



**Holly Area Schools**

*Excellence in Action!*

# Section 504 Manual

Parent Manual

Revised 2018

## **I. Section 504 Policy**

### **Policy Statement**

It is the intent of the Board of Education to provide a free appropriate public education to each student with a disability within its jurisdiction regardless of the nature or severity of the disability.

It is further the intent of the district to ensure that each student with a disability within the meaning of Section 504 of the Rehabilitation Act of 1973, is identified, evaluated, and provided with a free appropriate public education (FAPE). FAPE is defined as the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of the student with a disability as adequately as the needs of non-disabled students are met.

The superintendent of Holly Area Schools has appointed Michelle Flessa, Director of Special Services, to serve as the district Section 504 Coordinator responsible for the implementation of this policy within the Holly Area School District. Contact phone number is 248-328-3170.

An administrator from each building will be identified as the building Section 504 Coordinator.

## **II. Definition of eligible students under Section 504**

A. "Handicapped person" – is 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 an impairment; or
3. is regarded as having such an impairment.

B. "Physical or mental impairment" is:

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; genito-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.

- C. “Major life activities” include but are not limited to:  
caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. Major life activities also include “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.”
- D. “Has a record of such impairment” means has a history of, or has been misclassified as having mental or physical impairment that substantially limits one or more of the major life activities.
- E. “Is regarded as having impairment” means:
1. has a physical or mental impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such a limitation;
  2. 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
  3. has none of the impairments listed under the definition of “physical or mental impairment,” but is treated by a recipient as having such an impairment.

**Note:** Section 504 does not require the District to develop a Section 504 plan and provide FAPE to a student who has a “record of” or is “regarded as” having an impairment. A student must have an *actual* physical or mental impairment that substantially limits one or more major life activities as defined under the Act to be entitled to a Section 504 Plan/FAPE.

Students who are identified as eligible for special education programs and services according to the IDEA criteria are not addressed under this policy. The needs of such students are provided for elsewhere under state and federal law, and the Oakland Schools ISD Special Education Plan.

### **III. Building Level Interventions**

#### **A. GENERAL FRAMEWORK**

At each building level (elementary and secondary) a Student Assistance Team (hereafter referred to as “the team”) will be assembled. This team is designed to evaluate the educational needs of a student with or without a disability so the needs of a student are addressed.

The team is comprised of persons who collectively possess the following: knowledge of the student, evaluation data and programs and services. This team may include: administrators, teachers, parents, and building level support staff. The team meets on a regular basis to evaluate, discuss and initiate intervention strategies and monitor progress of the students.

## B. PRE-REFERRAL TEAM STRATEGIES

There is a growing evidence of the effectiveness of pre-referral team strategies as a method for strengthening educational opportunities and services for students with who might otherwise experience difficulties in school. The implementation of such strategies helps teachers vary instructional and behavioral methodologies and expectations and by doing so:

1. Assists teachers with students who present a wide variety of behavioral levels and needs;
2. Strengthens educational opportunities within the general education programs by fostering teacher growth; and
3. Reduces the need for formal referrals since more students with special needs are being successfully accommodated and served appropriately within general education programs.

Pre-referral team strategies as vehicles for servicing students experiencing difficulties in school are strongly encouraged, but not required, before more formal referrals under Section 504 are initiated. 504.

NOTE: These pre-referral procedures are not intended to be a prerequisite to any necessary referrals for special education or Section 504. If at any time a teacher, counselor, administrator or other appropriate person suspects the student’s difficulties are attributable to a disability (a physical or mental impairment that substantially limits a major life activity), that student must be referred for an evaluation. Moreover, if a parent at any time asks for a Section 504 evaluation, the district must either honor that request or, if there is insufficient evidence to warrant an evaluation, the parent must be notified and provided with his/her procedural safeguards, including due process rights under Section 504.

