

A TEAM APPROACH TO SECTION 504

PROCEDURAL HANDBOOK



Section 504 of the Rehabilitation Act of 1973

Revised January 2008

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PART I

SECTION 504 FRAMEWORK



SECTION 504 OF THE REHABILITATION ACT

What is Section 504?

Section 504 is a federal civil rights law that is designed to eliminate disability discrimination in programs and activities that receive federal funds. Since all public school districts receive federal funds, all public school districts must comply with Section 504. Under Section 504, denying a disabled student a free appropriate public education constitutes disability discrimination.

Who is a Disabled Student Under Section 504?

A school-aged student is a disabled student under Section 504 if the student:

- **Has a physical or mental impairment**

Physical or mental impairment means any physiological or psychological disorder or condition. The definition of physical or mental impairment under Section 504 is broad, includes students with life threatening health conditions (conditions that will put a student in danger of death during the school day if a medication or treatment order and a nursing plan are not in place), and is not limited to any specific diseases or categories of medical conditions.

- **That substantially limits**

Substantially limits means significantly restricts as to the condition, manner, or duration under which a student can perform a major life activity as compared to how a non-disabled age/grade peer can perform the same activity. As a general rule, a student with a physical or mental impairment who is able to participate in and benefit from a district's education program (e.g., attend school, achieve passing grades, advance from grade to grade, and meet age/grade appropriate standards of personal independence and social responsibility) without the provision of special education or related aids or services, is not a disabled student under Section 504.

- **One or more major life activities**

Major life activities include but are not limited to the following: walking, seeing, hearing, speaking, breathing, learning, attending school, caring for one's self, performing manual tasks, and behavior.

What constitutes discrimination under Section 504?

Discrimination under Section 504 34 CFR 104.4(b) occurs when a recipient of federal funds:

1. denies a student with a disability the opportunity to participate in or benefit from an aid, benefit, or service which is afforded nondisabled student (e.g., district practice of refusing to allow any student with an individual educational plan (IEP) the opportunity to be on the honor roll, denial of credit to a student whose absenteeism is related to his/her disabling condition, expelling a student for behavior related to his/her disabling condition, refusing to dispense medication to a student who could not attend school otherwise);

2. fails to afford the student with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is equal to that afforded to non-disabled student (e.g., applying a policy that conditions interscholastic sports eligibility on the student's receiving passing grades in five subjects without regard to the student's disabling condition);
3. fails to provide aids, benefits, or services to a student with a disability that are as effective as those provided to non-disabled students (e.g., placing a student with a hearing impairment in the front row as opposed to providing her with an interpreter);
4. provides different or separate aids, benefits, or services than are provided to nondisabled students (e.g., segregating students in separate classes, schools, or facilities, unless necessary);
5. aids or perpetuates discrimination by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability (e.g., sponsoring a student organization that excludes persons with disabilities);
6. denies a person with disabilities the opportunity to participate as a member of a planning or advisory board strictly because of his/her disabling condition;
7. otherwise limits the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others (e.g., prohibiting a person with a physical disability from using a service dog at school);
8. in determining the site or location of a facility, makes selections which effectively exclude persons with disabilities, denies them benefits, or otherwise subjects them to discrimination (e.g., allowing students with disabilities to be located in inferior facilities, such as trailers, wings in basements, and unnecessarily restrictive classrooms due to a lack of classroom space).

It should be noted that the requirements under Section 504 are essentially the same as those under the Washington State Law Against Discrimination and are consistent with the ADA, although the ADA has a broader coverage.

***Note: "Equally effective" means equivalent, as opposed to identical. Moreover, to be equally effective an aid benefit, or service need not produce equal results; it must merely afford an equal opportunity to achieve equal results.**

SCHOOL DISTRICT OBLIGATIONS FOR ELEMENTARY AND SECONDARY EDUCATION

Educational Setting

Districts must educate students with disabilities with nondisabled students to the maximum extent appropriate to the needs of the students with disabilities. In order to remove a student from the regular educational environment, the district must demonstrate that educating the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. (34 CFR 104.34)

Free Appropriate Education

Districts must provide a free appropriate education (regular or special education and related aids and services) to Section 504 disabled school-age children who reside within the district. Instruction must be individually designed to meet the needs of these students as adequately as the needs of nondisabled students are met.

Note: The Section 504 standard of what is appropriate differs from the IDEA “appropriate” standard which requires the district to design a program reasonably calculated to confer educational benefit. Section 504 requires that persons with disabilities be provided aids, benefits, or services that are as effective as those provided nondisabled persons.

