

OAK PARK AND RIVER FOREST HIGH SCHOOL

201 NORTH SCOVILLE AVENUE • OAK PARK, IL 60302-2296

SECTION 504 PROCEDURES

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 the evaluation, identification, and provision of services to students under Section 504:

I. Definition of Qualified Individual with a Disability under Section 504

A person has a disability within the meaning of Section 504 of the *Rehabilitation Act of 1973* if he or she has a mental or physical impairment, has a record of such impairment, or is regarded as having such an impairment, which substantially limits one or more major life activities. 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 (except for ordinary eyeglasses or contact lenses).

Major life activities include, but are not limited to, functions such as caring for one's self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Major life activities 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.

II. Prohibition against Discrimination

No qualified individual under Section 504 shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination in any program or activity.

III. Designation of Responsibility

It is the responsibility of the District to provide a free appropriate public education to each qualified student with a disability who is a resident of the District regardless of the nature or severity of the student's disability.

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IV. Section 504 Evaluation

Referrals for a 504 evaluation and consideration for Section 504 eligibility may be made at any time. A referral must be made in writing, dated at the time the request is made, and include the reason for the referral. Referrals may be made by individuals with knowledge of the student's needs and/or educational program, including teachers, other staff members, parents/guardians, etc. Referrals should be directed to **the student's counselor or Daniela Lukic-Cole**, the designated Section 504 Coordinator, who may be contacted at DLukicCole@oprfrhs.org or (708) 434-3608.

Upon receipt of a referral for a 504 evaluation and plan, the District's Pupil Support Service Team (comprised of three counselors, a youth therapist, a student intervention director, a school psychologist/504 Coordinator and the Assistant Principal for Student Services) will meet to review relevant information about the student in order to determine whether a 504 evaluation is deemed necessary. In making the determination as to whether a 504 evaluation is warranted, the Pupil Support Service Team will review the student's educational data, standardized test scores, any outside reports shared by the parent/guardian, teacher input based on current classroom performance, and any other relevant information provided to the Pupil Support Service Team.

If the District declines to conduct a 504 evaluation of a student, it will provide notice to the student's parents/guardians of the Section 504 procedural safeguards, including the right to challenge the District's refusal to evaluate the student under Section 504. If the Pupil Support Service Team determines a 504 evaluation is warranted for a student, the District will obtain parental consent prior to beginning the initial Section 504 evaluation. If a parent/guardian declines consent for an initial evaluation, the school district may (but is not required to) use hearing procedures to seek to override the parents'/guardians' denial of consent.

The 504 evaluation procedures shall:

1. Be necessary and appropriate to determine the nature and extent of a disabling condition or a suspected disabling condition;
2. Be tailored to evaluate the specific areas of educational need and not merely those designed to provide a single intelligence quotient;
3. Be validated for the specific purpose(s) for which they are used and administered by trained personnel in conformance with instructions provided by their author/publisher;
4. Be free of racial, cultural, language or sex bias;
5. Be appropriate for the age and stage of development of each student to whom they are administered;

OAK PARK AND RIVER FOREST HIGH SCHOOL

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6. Be selected and administered so as best to ensure that the test results accurately reflect the student's aptitude or achievement or other factor being measured rather than reflect the student's disability, except where those are the factors being measured; and
7. Be administered in the student's familiar language and/or mode of communication, unless it is clearly not feasible to do so.

No single procedure shall be used by the District to evaluate whether or not a student has a disability under Section 504.

V. Determination of Eligibility

Within 60 school days of the parent/guardian's initial consent to conduct a 504 evaluation, the designated 504 team will convene a Section 504 eligibility conference to review and consider the completed evaluation and determine the student's eligibility under Section 504.

The eligibility conference will involve a group of persons knowledgeable about the student, including the student's parents/guardians. The participants may include the student's teacher, member(s) of the Pupil Support Service Team, Section 504 Coordinator, School Psychologist, and the School Nurse (collectively called the "504 Team").

Notice to attend the eligibility conference shall be provided to all 504 Team members, including the student's parents/guardians, at least ten (10) calendar days prior to the conference.