## C. SPECIFIC 504 PROCEDURAL COMPONENTS

- Building level interventions
- Identification and referral procedures
- Evaluation
- Section 504 Plan
- Monitoring student progress
- Procedural safeguards
- Time frames for evaluation, placement and hearings
- Grievance procedures

## D. PRE-REFERRAL AND REFERRAL DOCUMENTATION

The team addresses and is responsible for documenting both pre-referral activities for struggling students and Section 504 referral activities. The team also records intervention strategies, reviews implementation and makes modifications as needed. The team will complete the following steps for providing support and documentation for struggling students:

1. Staff and/or parents identify a student as struggling academically or behaviorally.
2. Staff collects data: (work samples, observations, baseline data, interviews) to plan general education interventions, including differentiated instruction.
3. The team reviews screening data to identify, analyze and prioritize concerns.
  - a. eliminate irrelevant information
  - b. determine if additional information is required
4. The team develops interventions and strategies.
  - a. sets timelines
  - b. identifies responsibilities of team members
5. Strategies are implemented.
6. The team meets to review outcomes of interventions
  - a. concerns are eliminated
  - b. concerns persist
  - c. set new interventions

Note: This problem solving process may be repeated for cycles of increasing intensity, but is not a prerequisite to and may not be used to delay an

appropriate referral under Section 504 or IDEA in the event of a suspected disability.

## E. IDENTIFICATION AND REFERRAL PROCEDURES

District staff must refer any student suspected of having a disability under Section 504 that may require special accommodations, instruction, adaptations, or related aids and services in order to receive a free appropriate public education. Referral sources for a student suspected of having a physical or mental impairment that substantially limits a major life activity may include teachers or other certified school employees, his/her parents or community agencies. All referrals will be submitted to building coordinator for the building the student attends.

The team will consist of persons knowledgeable about the student's individual needs, the meaning of the evaluation data, and options for placement, strategies and interventions. The building's Section 504 Coordinator will monitor the composition of the team to ensure that qualified personnel participate.

The team will promptly consider the referral and based upon a review of the student's records, including academic, social and behavioral records, make a decision as to whether further evaluation is appropriate.

## F. EVALUATION

When a parent or other referral source submits to the building team a specific request for an evaluation, assessment, or related services, regardless of the specific phrasing of the request, the district will, within 15 school days, take one of the following steps:

1. Schedule a team meeting.
2. Complete the Section 504 Referral/Evaluation Planning form.
3. Provide parent his/her Section 504 procedural safeguards.

The team will develop an evaluation plan based on information needed to determine the nature of the student's disability and the impact of the disability upon the student's education. This plan shall include information from a variety of sources, including, but not limited to, aptitude and achievement tests, teacher recommendations, reports of physical condition, social and cultural background and adaptive behavior. The evaluation may also include consideration of any behaviors that interfere with regular participation of a student who otherwise meets the criteria for participation in the education program and/or district activities. Upon completion of the evaluation plan, the team shall obtain written consent from the parent to evaluate the student under Section

504. The district will adhere to a timeframe of 30 school days from receipt of the parent's consent to initial evaluation to the convening of a 504-team meeting to determine eligibility.

Final determination of a student's 504 eligibility will not be made by the team without first inviting the parent(s)/guardian(s) of the student to participate in the meeting concerning such a determination.

The team will document evaluation results and the eligibility determination. The parent(s)/guardian(s) of the student will be notified of the team's eligibility determination and will be provided with the Section 504 procedural safeguards, including the right to an impartial hearing and review.

#### G. INDIVIDUAL 504 PLAN

For each student who has been identified as having a disability within the meaning of Section 504 and in need of special accommodations, instruction, adaptations, or related aids and services, the team shall be responsible for determining a 504 Plan to ensure that the student receives a free appropriate public education. Section 504 Plan form will be completed by the team.

In developing the 504 Plan, the team will carefully consider the evaluation information from a variety of sources, document the information considered, not rely on assumptions regarding persons with disabilities or classes of such persons, ensure that students with disabilities are educated with students without disabilities to the maximum extent appropriate to meet the needs of the student with a disability (unless the education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactory), and ensure that students with disabilities participate with student without disabilities in nonacademic services and activities to the maximum extent appropriate to the needs of the student with a disability.

The parent(s)/guardian(s) will be invited to participate in a team meeting where the Section 504 plan will be developed. Parent(s)/guardian(s) will be provided with an advance copy of the student's 504 evaluation report prior to the 504 plan development meeting.