Section 504 does not require school districts to develop an individual educational plan (IEP). However, the district should document what evaluations were performed and/or decisions were made regarding each student considered under Section 504.

The quality of educational services provided to students with disabilities must be equivalent to the services provided to nondisabled students. Teachers must be trained in the instruction of persons with the disability in question, and appropriate materials and equipment must be available. 34 CFR 104, Appendix A 104.33(b)

Note: A child does not have to need special education in order to be qualified under Section 504.34 CFR 104.33(a)(b)

Transportation

If a district places a student in a program not operated by the district, the district must assure that adequate transportation to and from the program is provided at no greater cost than the parent would have paid to transport the child to the district-operated program. 34 CFR 104.33(c)(2)

If a district provides transportation to all its students within a certain geographic area, the district may not discriminate in its provision of transportation to students with disabilities. 34 CFR 104.4B(1)(1)

If a district proposes to terminate a qualified student’s bus transportation for inappropriate bus behavior, the district must first determine the relationship between the student’s behavior and his/her disabling condition and provide the parent with notice of his/her rights. If the behavior is related to the disabling condition, the district may not terminate services, but must provide an alternative mode of transportation.

Note: The length of the bus ride for students with disabilities should not be longer than that of nondisabled students.

Residential Placement

Residential placement must be provided at no cost to the parent only if necessary to provide a free appropriate education. 34 CFR 104.33(c)(3)

Nonpublic School Placements Made by Parents

If the district has made available a free appropriate education to a student which conforms to the requirements of Section 504, but the parent chooses to place the child elsewhere, the district is not responsible for any costs incurred. 34 CFR 104.33(c)(4)

Evaluations

If a student with a disability needs or is believed to need special education or related services, the district must evaluate the student prior to initial placement in a regular or special education program and any subsequent significant change in placement. 34 CFR 104.35(a) A full evaluation is not required when neither the district nor the parent believes that the child with a disability is in need of special education or related services. However, the district should have relevant and current medical information in order to make needed adjustments or modifications for the student.

The district must establish policies and procedures for evaluation and placement which assure that tests and other evaluation materials:

1. have been validated and are administered by trained personnel;
2. are tailored to assess educational need and are not based solely on IQ scores; and
3. reflect aptitude or achievement or whatever else the tests purpose to measure, and do not reflect the student's impaired sensory, manual, or speaking skills (unless the test is designed to measure these particular deficits). 34 CFR 104.35(b)

Note: There is no right to an independent educational evaluation under Section 504.

Placement Procedures

In interpreting evaluation data and making placement decisions, the district must:

1. draw upon information from a variety of sources;
2. ensure that all information is documented and considered;
3. ensure that the placement decision is made by a group of persons including those who are knowledgeable about the child, the meaning of the evaluation data, and placement options; and
4. ensure that the student is educated with his/her non-disabled peers to the extent appropriate, and that any facilities identifiable as being for persons with disabilities are comparable to facilities, services, and activities provided other students. 34 CFR 104.35(c)

Re-evaluations

Section 504 requires “periodic” re-evaluations. There is no specified time frame. However, school districts will be in compliance if they re-evaluate the student every three years. Additionally, Section 504 requires a re-evaluation before any significant change in placement. 34 CFR 104.35(d)

Examples of significant changes in placement or significant transitions which require re-evaluation include:

- ❑ expulsion
- ❑ serial suspensions which exceed ten calendar days
- ❑ individual suspensions which exceed ten calendar days
- ❑ transfer of a student to home instruction
- ❑ graduation from high school
- ❑ significant change in the delivery of education (e.g., moving the student from regular education to the resource room)

Note: A re-evaluation consistent with the IDEA is one means of meeting this requirement.

Nonacademic Services

Districts must provide equal opportunity in areas such as counseling, transportation, health services, recreational activities, special interest groups or clubs, referrals to other agencies, and employment. 34 CFR 104.37

1. Counseling: Districts may not counsel students with disabling conditions toward more restrictive career objectives. 34 CFR 104.37(b)
2. Physical education and athletics: A district must provide equal opportunity for students with disabilities to participate. A district may offer these activities separately for students with disabilities only if necessary. The district may not deny a student with a disability the opportunity to compete in activities which are not separate. 34 CFR 104.37(c)

Disciplinary Exclusion

1. Students with disabilities are protected from being improperly excluded from school for disciplinary reasons. Certain disciplinary exclusions of disabled students from school constitute a significant change in the student's educational placement. Such disciplinary exclusions cannot be implemented until the district has satisfied the required change of placement procedures.

