



504 Plan Handbook

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I. Introduction

It is the policy of the Smoky Valley USD 400 to provide a free and appropriate public education (FAPE) to each qualified student with a disability within its jurisdiction, regardless of the nature or severity of the disability. Consequently, it is the intent of the District to identify and evaluate qualified students with disabilities within the meaning of Section 504 of the Rehabilitation Act and Title III of the Americans with Disabilities Act who are in need of accommodations or services, including related services, to participate in District programs on an equal basis with the students without disabilities. As detailed in these procedures, students who may be in need of accommodations or services, including related services, are evaluated by a Section 504 and Title III Team, and when appropriate and the parent or guardian provides consent, are provided accommodations or services, including related services, pursuant to a written Section 504 and Title III Accommodation Plan that outlines the accommodations or services, including related services, the student will receive.

A. Dissemination of Policy

The District will post the combined notice of non-discrimination in at least two prominent locations at each district building, the administrative office, and on the District's website at www.smokyvalley.org. The online notice of nondiscrimination shall contain a link to the District's anti-discrimination, anti-harassment, and anti-retaliation policies and grievance procedures, including grievance procedures to address discrimination based on disability.

The District will also publish and prominently display its revised combined notice of nondiscrimination in an easily visible location in student and employee hard copy and on-line publications, including, but not limited to, the following publications: (a) announcements, (b) bulletins, (c) catalogs, (d) students and employee application forms, (e) board policies and grievance procedures for discrimination complaints, (f) student, parent, and staff handbooks and students codes of conduct (g) recruitment materials, (h) employee handbooks or materials, and (i) general publications. For publications such as student, parent, and staff handbooks, the notice should be placed at the beginning of each handbook in a section entitled *Nondiscrimination*.

Schools must provide a copy of the combined notice of Nondiscrimination to all parents of public school students on an annual basis. In addition, schools must furnish such notice to parents whose children register during the course of the school year. This notice shall also be provided upon request.

B. Implementation of Policy

Personnel shall be designated at the central office as well as the school level to ensure compliance with Section 504 and Title III.

The District Section 504 and Title III Coordinator shall prescribe the procedures and forms used for Notice of Section 504 and Title III Rights, Section 504 and Title III Referrals, and Section 504 and Title III Evaluations, and other related forms.

Each building principal shall serve as the Building-based Section 504 and Title III Coordinator to oversee implementation of Section 504 and Title III at the building level. The Building-based Section 504 and Title III Coordinator shall ensure that the Notice of Nondiscrimination under Section 504 and Title III is disseminated to the parents of all students, shall convene Section 504 and Title III Teams to evaluate requests for their accommodations or services, including related services, shall oversee provision of any accommodations or services, including related services, and shall maintain data relevant to the school's implementation of Section 504 and Title III including which students have current Section 504 and Title III plans in place, the accommodations, or services, including related services, given, and written records of any incidents related to, or resulting from the student's Section 504 and Title III plan.

II. Overview of Section 504 and Title III

Section 504 and Title III of the Rehabilitation Act of 1973 is designed to eliminate discrimination on the basis of handicap in any program or activity receiving Federal financial assistance.

Section 504 and Title III states:

"No otherwise qualified person with a disability in the United States shall, solely on the basis of disability, be denied access to, or the benefits of, or be subjected to discrimination under any program or activity provided by any institution receiving federal assistance."

Qualified Individual with a Disability: A person with a disability means any person who (1) has a physical or mental impairment which substantially limits one or more major life activities, (2) has a record of such impairment, or (3) is regarded as having such impairment. The definition of disability shall be construed in favor of broad coverage of individuals, to the maximum extent permitted by Section 504 and Title III.

The term "*physical or mental impairment*" means (1) 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, genitor-urinary; hemic and lymphatic; skin; and endocrine; or (2) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. Physical or mental impairments include, but are not limited to, such contagious and non-contagious diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

The term “*major life activities*” includes, but is not limited to, functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. Also, an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

The determination of whether impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, such as:

- (1) 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;
- (2) use of assistive technology;
- (3) reasonable accommodations or services, including related services, or auxiliary aids or services;
- or
- (4) learned behavioral or adaptive neurological modifications.

The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

In the educational context, a “qualified person with a disability” is a person with a disability who is (1) of an age during which persons without disabilities are provided such services, (2) of an age during which it is mandatory under state law to provide such services to persons with disabilities, or (3) a person for whom a state is required to provide a free appropriate public education under Individuals with Disabilities Education Act.

III. Student Identification and Referral Procedures

The District shall annually undertake to identify and locate qualified child with a disability residing in the District's jurisdiction who is not receiving a public education and take appropriate steps to notify children with disabilities and their parents or guardians of the District's duties under Section 504 and Title III in the District's child find publications, such as newspaper notices, letters, flyers, and brochures.

The District shall provide a free appropriate public education (FAPE) to each qualified student with a disability in the District's jurisdiction. An appropriate education is the provision of regular or special education and related aids and services that are designed to meet individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met, and complies with applicable federal regulations.

The District shall educate, or shall provide for the education of, each qualified student with a disability in its jurisdiction with students without disabilities to the maximum extent appropriate to the needs of the students with a disability. The District shall place a student with a disability in the regular educational environment unless it is demonstrated by the District that the education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily.

The District shall ensure that students with disabilities participate with students without disabilities in nonacademic and extracurricular services and activities to the maximum extent appropriate to the needs of the student with a disability. Nonacademic and extracurricular services and activities include, but are not limited to, meals, recess periods, counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the District.