The 504 Team will determine the student's eligibility under Section 504 and decide what, if any, services and/or accommodations are needed in order for the student to access the educational program in a manner similar to his/her nondisabled peers. The Team will base its determination on a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior.

In order to determine that a student is a qualified individual with a disability under Section 504 and, therefore, eligible for the procedural safeguards and nondiscrimination protections under Section 504, the Team must conclude:

1. The student has a physical or mental condition (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, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine or any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disability); and

OAK PARK AND RIVER FOREST HIGH SCHOOL

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2. The presence of such a physical or mental impairment substantially limits one or more of the student's major life activities.

A copy of the Team's 504 eligibility determination will be provided to the student's parent/guardian at the conclusion of the 504 eligibility meeting.

VI. Determination of Need for a 504 Plan

In order to be eligible for a 504 Plan, the Team must conclude that the eligible student requires reasonable accommodations or services to access the educational program in a manner similar to his/her non-disabled peers. Some students may be eligible for the procedural safeguards and nondiscrimination protections provided under Section 504, but do not demonstrate a current need for a 504 accommodation plan. In such situations, a 504 Plan will not be developed, but the Team will continue to monitor the student and if the student's educational needs change and the team determines he/she requires reasonable accommodations to access the educational program in a manner similar to his/her non-disabled peers, the Team will develop a 504 accommodation plan for the student.

If the Team determines the student requires educational services and/or reasonable accommodations to access the educational program, such shall be recorded on the "Section 504 Plan." This Plan shall be generated by the 504 Team and provided to each of the student's teachers. Parents shall receive a copy of this Plan, which outlines the accommodations and/or services designed to address the student's educational needs and allow them to access the educational environment in a manner similar to their nondisabled peers. The Plan shall also include the roles or names of individuals responsible for ensuring the accommodations and/or services are provided. The Plan will be reviewed by the Team periodically, but at a minimum on an annual basis, to consider and make any necessary adjustments to the Plan in light of the student's educational needs. The services and reasonable accommodations described in the Section 504 Plan shall be based on a composite understanding of the student's educational needs and how his/her physical or mental condition substantially limits one or more major life activities.

If it is determined the student is not a student with a disability under Section 504 and/or will not receive any special services or accommodations, a written notice of the findings shall be provided to the parents along with a notice of their procedural safeguards, including notice of the right to challenge the District's conclusion that a student is not eligible under Section 504 and/or does not require accommodations and services under a Section 504 plan.

VII. Educational Placement

The District shall provide an appropriate program of regular and/or special education and related aids and services that are designed to meet individual educational needs of students with disabilities under Section 504. These students shall be educated with students who do not have disabilities to the maximum extent appropriate. The student

OAK PARK AND RIVER FOREST HIGH SCHOOL

201 NORTH SCOVILLE AVENUE • OAK PARK, IL 60302-2296

will be placed in the regular education environment unless it is demonstrated that the education of the student with disabilities in the regular education environment with the use of supplementary aids and services cannot be achieved satisfactorily. Students shall be afforded the opportunity to participate with individuals who do not have disabilities in nonacademic and extracurricular activities to the maximum extent appropriate.

In interpreting evaluation data and in making placement decisions, the District shall use relevant information from a variety of sources, establish procedures to ensure information is documented and carefully considered, and ensure that the placement decision is made by a team knowledgeable about the student.

VIII. 504 Re-Evaluation

Periodically, but at a minimum every three years, or before any significant change in placement occurs, a group of persons knowledgeable about the student shall re-evaluate each eligible student to determine continued eligibility under Section 504. This group need not be the same group of persons who determined initial 504 eligibility. A “significant change in placement” includes an exclusion from the educational program for more than ten (10) school days (i.e. due to an expulsion or pattern of suspensions), the transferring of a student from one type of educational program to another, or terminating or significantly reducing a related service. A notice will be sent to the parents/guardians informing them of the intent to conduct a Section 504 Re-evaluation. Parental consent shall be obtained before any additional evaluation assessments are conducted as part of the re-evaluation.