2. Qualified disabled students should be recognized as having a disabling condition before discipline is imposed on them, especially before imposing long-term suspension (a suspension of more than ten days duration) or regular expulsion upon a qualified disabled student that could constitute a significant change of placement.

The school principal or educational staff person responsible for the imposition of discipline must ensure that a group of qualified professionals determine whether or not there is a causal relationship between the student's misconduct and his or her disability. They are also to consider the appropriateness of the student's current placement and program. This determination will take into account the student's current evaluation and Individualized Accommodation Plan (IAP), under Section 504 (Manifestation Review). For students considered disabled under Section 504, there is no obligation to provide educational services during periods of long-term suspension or expulsion when the student's misconduct has been properly determined not to be disability-related or due to an inappropriate placement or program. When a student's misconduct is determined causally related to his/her disabling condition, procedures at 4 below shall be instituted in lieu of either long-term suspension or expulsion.

3. When a student poses an immediate and continuing danger to him or herself and/or others (see WAC 180-40-295), an emergency expulsion of up to ten (10) days may be used to alleviate immediate risk on the condition that procedures at WAC 180-40-300, be modified to require the regular disciplinary hearing be held within ten (10) school business days whether the student or parent/guardian requests a hearing or not. The purpose of this regular disciplinary hearing is to determine the nature of, and consequences for, the misconduct.

In the event the student is covered by or believed to be covered by Section 504, the Section 504 Compliance Officer (or designee) must attend and participate in this hearing. The Section 504 Compliance Officer (or designee) shall advise the hearing officer on Section 504 restrictions. Even if the student and/or parent/guardian refuse to attend this hearing, the hearing shall be held.

4. When a student has engaged in misconduct which is causally related to his or her disability, aside from emergency expulsion (see No. 3 above), expulsion and/or long term suspension should not be imposed which results in more than ten (10) lost school days (cumulative for the entire school year, considering earlier short term suspension [if any] as counting toward the cumulative total). Instead, the need for additional evaluation and/or a change of placement should be considered. In this circumstance, the principal or designee responsible for the imposition of discipline, the Section 504 Compliance Officer, and a team of professionals from the school who are knowledgeable about the student will meet to determine if there is a need for further evaluation or a change of program or placement. If further evaluation is recommended, it will be conducted as soon as possible. If the student poses an immediate risk to him or herself or others, the procedure at No 3 above may be instituted by the principal or designee.

5. Students and their Parent/Guardian shall be notified of the results of the decision regarding the causal relationship of the misconduct and the student's disability and of their right to challenge this decision. Students/Parents/Guardians objecting to procedures outlined at 1 through 4. above shall be entitled to exercise their rights under Section 504 to file a grievance or initiate a due process hearing.