A. Requests Initiated by District Staff

Students who are in need or are believed to be in need of services under Section 504 and Title III shall be referred for evaluation. Staff can initiate a request by contacting the Building-based Section 504 and Title III Coordinator and completing a Section 504 and Title III Referral (Form). The Building-based Section 504 and Title III Coordinator must notify the parent or guardian within five (5) school days of the referral for an evaluation under Section 504 and Title III, and request consent from the parent or guardian to conduct an evaluation, using the forms entitled Parent Notification of Section 504 and Title III Concern (Form) and Consent for Evaluation under Section 504 and Title III (Form) in the appendix to this Section 504 and Title III Policy Manual. When school staff initiates the request, the parent or guardian must complete the Parent Notification and Consent to Determine Eligibility for Accommodations (Form) before an assessment can be done. Forms are available in the Section 504 District Handbook maintained in the building or district offices. If the parent does not consent to consideration of the need for an evaluation, no further action is required by the school. A record should be made that the parent or guardian declined to provide consent for the evaluation.

B. Requests Initiated by Parents

Parental requests for Section 504 and Title III accommodations or services, including related services, may be requested verbally or submitted in writing to the Building-based Section 504 and Title III Coordinator, using the Parent Notification and Consent to Determine Eligibility for Accommodations (Form). Request forms can be obtained from the Building-based Section 504 and Title III Coordinator.

IV. Student Evaluation

The District shall conduct an evaluation of any student who, because of a disability, needs or is believed to need special education or related services before taking any action with respect to the initial placement of the student in regular or special education and any subsequent significant change in placement.

The District shall ensure that during the evaluation process the Section 504 and Title III Team:

- (i) draws upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior, and
- (ii) establishes procedures to ensure that information obtained from all such sources is documented and carefully considered.

The Section 504 and Title III Team shall consider all available relevant information, including but not limited to any reports, evaluations or diagnoses provided by the student's parents as well as student's grades, disciplinary referrals, health information, language surveys, parent information, standardized test scores, and teacher comments.

The definition of disability shall be construed to be in favor of broad coverage of individuals under Section 504 and Title III to the maximum extent permitted by the terms of those laws.

The District will ensure that students with disabilities who are receiving a free appropriate public education under Section 504 and Title III will be reevaluated at least annually, or more frequently if conditions warrant, including:

- (i) if there is a significant change in placement, or
- (ii) if the student's parent, guardian, or teacher requests a reevaluation.

A. Composition of Section 504 and Title III Team

A Section 504 and Title III Team shall include persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.

Team membership will be determined by the needs of the individual student being evaluated and may not be composed of a single pre-determined group assembled to assess all students.

To the extent possible, on-site school personnel should participate as Section 504 and Title III Team members. Examples of appropriate personnel include, but are not limited to classroom teachers, school psychologists, and counselor.

The District will take steps to ensure that the parent(s) of a student with a disability, who are knowledgeable about the student, are present at the Section 504 and Title III Team meeting or are afforded the opportunity to participate, including notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend and scheduling the meeting at a mutually agreeable time and place.

The Section 504 and Title III Team may meet and decide issues relating to the referral, evaluation, and identification of accommodations or services, including related services, without the attendance or participation of the student's parent as long as the school has provided the parent with reasonable notice of the meeting and attempts to schedule the meeting at a mutually agreeable time and place and the parent either does not attend or declines to attend. The Section 504 and Title III Coordinator must maintain a record of the notices sent to the parent and the attempts to arrange for the parent's participation at a mutually agreeable time and place. At least two (2) such attempts should be documented before a meeting is held without the parent.

B. Eligibility Determination

1. Section 504 and Title III Initial Team Meeting

The Building-based Section 504 and Title III Coordinator shall schedule the Section 504 and Title III Evaluation Meeting within fifteen (15) school days of receipt of an initial written request for Section 504 and Title III Accommodations or services, including related services, or a written request for a change to a student's Section 504 and Title III plan.

Parents shall be notified in writing of the purpose, date, time, and place of the Section 504 and Title III Team Meeting. Such notice shall be given at least seven (7) school days prior to the meeting.

2. Eligibility Determination

The Section 504 and Title III Team must first decide whether the student is a qualified individual with a disability pursuant to Section 504 and Title III of the Rehabilitation Act of 1973 before determining what, if any, accommodations or services, including to provide a free appropriate public education to the student and to enable the student to attend school and participate in school activities on an equal basis with his/her non-disabled peers. Parents shall be notified in writing within thirty (30) school days after the Section 504 and Title III Initial Team meeting as to whether the student is eligible for Section 504 and Title III services.

A student is a qualified individual with a disability pursuant to Section 504 and Title III only if the student has a physical or mental impairment which substantially limits one or more of the major life activities of such individual.

The Section 504 and Title III Team may refer to Section II of this regulation to assess whether the student is a qualified student with a disability, in accordance with the three-step process outlined below.

(i) Does the student have a physical or mental impairment?

A student who does not have a physical or mental impairment is not entitled to receive accommodations or services, including related services, through a Section 504 and Title III Plan. The term "physical or mental impairment?" means (1) 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, genitor-urinary; hemic and lymphatic; skin; and endocrine; or (2) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. Physical or mental impairments include, but are not limited to, such contagious and non-contagious diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

(ii) Does the student's physical or mental impairment substantially limit one or more major life activities?

The term "major life activities" includes, but is not limited to, functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. Also, an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, such as:

- a) 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;
- b) use of assistive technology;
- c) reasonable accommodations or auxiliary aids or services; or
- d) learned behavioral or adaptive neurological modifications.

