced.

Building Coordinators:

Elementary School:	Building Administrator
Middle School:	School Counselor or Building Administrator
High School:	School Counselor or Building Administrator
Area Learning Center:	ALC Director
District Coordinator:	Learner Support Services Director

Date Adopted: 3/94 Next Scheduled Revision: 12/2017

THIEF RIVER FALLS SCHOOL DISTRICT 504 PROCEDURE

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

The following procedures apply regarding evaluation, eligibility, and provision of services to students under Section 504.

Definition of Qualified Individual With a Disability Under Section 504

The definition of “handicapped” under Section 504 is:

Individual with a disability	...”any individual who i) has a physical or mental impairment which substantially limits one or more of such person’s major life activities, ii) has a record of such impairment, or iii) is regarded as having such an impairment.” (29 U.S.C. Sec.706(8))
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; hermic 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 Code of Federal Regulations Part 104.3)
major life activities	“...functions such as caring for one’s self; performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.” (34 Code of Federal Regulations part 104.3)
has a record of such an impairment	“...has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.” (34 Code of Federal Regulations Part 104.3)
is regarded as having an impairment	“...(A) has a physical or mental impairment that does not substantially limit major life activities but is treated by a recipient as constituting such a limitation;

(B) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or
(C) has none of the impairments defined but is treated by a recipient as having such an impairment.”
(34 Code of Federal regulations Part 104.3)

504 Evaluation

Students who need or are believed to be in need of services under 504 may be referred at any time for evaluation by a parent/guardian, teacher, other certified school employee, community agency, or by self-referral. Any student believed to need services because of a Section 504 disability must be evaluated before initial placement. The evaluation will be based on the student’s needs as seen by the parent/guardian and the classroom teacher(s). Outside information as provided by the parents/guardians will be taken into consideration.

An assessment or evaluation team, consisting of persons knowledgeable about the student, will conduct an individual evaluation of a student initially referred for a Section 504 evaluation. The designated team will review all submitted documentation, current teacher reports, past records and tests. Additional evaluation tests will be conducted by the school district if deemed necessary. Parent/guardian consent will be obtained prior to the initial evaluation completed by the district. No single procedure shall be used by the district to evaluate whether or not a student has a disability under Section 504.

Determination Of Eligibility

The designated team will convene a Section 504 eligibility conference/team meeting. This group will involve persons knowledgeable about the student, including the student’s parents/guardians. The participants may include the student’s teacher, member(s) of the assessment team, Section 504 Coordinator, school psychologist, and the school nurse (collectively called the “504 team”).

The 504 team will determine eligibility under Section 504 (within 30 school days) and determine what services and/or accommodations are needed to meet the student’s needs as they relate to the educational setting, if any. The team will base its determination on a variety of sources (e.g. achievement tests, teacher recommendations, physical condition, adaptive behavior).

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

1. The student has a physical or mental condition;
2. The presence of such a physical or mental impairment substantially limits one or more of the student’s major life activities; and
3. Because of the identified disabling condition, the student is in need of accommodations/adaptations to the regular education environment or support services.

504 Plan

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

The Plan shall include the following:

- 1) A description of the identified disability that substantially limits a major life activity;
- 2) A description of how the identified disability needs to be addressed in relation to school and the educational setting;
- 3) A list of the recommendations/accommodations designed to address the needs; and
- 4) The names of the people responsible for ensuring that the accommodations and services are put into effect.

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

If it is determined that the student will not be receiving any special services or accommodations, a written notice of the findings shall be provided to the parents along with a notice of their right to appeal the decision.

504 Re-evaluation

At least every three years, or before any significant change in placement occurs, a group of persons knowledgeable about the student will re-evaluate the Section 504 Plan for each eligible student to determine continued eligibility and services.

Procedural Safeguards

1. Notice of parent/student rights in identification, evaluation, and educational placement of individuals with disabilities will be given to the parents/guardians at the initiation of the Section 504 referral.
2. The parent/guardian of a qualified disabled student shall be notified of all district actions concerning the identification, evaluation, or educational placement of the student made under Section 504.
3. The parent/guardian has a right to review the student's records.

4. The parent/guardian has a right to file a grievance under the District's Uniform Grievance Procedure regarding any complaints that allege action prohibited by 504.
5. The parent/guardian has a right to an impartial hearing and representation at the hearing if he/she is unable to resolve disagreements with the district relative to the identification, evaluation, or educational placement of their child.
6. The parent/guardian may seek review of the Impartial Hearing Officer's decision by a court of competent jurisdiction.
7. Complaints regarding Section 504 may also be filed with the U.S. Department of Education, Office for Civil Rights, Illinois Regional Office, Citigroup Center, 500 West Madison Street, Suite 1475, Chicago, IL 60661.

Grievance Procedure

The Learner Support Services Director serves as the District 504 Coordinator for the Thief River Falls Public Schools. The Learner Support Services Director coordinates 504 compliance efforts with a designated person in each building. Complaints should be addressed to: Learner Support Services Director, ISD #564, 230 LaBree Avenue South, Thief River Falls, MN 56701 or contact 218-681-8711.

1. A complaint can be filed in writing or provided verbally. It should contain the name of the student, the parent(s) name, address, phone number, and a brief description of the complaint regarding service, evaluation or process.
2. A meeting will be held as soon as possible with the parties concerned to review the complaint and to determine whether or not the complaint can be resolved informally.
3. If the complaint cannot be resolved informally, an investigation shall follow the filing of the complaint. The Learner Support Services Director will conduct the investigation within ten school days.
4. Within ten school days, the Learner Support Services Director will make a determination regarding the complaint and, if appropriate, take prompt action to remedy the concerns raised by the grievant. This determination will be provided to the grievant in writing. This written response will be sent to all involved parties.
5. Within ten school days of receiving the determination from the Learner Support Services Director, the grievant may appeal the determination to the District Superintendent.
6. Within ten school days of receiving the appeal, the District Superintendent will provide the grievant with a copy of his/her written decision of the filing of the appeal. This written response will be sent to all involved parties.
7. At any time, a complaint may also be filed with the U.S. Department of Education, Office of Civil Rights, Illinois Regional Office, Citigroup Center, 500 West Madison Street, Suite 1475, Chicago, IL 60661.
8. Procedural Safeguards – All Due Process procedures will be complied with as established by the Minnesota Department of Education for all handicapped and disabled students.

Legal References: The Rehabilitation Act of 1973, 29 U.S.C. 706 (8)-794, 34 C.F.R. pt. 104;

The American With Disabilities Act, 42, U.S.C. 12134, 28 C.F.R. pt. 35