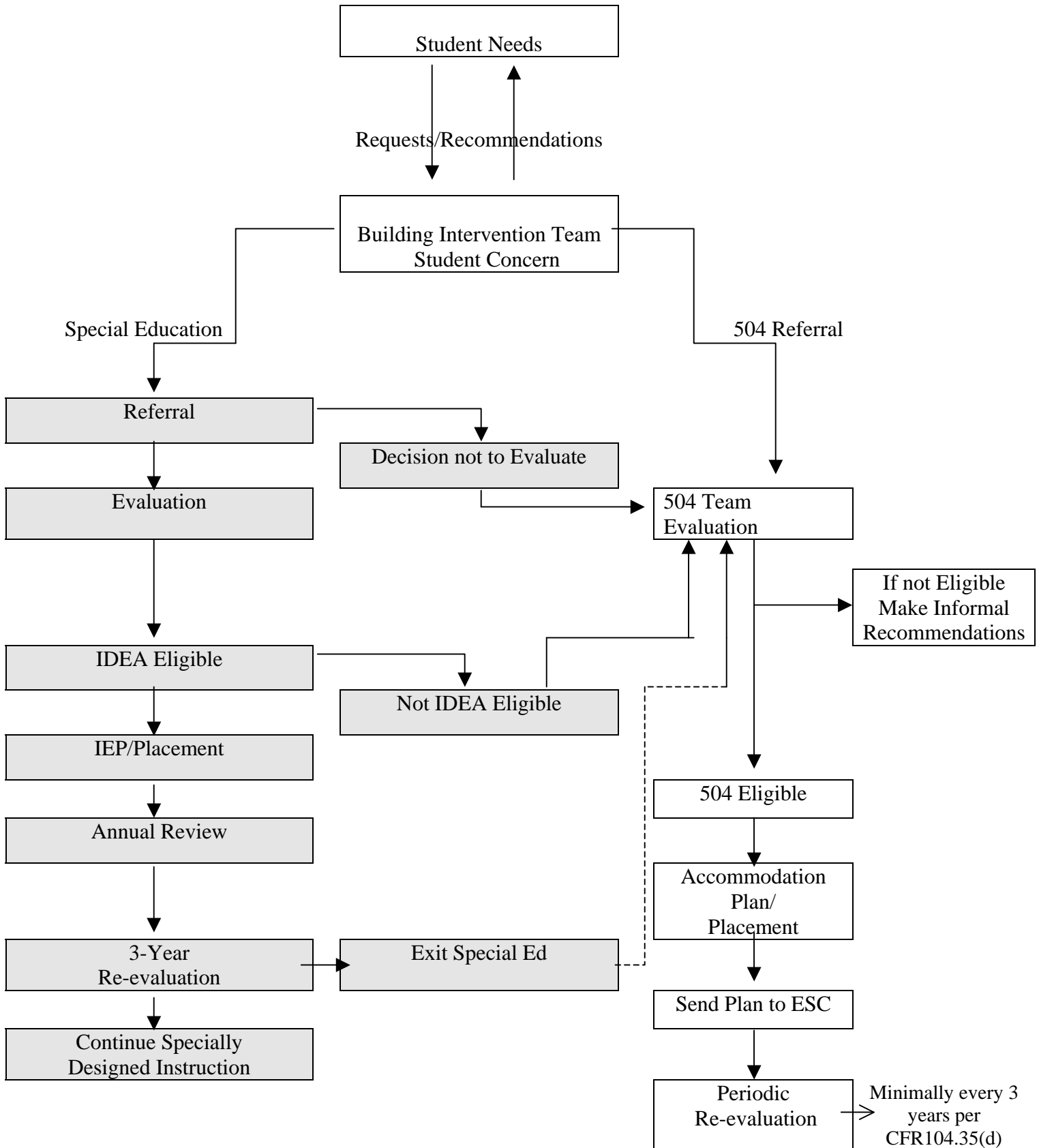
6. Students who are considered disabled under Section 504 are subject to the same disciplinary processes and results as non-disabled students for misconduct regarding the use, sale, or possession of drugs or alcohol at school. The extra due process requirements regarding change of placement do not apply.

PART II

504 ACCOMMODATION PLAN & PROCESS



Section 504 ACCOMMODATION/IDEA Process
Federal Way Public Schools



INSTRUCTION

Education of Students with Disabilities Under Section 504 of the Rehabilitation Act of 1973

| Step | Description of Activity |
|--------------|---|
| 1. Concern | Student, parent, teacher, counselor, or administrator believes they are observing a student with substantially limited performance in one or more major life activities that is believed to be caused by a physical or mental impairment. |
| 2. Referral | The concerned individual should complete the Referral Form and give it to the designated building team |
| 3. Screening | The designated building team reviews the referral, completes an appropriate review of the student's files, and consults with teachers, parents/guardians, peers, professionals, and/or student. |

Decision to be made: Does the student appear to have a disability under Section 504?

| | |
|----------------|--|
| If yes, | <ul style="list-style-type: none">a) Provide the parent/guardian with a copy of the Section 504 rights.b) If further information is needed, provide Notice of Action to parents for evaluation and obtain their consent in writing. Also obtain written consent for a Mutual Exchange of Information from parent/guardian as appropriate. |
| If no, | <ul style="list-style-type: none">a) Provide screening results to source of referral with accompanying recommendations.b) Provide written notice, District Notice of Action, to parent/guardian that student does not meet eligibility requirements. |
| 4. Evaluation | Conduct all evaluations deemed appropriate and for which the parent/guardian have given written permission. |
| 5. Eligibility | It is recommended a Section 504 Team be composed of one of the student's teachers (and/or the student's counselor), a building administrator, and persons knowledgeable about the student's disability and the meaning of the evaluation data and service options. The Team convenes to review all evaluation results, determine eligibility as a student with a disability under Section 504, and document the meeting in writing. The team composition may vary according to the needs of the student. |