The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity. A student whose physical or mental impairment does not substantially limit one or more major life activities is not eligible under Section 504 and Title III.

Section 504 and Title III Teams should contact the District Section 504 and Title III Coordinator if they have questions or need guidance, etc. on this federal law.

District procedures shall ensure that:

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

An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.

An impairment that is episodic' or in remission is a disability if it would substantially limit a major life activity when active.

V. Placement

For students who have been found eligible under Section 504 and Title III, the Section 504 and Title III Team will determine what educational services, related services, and supplementary aids and services, and accommodations are needed to ensure that the student receives a free and appropriate public education (FAPE).

The District shall ensure the following actions are taken when interpreting evaluation data and making placement decisions:

- (i) Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;
- (ii) Establish procedures to ensure that information obtained from all such sources is documented and carefully considered;
- (iii) Ensure that the placement decision is made by a group of persons, including persons knowledgeable about the student, the meaning of the evaluation data, and the placement of options. A parent(s) or guardian is a required participant if he or she is a person knowledgeable about the student;
- (iv) Ensure that the placement decision is made in a timely manner, and in the least restrictive environment in accordance with 34 C.F.R. Section 104.34.

If the District determines that the student is eligible for special education and related services under both the IDEA and Section 504 and Title III of the Rehabilitation Act of 1973, those services shall be delivered pursuant to an Individual Education Plan (IEP).

If the District determines that the student is eligible under Section 504 and Title III of the Rehabilitation Act of 1973, but does not meet the definition of disabled under IDEA, the District will determine, through a Section 504 and Title III meeting, whether the student requires services or modifications to his/her regular education program to allow the student's educational needs to be met as adequately as the educational needs of students without disabilities. The services or modifications recommended should be listed in writing in a Section 504 and Title III Accommodation Plan *but not in an IEP*.

If the Section 504 and Title III Team determines that the student has a physical or mental impairment that substantially impairs a major life activity, it must next decide what, if any, accommodations or services are necessary for the student to receive FAPE to participate on an equal basis with his/her non-disabled peers. The Team shall then draft a Section 504 and Title III Accommodation Plan for the student.

VI. Section 504 and Title III Accommodation Plan

If the Section 504 and Title III Team determine that accommodations or services are required, they shall draft a Section 504 and Title III Accommodation Plan (Form I) for the student. The Plan shall specify the names and titles of the Section 504 and Title III Team participants, the materials considered in reaching the decisions, and the accommodations or services, including related services that will be offered to the student.

A. Training

Any and all District staff and administrators who educate, serve, supervise, or transport students with life-threatening or serious allergies or disabilities, including, but not limited to, teachers substitute teachers, aides, paraprofessionals, educational support staff, bus drivers, substitute bus drivers, and building administrators, shall be properly trained by qualified medical personnel for the provision of emergency medical services to the students, if necessary.

Any necessary training shall occur in advance of educating, serving, supervising, or transporting said students. Training of staff shall be documented to include names and titles of those trained. Such documentation shall be kept in the student's cumulative file along with their Section 504 and Title III Accommodation Plan.

The District shall ensure that properly trained District staff are provided during field trips and other school activities to provide emergency medical services, if necessary.

B. Notification and Consent

Once a determination has been made, the Building-based Section 504 and Title III Coordinator shall notify the parent in writing of the decision of the Section 504 and Title III Team regarding the student's eligibility for Section 504 and Title III accommodation. The notice shall include a description of the parent's right to challenge any decision made by the Section 504 and Title III Team, in accordance with Section VIII (Procedural Safeguards) of this regulation.

No Accommodation Plan may be implemented without written parental consent. The Building-based Section 504 and Title III Coordinator shall provide two copies of the Section 504 and Title III Accommodation Plan to the parent for his/her approval and signature.

The parent shall return one copy of the plan with his/her signature to the Building-based Section 504 and Title III Coordinator and shall retain the other copy for his/her records. Parental consent shall be valid for the duration of the current plan unless the parent informs the Building-based Section 504 and Title III Coordinator that she/he no longer consents to the provision of the agreed-upon accommodations or services, including related services.

C. Transfers between schools within the District during the School Year

If a student transfers between schools within the District during the school year, the sending school shall include the Section 504 and Title III Accommodation Plan when the sending school forwards the records to the receiving school. The receiving school should immediately implement the Section 504 and Title III Plan in effect for the current academic year.

D. Review

Section 504 and Title III Plans will be reviewed on an as needed basis. The initial date of the plan will be recorded and the Building-based Section 504 and Title III Coordinator shall monitor the initial plan dates to ensure all plans are reviewed annually. Plans will be reviewed more frequently if the Section 504 and Title III Team believe a change in circumstances warrant it.

Parent/guardians may also request a more frequent review.

If the parent or guardian indicates that changes need to be made to the Section 504 and Title III Plan, or personnel responsible for implementing the Section 504 and Title III Plan indicate that there is a problem with implementation, or request that the Plan be modified, a full team must convene to modify the Section 504 and Title III Plan.

E. Transfers from another School District or Private or Charter School

If the student has a Section 504 and Title III Plan from another school district or a private or charter school, that plan will be implemented to the extent possible until the student is evaluated in accordance by a District Section 504 and Title III Team in accordance with this regulation.