The team may also determine that no special accommodations, instruction, adaptations or related aids and services are needed. If so, the record of the team's proceedings will reflect the identification of the student as a person with a disability (if any) and state the basis for the decision that no accommodations are presently needed. The parent shall be provided a copy of the Section 504 procedural safeguards.

The team will notify the parent(s)/guardian(s) in writing of its final decision concerning the Section 504 services to be provided (if any), and provide the parent(s)/guardian(s) a copy of the Section 504 procedural safeguards, including the right to an impartial hearing and review.

If a plan for providing special accommodations, instruction, adaptations or related aids and services is developed, all school personnel who work with the student will be informed of the Section 504 Plan.

#### H. MONITORING OF STUDENT PERFORMANCE/PERIODIC REEVALUATION

The building 504 coordinators will collaborate with the student's teachers to annually monitor the performance of each student with a disability and the effectiveness of the student's individual 504 plan.

The team will provide for reevaluations (triennial unless specified otherwise on the 504 plan) if the student continues to be a student with a disability under 504. Or, more frequently if conditions warrant to determine whether the special accommodations, instruction, adaptations, or related aids and services are appropriate to meet the student's needs.

Prior to any subsequent significant change in the educational program of a student with a disability, the team will conduct a reevaluation of the student's needs.

#### **IV. Procedural Safeguards**

The parent(s)/guardian(s) will be notified in writing of all district decisions concerning the identification, evaluation, or educational placement of the student made under this policy.

As to such district decisions, parent(s)/guardian(s) will have the right to an impartial hearing (Section 504 due process hearing), with the opportunity to participate by the parent(s)/guardian(s) and their counsel.

In order to request a Section 504 Due Process Hearing the parent(s)/guardian(s) must submit a signed, written request to the District Section 504 Coordinator. The request must contain the name of the student, the address of the residence of the student, the



name of the school the student is attending, a description of the nature of the problem to be addressed at the hearing and a proposed resolution of the problem.

## TIME FRAMES FOR DUE PROCESS HEARING

The district will adhere to the following time frames for Section 504 due process hearing.

- a) a hearing will be scheduled and completed not less than 30, nor more than 75 calendar days following receipt of a written request from the parent.
- b) not later than 30 calendar days after the hearing, the hearing officer will do the following:
  1. Reach a final decision regarding the hearing; and
  2. Send a copy of the decision to each party.
- c) in the absence of an appeal, the decision of the hearing officer will be implemented by the public agency within 15 school days of the agency's receipt of the decision.

## GRIEVANCE PROCEDURE

1. A complaint may be filed alleging a specific violation of the expressed terms of the district's 504 policy or 504 procedures or the US Department of Education Section 504 regulations.
2. The grievant is encouraged, but is not required, to discuss specific concerns orally with the building 504 Coordinator and then the district Section 504 Coordinator before they put their concerns in writing.
3. A written complaint, including the grievant's full name, address and telephone number, must be signed by the grievant and submitted to the district Section 504 Coordinator, 920 Baird Street, Holly MI 48442; phone 248-328-3170.

If the Section 504 coordinator is the subject of the complaint, the Superintendent will appoint another administrator to conduct the investigation.
4. The district Section 504 Coordinator will meet with the grievant and conduct an investigation of the facts and circumstances surrounding the complaint. A meeting date with the grievant will be established within 5 school days of the receipt of the written complaint unless there are extenuating reasons. The grievant may submit names of witnesses and any other evidence for consideration by the Section 504 coordinator.

5. The district Section 504 Coordinator will provide a written response to the grievant including any action to be taken, within 14 school days after the meeting held with the grievant.
6. If the written response of the district Section 504 Coordinator does not satisfy the grievant, then the decision can be appealed in writing to the superintendent. The superintendent may conduct additional investigation of the facts and circumstances surrounding the complaint.
7. Upon receipt of the Section 504 complaint appeal, the superintendent will issue a written decision to the grievant within 14 days.
8. Holly Area Schools strictly prohibits any form of retaliation against persons who utilize this Grievance Procedure or cooperate in an investigation under these procedures.