IX. Procedural Safeguards

Under Section 504, parents/guardians have the right:

- To have their child take part in and receive benefits from public education programs without discrimination based on his/her disability;
- If the child is eligible under Section 504, to have their child participate in school district programs and activities, including extracurricular programs and activities, with other students without disabilities to the maximum extent appropriate;
- To receive written notice in the parent/guardian’s native language and primary mode of communication regarding the identification, evaluation and placement of the child and about the child’s educational programs and activities;
- To refuse consent for the initial 504 evaluation and placement of the child;
- To have evaluation, placement and other educational decisions regarding the child be based upon a variety of sources and made by a group of people who know the child, the child’s evaluation data and the relevant placement options;

OAK PARK AND RIVER FOREST HIGH SCHOOL

201 NORTH SCOVILLE AVENUE • OAK PARK, IL 60302-2296

- To provide input regarding the evaluation, placement and other educational decisions of the child;
- If the child is eligible under Section 504, to periodic re-evaluations of the child, including whenever there is a significant change in the child's placement;
- If the child is eligible under Section 504, to a manifestation determination review to determine if the misconduct by the child is related to his or her disability before any disciplinary removal that constitutes a significant change in placement occurs;
- If the child is eligible under Section 504 and eligible for a 504 accommodation plan, to have the child receive reasonable accommodations and/or services to access the educational program in a manner similar to his/her non-disabled peers;
- To review, receive copies of, and request amendment of the child's records relevant to decisions regarding the child's identification, evaluation, educational program, and placement. Copies will be provided at a reasonable fee or at no cost if the fee would effectively deny the parent/guardian access to the records. If the parent/guardian believes the child's records are inaccurate, misleading or otherwise in violation of the privacy rights of the child, the parent/guardian can request that they be amended. If the school denies that request, the parents/guardians have the right to be notified of that denial in a reasonable time period, to be notified of the rights to a hearing on the denial decision, and to place an explanatory letter in the child's file explaining why they feel the records are misleading or inaccurate;
- To file a grievance under the District's Uniform Grievance Policy regarding any complaints that allege action prohibited by Section 504, and to appeal any decision under that grievance to the extent allowed by District policy;
- To request an impartial hearing and to have representation at the hearing at their expense if the parents/guardians are unable to resolve disagreements with the District relative to the identification, evaluation, or educational placement of the child, and to seek review of the Impartial Hearing Officer's decision by a court of competent jurisdiction;
- To file a complaints regarding Section 504 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.

X. Impartial Hearing Procedures

If parents/guardians disagree with the District relative to their child's identification, evaluation, or educational placement under Section 504, including any special services, or change or termination of services, they should notify the District's 504 Coordinator and attempt to resolve their differences informally. If informal procedures fail, the

OAK PARK AND RIVER FOREST HIGH SCHOOL

201 NORTH SCOVILLE AVENUE • OAK PARK, IL 60302-2296

parents/guardians may request a hearing before an impartial hearing officer. The due process review procedures set forth in the IDEA and in Article 14 of the Illinois School Code shall not be employed unless the parents/guardians are contesting or asserting a right to special education services under Article 14 or IDEA. The parents'/guardians' request for a 504 hearing shall be submitted in writing to the Superintendent within ten (10) days of the date of the decision to be reviewed. The Superintendent shall then appoint the impartial hearing officer.

The parents/guardians shall be provided with written notice of the hearing, which shall include the time, date, and location of the hearing and the identity of the hearing officer. Generally, the notice shall be sent at least five business days in advance of the hearing. The notice shall inform the parents/guardians that they have the right to review any relevant records before the hearing. The parents/guardians shall have the right to fully participate in the hearing and to be represented by counsel at their own expense. The decision of the impartial hearing officer shall be in writing and shall be rendered within ten (10) days of the conclusion of the hearing.

Either party may seek review of the Hearing Officer's decision by a court of competent jurisdiction.

Parents/guardians may also file a grievance under the District's Uniform Grievance Policy regarding any complaints that allege action prohibited by Section 504, and may appeal any decision under that grievance to the extent allowed by District policy.