F. Required Referral to Special Education

Some students referred for Section 504 and Title III accommodations or services, including related services, may be eligible for services under the Individuals with Disabilities Act (IDEA). In this situation, the Section 504 and Title III Team shall refer the student to the Director of Special Education for evaluation. A student may be in need of Special Education services if she/he has a disability as defined in the Individual with Disabilities Education Act (IDEA) that impacts his/her ability to learn.

VII. Record Keeping

A copy of each student's Section 504 and Title III Plan for each academic year must be maintained in the student's cumulative file, so that it can be transferred with the student if the student changes schools.

Schools shall ensure that every written request for Section 504 and Title III accommodations or services is recorded in the student's cumulative record. This includes all written requests, not just those that ultimately are determined to require accommodations or services. The data recorded shall include, at a minimum the date of the request, nature of the request, and whether the student was determined to be a qualified individual with a disability by the Section 504 and Title III Team.

A copy of all Section 504 and Title III requests and plans shall be sent to the District's Section 504 and Title III Coordinator, Smoky Valley USD 400, Lindsborg, KS 67456. The district will maintain the student's complete Section 504 and Title III documentation, subject to the District's record retention policy, including but not limited to parent requests, signed consent forms, Section 504 and Title III plans, eligibility reports, and any supporting documentation such as assessments, medical documentation, observations, etc.

VIII. Disciplining a 504 Student

As with special education students who are subject to IDEA, a student with a 504 Plan may not be suspended for more than 10 days unless a manifestation determination meeting is first held, to determine if the student's misconduct is related to the student's disability. Likewise, a manifestation determination *may* be required if the student is to be suspended for less than 10 days, but that proposed suspension in combination with prior suspensions would result in total suspensions of more than 10 days during the school year.

In deciding whether a manifestation determination is required under those circumstances, school personnel must consider the length of each suspension, the proximity of the suspensions to one another, the nature of the misconduct giving rise to each suspension, and the total amount of time the student has been or will be excluded from school. If, after considering these factors, school personnel conclude that the proposed suspension will amount to a "pattern of exclusion," then a manifestation determination is required.

As with IDEA, if the student's misconduct is found to be a manifestation of the student's disability, the student cannot be suspended for more than 10 school days. The major difference between IDEA and 504 is that if a student with a 504 Plan commits an infraction that is not a manifestation of his or her disability, and is suspended for more than 10 school days, there is no obligation to provide any educational services to the student with the 504 Plan during the suspension. It is vitally important, however, that the student with the 504 Plan be disciplined no more severely than a non-disabled student would be disciplined under the same circumstances.

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

IX. Procedural Safeguards

A. Notices

The District will notify parents or guardians of any evaluation or placement actions and will provide parents or guardians with a copy of the District's Notice of Procedural Safeguards (Form E): (1) annually at the student's Section 504 and Title III meeting; (2) upon enrollment in a school; (3) upon request; and (4) when the District takes any action with respect to the identification, evaluation, or educational placement of the student.

Written notification of the decision of the Section 504 and Title III Team shall be provided to the parent within ten (10) school days of the accommodation meeting.

B. Opportunity to Examine Relevant Records

Parents have the right to examine the records of their child relating to the referral, evaluation, development, and implementation of Section 504 and Title III Plans.

C. Complaints

Parents may challenge the District's actions pertaining to a student with a disability by doing the following:

- i. **Impartial Hearing:** Parents or guardians have the right to file a request with the District for an impartial hearing by an objective, neutral hearing officer to challenge any District action with respect to the identification, evaluation, or educational placement of the student. Parents may request an impartial hearing by making a written request to Section 504 and Title III Coordinator. Parents or guardians will be provided an opportunity to participate in the impartial hearing and to be represented by counsel. In addition, parents or guardians will have a record of the hearing and will be provided with a written decision, including findings of fact and conclusions of law. If a parent or guardian is dissatisfied with the hearing officer's decision, he or she may appeal the decision to a court of appropriate jurisdiction.
- ii. **Internal Complaint:** Parents or guardians may file an internal complaint with the District's Section 504 and Title III Coordinator, using the District's grievance procedures for complaints of discrimination. The contact information for the District's Section 504 and Title III Coordinator is: Bill Nelson, Smoky Valley High School, 1 Viking Boulevard, Lindsborg, KS 67456, 785-227-2909.

- iii. **OCR Complaint:** Parents, guardians, or others may file a complaint with the Office for Civil Rights (OCR) in the U.S. Department of Education to address complaints based on disability discrimination. The contact information for OCR is:

Office for Civil Rights U.S. Department of Education
1010 Walnut Street, Suite 320
Kansas City, MO 64106
Telephone: 816-268-0550; Fax: 816-823-1404; TDD: 877-521-2172
Email: OCR.KansasCity@ed.gov

X. Inquiries

Inquiries regarding Section 504 and Title III compliance should be directed to the District's Section 504 and Title III Coordinator:

Bill Nelson
Principal, Smoky Valley High School
1 Viking Boulevard
Lindsborg, KS 67456
Telephone: 785-227-2909

504 and Title III Forms: When to use them

Initial Concern/Evaluation

- Notice of 504 and Title III concern
- Evaluation referral form
- Consent for evaluation form
- Parents rights

Eligibility meeting

- Meeting notice
- Evaluation form
- Eligibility determination form
- If eligible, complete the accommodation plan
- If not eligible, complete the notice of non-eligibility
- Parents rights

Annual meeting

- Meeting notice
- Review of services
- If making changes to the plan, new accommodation plan
- Parents rights

Student move in with 504 plan

- Implement “like” services/accommodations until meeting
- Meeting notice
- Review of services
- If making changes to the plan, new accommodation plan
- If keeping previous 504 plan file in student’s cumulative folder
- Parents rights

Student no longer eligible for 504

- Meeting notice
- Review of services (exit from 504)
- Parents rights

Discipline issues

- Meeting notice
- Manifest Determination Form
- Parents rights

Original paperwork is kept in the student’s cumulative file. All staff implementing the accommodation plan shall have either paper copy or access to electronic copy.

How to Make a Section 504 and Title III Referral

A referral of children for Section 504 can be made by anyone. Generally, teachers and parents make most referrals.

Referrals should be made on the Referral for Section 504 and Title III Evaluation (Form) and should be submitted to the building principal. The building principal will contact a parent for consent to evaluate.

When parental consent is received, the principal will forward the referral to the Section 504 and Title III Team. The principal will also forward Section 504 and Title III Academic Evaluation forms to all teachers working with the student. Completed forms will be returned to the principal who will forward them to the Section 504 and Title III Team. The Section 504 and Title III Team will conduct a complete evaluation and determine if:

- 1) The student has a mental or physical impairment, has a record of such an impairment, or is regarded as having an impairment.
- 2) The impairments result in a substantial limitation of major life activity.

The team will complete the Section 504 and Title III Eligibility Determination (Form) documenting the results of the evaluation. Should the student be ineligible for Section 504 and Title III accommodations or services, the parent or guardian will be notified. If, however, an impairment exists that results in a substantial limitation of a major life activity, the parent will be invited to attend a Section 504 and Title III meeting at which time the team will determine what accommodations are necessary to enable the student to receive a free, appropriate public education (FAPE).

District Section 504 and Title III Coordinator:

Bill Nelson

Building Level Section 504 and Title III Coordinator:

Building Principal

This Accommodation Plan will be reviewed at the end of _____ to determine if accommodations are no longer needed or if they need to be adjusted based on student's progress.

Dates of Review

No Changes

Change Required (see new plan)

Section 504 and Title III School Concern Notice Letter

Date: _____

Dear Parent/Guardian:

This letter is to inform you that we are concerned about _____ and would like to proceed further by evaluating to determine if he/she may be eligible for accommodations/services under Section 504 and Title III of the Rehabilitation Act. Attached is a permission form that we would like for you to sign and return. We have also included a statement of your rights as a parent. If you have any questions please call _____.

Sincerely,

Building Principal or 504 and Title III Coordinator

Attachments:

Section 504 and Title III Parent Notification and Consent for Evaluation
Section 504 and Title III Student and Parent Rights

Section 504 and Title III Evaluation Referral Form

How to Make a Section 504 and Title III Referral: A referral of children for Section 504 can be made by anyone. Generally, teachers and parents make most referrals. Referrals should be made on the Referral for Section 504 and Title III Evaluation form and should be submitted to the building principal. The building principal will contact a parent for consent to evaluate. When parental consent is received, the principal will forward the referral to the Section 504 and Title III Team. The principal will also forward Section 504 and Title III Academic Evaluation forms to all teachers working with the student. Completed forms will be returned to the principal who will forward them to the Section 504 and Title III Team. The Section 504 and Title III Team will conduct a complete evaluation and determine if: 1) the student has a mental or physical impairment (s), has a record of such an impairment, or is regarded as having an impairment. 2) The impairments result in a substantial limitation of major life activity. The team will complete the Section 504 and Title III Eligibility Determination Form documenting the results of the evaluation. Should the student be ineligible for Section 504 and Title III accommodations or services, the parent or guardian will be notified. If, however, an impairment exists that results in a substantial limitation of a major life activity, the parent will be invited to attend a Section 504 and Title III meeting at which time the team will determine what accommodations are necessary to enable the student to receive a free appropriate public education.

Building Section 504 and Title III Coordinator: **Building Principal**

District Section 504 and Title III Coordinator: **Bill Nelson**

Student Name: _____

Birth Date: ____/____/____ Grade: _____ School: _____

Parent/Guardian Name: _____

Address: _____

Home Phone: _____ Work/Cell Phone: _____

E-mail: _____

Today's Date: _____ Date of Receipt of Request: ____/____/____

Person Making Referral: _____

Signature: _____

Reason(s) for Referral (list specific concerns/behavior):

To date, what accommodations or special provisions have been made to assist the student?

Is the student currently receiving special education or other services? _____ Yes _____ No

If yes, what services is the student currently receiving?

Please submit completed referral to the Building Principal or Section 504 and Title III coordinator.

Section 504 Teacher Input Form

Student Name: _____ Teacher Name: _____

MS/HS Subject: _____ Grade: _____

This student is being evaluated (re-evaluated) for eligibility for Section 504. The information you provide will be used as part of this process and will be shared with the parent.

1. What is the student's current grade in your class (HS/MS) or in each subject (Elem.)?

2. Please check all the factors that may account for the student's current grade

____ Missing assignments

____ Late assignments

____ Incomplete assignments

____ Failure to participate in class

____ Lack of skills or background knowledge

____ Other (Please describe)

3. What strengths does this student display in your classroom?

4. What challenges does this student present in your classroom?

5. Have you made any informal accommodations or modifications for this student such as extending timelines, preferential seating, or adjusting expectations? *(If yes please list below and tell whether or not it was effective.)*

6. Have you been in contact with this parent/guardian during the current school year? How often and what has been your primary means of communication *(email, phone, conference)*?

Any additional information or comments? *(Please use additional pages as necessary.)*

Section 504 and Title III Parent Notification and Consent for Evaluation

A request has been made to conduct a 504 evaluation for accommodations that your student may be eligible for under Section 504 and Title III of the Rehabilitation Act. Below is a permission form that we would like for you to sign and return. We have also included a statement of your rights as a parent. If you have any questions or concerns, please call

_____ at _____
(Building Section 504 and Title III Coordinator) (Phone Number)

Student: _____

Date of Birth: _____ Gender: _____

School: _____

Grade: _____

Teacher/Counselor: _____

Parent/Guardian: _____

Home Address: _____

Home Phone: _____

PLEASE CIRCLE ONE

Yes No I have received and understand the statement of Parental Rights.

Yes No I give my consent to have my child evaluated.

Parent Signature: _____ Date _____

Parent Signature: _____ Date _____

Please return this completed form to the building principal.

For Official Use Only:

Date of Receipt of Consent: _____

504 Coordinator/Building Administrator: _____

Section 504 and Title III Student and Parent Rights

The following is a description of student and parent rights granted by federal law. 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 based on a disability.
2. Have the school advise you as to your rights under federal law.
3. Receive written 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 other students without disabilities to the maximum extent appropriate. It also includes the right to have the school provide accommodations and services to allow your child an equal opportunity to participate in school and school-related activities.
5. Have your child educated in facilities and receive comparable educational services to those provided to students without disabilities.
6. Have your child receive accommodations and services under Section 504 and Title III of Americans with Disabilities Act of the Rehabilitation Act of 1973 if he/she qualifies.
7. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by individuals who know your child, 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 school.
9. Give your child an equal opportunity to participate in non-academic and extracurricular activities offered by the school.
10. Examine all 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 school to reasonable requests for explanations and interpretations of your child's records.
13. Request mediation to settle disputes arising out of any decision about your child's identification, evaluation, educational program or placement.

14. Impartial Hearing: Parents or guardians have the right to file a request with the District for an impartial hearing by an objective, neutral hearing officer to challenge any District action with respect to the identification, evaluation, or educational placement of the student. Parents may request an impartial hearing by making a written request to Section 504 and Title III Coordinator. The hearing officer will not be an employee or an independent contractor of the district. Parents or guardians will be provided an opportunity to participate in the impartial hearing and to be represented by counsel. In addition, parents or guardians will have a record of the hearing and will be provided with a written decision, including findings of fact and conclusions of law. If a parent or guardian is dissatisfied with the hearing officer's decision, he or she may appeal the decision to a court of appropriate jurisdiction.

15. Internal Complaint: Parents or guardians may file an internal complaint with the District's Section 504 and Title III Coordinator, using the District's grievance procedures for complaints of discrimination.

District Section 504 and Title III Coordinator:

Bill Nelson

Principal, Smoky Valley High School

1 Viking Boulevard

Lindsborg, KS 67456

Telephone: 785-227-2909

Building Section 504 and Title III Coordinator:

Building Principal

16. OCR Complaint: Parents, guardians, or others may file a complaint with the Office for Civil Rights (OCR) in the U.S. Department of Education to address complaints based on disability discrimination.

The contact information for OCR is:

Office for Civil Rights U.S. Department of Education

1010 Walnut Street, Suite 320

Kansas City, MO 64114-3320

Telephone: 816-268-0550

Fax: 816-823-1404; TDD: 877-521-2172

Email: OCR.KansasCity@ed.gov

Derechos de los estudiantes/padres sección 504 título II

La siguiente es una descripción de los derechos de los estudiantes y padres otorgados por la ley federal. La intención de la ley es para mantenerlo plenamente informado sobre las decisiones acerca de su hijo/a así como para informarle sus derechos si no está de acuerdo con cualquiera de esta decisiones

USTED TIENE EL DERECHO DE:

1. Que su hijo/a participe y reciba los beneficios de programas de educación pública sin discriminación alguna por su discapacidad.
2. Que la escuela le informe sobre sus derechos estabilizados en las leyes federales.
3. Recibir notificación por escrito con respecto a la evaluación, identificación, y asignación de su hijo/a.
4. Que su hijo/a reciba gratuitamente educación pública pertinente. Esto incluye el derecho a ser educado con alumnos no discapacitados hasta donde sea posible. También incluye el derecho a que el distrito escolar otorgue facilidades razonables para que su hijo/a tenga igualdad de oportunidades de participar en la escuela y en actividades escolares.
5. Que su hijo/a reciba servicios e instrucción en facilidades comparables con los de los alumnos sin discapacidades.
6. Que su hijo/a reciba los acomodos y servicios dentro de la sección 504 y título II de Americanos con Deseabilidades Acta de Rehabilitación 1973 si él o ella cualifica.
7. Que las decisiones sobre la evaluación, identificación, y asignación de su hijo/a se basen en diversas fuentes de información, y que sean tomadas por personas que conozcan al alumno, los datos de evaluación y las opciones de colocación.
8. Que se proporcione transportación hacia y desde un entorno educativo alternativo a un costo no superior al que correspondería si el alumno fuese asignado a un programa operado por el distrito.
9. Le da una oportunidad igual a su hijo/a de participar en actividades no académicas y extracurriculares ofrecidas por la escuela.
10. Examinar todos los archivos relacionados al tomar una decisión de acuerdo a la identificación, evaluación del su hijo/a en programas educativos y colocación.
11. Obtener copias de archivos educativos a un costo razonable a menos que un cargo sea afectado por la negación de acceso del archivo.
12. Recibir una respuesta del distrito escolar a solicitudes razonables de explicaciones sobre los archivos de su hijo/a.
13. Solicitar mediación o un proceso a una audiencia imparcial debido a las decisiones o acciones con respecto a la identificación, evaluación o nivel de colocación de su hijo/a.

14. Audiencia Imparcial: Los padres y tutores tienen el derecho de archivo o de una solicitud con el distrito para una audiencia imparcial, por un objetivo, oficial de audiencia parcial para realizar cualquier acción del distrito con respecto a identificación, evaluación, o ubicación educacional para el estudiante. Padres pueden pedir una enmienda haciendo un pedido por escrito a la sección 504 y Título II del coordinador. El oficial de audiencia no será un empleado o contrato independiente del distrito. Padres encargados serán provistos de una oportunidad de participar en una audiencia y ser representado por un consejero. En Adición padres o encargados tendrá los archivos de la audiencia y proveerán una decisión escrita incluyendo factores de conclusión por la ley. Si el padre o encargado está insatisfecho con la decisión de la audiencia, él o ella puede apelar la decisión en la corte o jurisdicción apropiada.

15. Quejas Internas: Padres o encargados pueden llenar una queja interna con el Distrito Sección 504 y Título II del Coordinador, usando el procedimiento del distrito para quejas por discriminación.

District Section 504 and Title III Coordinator:

Bill Nelson

Principal, Smoky Valley High School

1 Viking Boulevard

Lindsborg, KS 67456

Telephone: 785-227-2909

Building Section 504 and Title III Coordinator:

Building Principal

16. Quejas al OCR: Padres, encargados, u otros que deseen llenar una queja en la Oficina de Derechos Civiles(OCR) en el Departamento de Educación de E.U. para arreglar quejas basadas en la discriminación por Impedimento.

La información de contacto para OCR es:

Office for Civil Rights U.S. Department of Education

1010 Walnut Street, Suite 320

Kansas City, MO 64114-3320

Telephone: 816-268-0550

Fax: 816-823-1404; TDD: 877-521-2172

Email: OCR.KansasCity@ed.gov

Section 504 and Title III Notice of Eligibility Determination

I. General Information

Student Name: _____ Today's Date _____

Address (Street, City, State, Zip Code): _____

School: _____ Home Phone: _____ Work Phone: _____

II. Reason for Meeting

- Initial Evaluation
- Annual review
- Re-evaluation before significant change in placement

III. Evaluation Summary

1. RECORD REVIEW: (Current classroom performance and assessments, prior assessments or screenings, discipline records, cumulative file, health records, attendance or involvement in district programs/services, i.e. after school, ELL.) 504 Eligibility Determination

2. INTERVIEW: (Information provided from parents, teachers and the child to identify the student's strengths/weaknesses, performance in the classroom, instructional history, social history, medical information and/or developmental history.)

3. OBSERVATION: (Structured observations, rating scales, behavioral interventions, functional assessments of behavior, anecdotal notes and any other observational data to assist in understanding the extent to which the child's skills are impacting his/her ability to participate and progress.)

IV. Eligibility Criteria and Determination

- | | | |
|-----------|----------|---|
| _____ Yes | _____ No | 1. Student has a mental or physical impairment |
| _____ Yes | _____ No | 2. Student's impairment substantially limits a major life activity. |

Areas where substantial limitations exists (see Major Life Activity Form)

- | | | |
|-----------|----------|--|
| _____ Yes | _____ No | 3. Student meets eligibility criteria for Section 504 determination. |
|-----------|----------|--|

At this time, the Section 504 and Title III team has determined that _____

_____ is eligible under Section 504 and Title III

_____ is not eligible under Section 504 and Title III

V. Committee Members

print name	signature	title

VI. Record of Action

Date Action

____/____/____

Parents/Guardians provided written notice of rights

____/____/____

Notice of 504 evaluation and committee meeting

Section 504 and Title III Notice of Meeting

To: _____
(Parent/Legal Educational Decision Maker)

Date: _____

On behalf of: _____
(Student's name)

Address: _____

Proposed meeting date, time and place: _____

_____ MEETING TO REVIEW THE 504 AND TITLE III EVALUATION AND DETERMINE ELIGIBILITY

The results of the Section 504 and Title III evaluation or Annual Review of your child are now available. By law, we must meet with you to review the evaluation results for your child, including any evaluations or information you wish to provide, current classroom-based assessments and observations, and teacher or other staff observations, to determine 504 and Title III eligibility.

_____ MEETING TO DEVELOP OR REVIEW THE SECTION 504 AND TITLE III ACCOMMODATION PLAN

As the parent of an exceptional child, you are entitled to a 7-day prior written notice of any meeting to discuss the needs of your child and develop a 504 and Title III Accommodation Plan. You may consent to hold the meeting with less than 7-days written notice.

If the above date, time or place is not agreeable to you, or if you would like to schedule an appointment to review the evaluation results, please contact:

_____ at _____ immediately.
(School Contact) (Phone)

Section 504 and Title III Evaluation Team Members:

_____	_____
_____	_____
_____	_____
_____	_____

DELIVERY OF MEETING NOTICE

I, _____

- Hand delivered, Mailed, Other _____
(Specify)

This notice to _____ on _____.
(Name) (Date)

ACKNOWLEDGMENT

- I plan to attend the meeting as scheduled
- I am unable to attend the meeting as scheduled and would like to schedule the meeting at another date, time or place. I am available to attend a meeting on the following dates and times:

- I consent to waive my right to a 7-day prior written notice of the meeting to develop, review or revise the Section 504 and Title III Accommodation Plan for my child.

_____ Date _____
(Parent/Legal Education Decision Maker)

_____ Date _____
(Parent/Legal Education Decision Maker)

Section 504 and Title III Accommodation Plan

Student: _____

School _____ Grade _____ DOB _____

Parents: _____

Date of Accommodation Plan: _____

_____ Initial Plan

_____ Revision

_____ Annual update

I. Description of the disability

II. The major life activity limited

III. The basis for determining the disability and its educational impact

IV. Necessary accommodations and implementers

Describe the accommodations that are necessary (consider environment, teaching strategies, assignments, materials, testing, behavior, health, other)

Accommodation(s)	Persons Responsible for Implementing Accommodations:

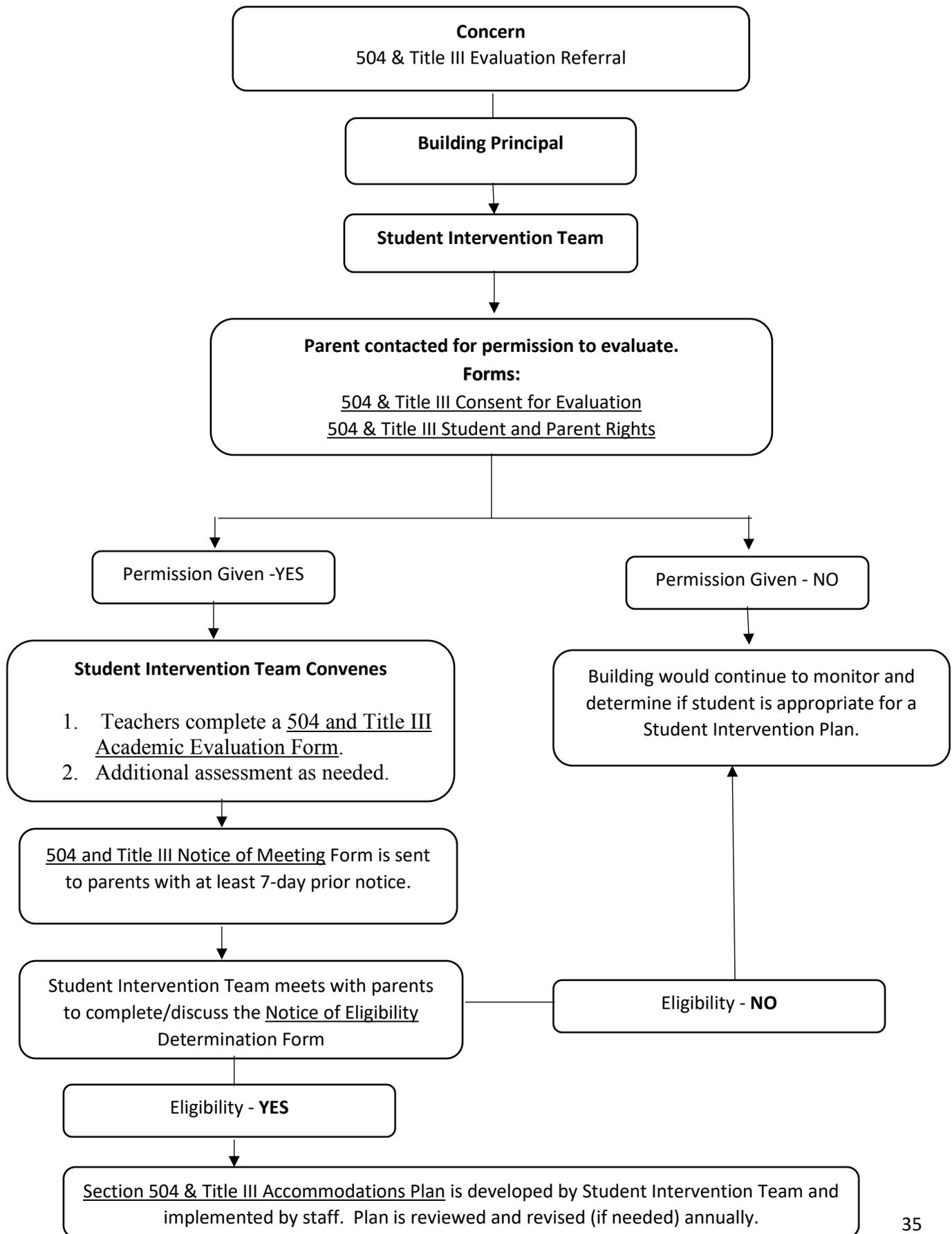
V. A review or re-evaluation date _____

VI. 504 Team members' names

Individuals participating in development of Section 504 and Title III Accommodation

Print name	Signature	Title

Parent/guardian Signature	(date)
Parent/guardian Signature	(date)



USD #400

Smoky Valley

Section 504

The Smoky Valley School District, USD 400, does not discriminate on the basis of race, color, national origin, sex, religion, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following person has been designated to handle inquiries or complaints regarding the non-discrimination policies including requests for accommodations or access to a District facility to participate in a program, activity, or service:

Glen Suppes, Superintendent
Smoky Valley USD 400
126 S. Main Street
Lindsborg, KS 67456
785-227-2981
785-227-2982 (FAX)

For further information about anti-discrimination laws and regulations, or to file a complaint of discrimination with the Office for Civil Rights in the U.S. Department of Education, please contact OCR at (816) 268-0550 (voice), or (877) 521-2172 (telecommunications device for the deaf), or ocr.kansascity@ed.gov.]