| | |
|-------------------------------|---|
| If no, | Consider other referral sources or options for the student and/or school. Provide written notice to parent/guardian that student does not meet eligibility requirements. |
| If yes, | The second decision to be made: Does the student also seem to have a disability under one of the IDEA conditions? If yes, Refer to Special Education Evaluation Team for appropriate disposition. |
| | If no, Proceed to step No. 6. |
| | Note: Whatever the disposition of the case at step No. 5, the team must complete a written Section 504 eligibility statement. |
| 6. Develop Accommodation Plan | Once eligibility under Section 504 has been determined, the process moves to ACCOMMODATION, the development of a Student Evaluation and Accommodation Plan . This plan is to be developed by a professional team that may or may not be the same individuals who were involved at the ELIGIBILITY step No. 5, but a similar minimum team composition is recommended. |
| 7. Parent Permission | Provide parents with a copy of the Student Evaluation and Accommodation Plan and get their written permission to initiate the plan. |
| 8. Educational Services | The educational services are implemented as outlined in the Student Evaluation and Accommodation Plan . One individual must be designated as the case manager to monitor the implementation of the plan and the progress of the student. |
| 9. Periodic Review | Each student accommodation plan should be reviewed by the team periodically. Three issues which should be addressed at the review are as follows: <ul style="list-style-type: none"> a) the need for additional evaluation information, b) the continued eligibility as a student with a disability under Section 504, and c) the contents of the plan and service provider. |
| 10. Record Keeping | The Student Evaluation and Accommodation Plan should be maintained in the student's cumulative file and a copy sent to Student Support Services, Attention: Director/Co-Director. Service Reports sent to counselors two times per year to verify students on 504 Accommodation plans. Reports returned with corrections. |

Note: Due process hearing or mediation requests must be made directly to the District 504 Compliance Officer. If a parent requests a due process hearing or mediation, districts should contact:

Office of State Superintendent of Public Instruction
Special Services Department
Old Capitol Building
PO Box 47200
Olympia, WA 98504-7200
360-753-6733

to obtain a list of qualified hearing officers or mediators and a sample hearing officer or mediator contract. Districts are responsible for hearing officers or mediators. Districts are responsible for arranging for hearing officer and mediator expenses. When contacting OSPI, be sure they understand that the dispute is under Section 504 and that the district is just obtaining information, not seeking to have a special education due process hearing set up with a state administrative law judge. OSPI encourages districts to first utilize mediation as a method to resolve disputes.

PART III

SECTION 504 PROCESS FORMS



FEDERAL WAY PUBLIC SCHOOLS

SECTION 504 NOTICE OF REFERRAL

Student: _____
Birthdate: _____
Date: _____

Dear: _____
(Parent/Guardian)

This letter is to inform you that your child _____ has been referred for assessment to determine eligibility for Section 504 services. The referral was made by

_____ on _____ for the following reason(s):

Multiple horizontal lines for providing reasons for the referral.

We need more information to determine how your child's school performance has been affected by these concerns. After we review the information, we will decide if further evaluation is necessary. We will notify you within 10 school days of this decision. Please read the Rights and Responsibilities information enclosed with this form.

If you have any questions, please contact _____ at the following number _____ .

Signature Position Date

FEDERAL WAY PUBLIC SCHOOLS

NOTIFICATION OF 504 ACCOMMODATION PLAN MEETING

Student: _____

Birthdate: _____

Date: _____

Dear: _____
(Parent/Guardian)

As noted below, we would like to meet with you to share information and to develop an individual 504 program/ plan to better address the educational needs of your child. Your participation and assistance will be greatly appreciated.

We plan to meet on _____ at _____
(date) (time)

in _____
(specific location)

The purpose of this meeting would be to complete the **Section 504 Student Evaluation and Accommodation Plan or 504 Plan.**

It is anticipated that the conference will be attended by:

Name

Position

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

Respectfully,

Signature

Phone

Position

** Please sign and return to the person listed above

Yes, I plan to attend

No, I cannot attend. Alternative dates/time could be:

Parent/Guardian Signature

FEDERAL WAY PUBLIC SCHOOLS

CONSENT FOR INDIVIDUAL EVALUATION

Student Name: _____ Birthdate: _____

School: _____ Grade: _____ Date: _____

We have made a decision to evaluate your child in the following areas, as necessary and appropriate: Academic skills, classroom performance, adaptive behavior, self-care, hearing/audiology, vision/seeing, socialization, emotional adjustment, intellectual/cognitive development, behavioral skills, speech/communication, motor development, manual performance, work skills, and/or medical/health history.

The evaluation will be completed to determine your child's eligibility for regular education accommodations/interventions. For purposes of this evaluation, the applicable statute (law) under which eligibility will be considered is under Section 504 of the Rehabilitation Act.

To complete this individual evaluation, your signed consent is required. All evaluation information will be kept confidential. The findings of the evaluation will be reported, recorded, filed, and communicated in strict accordance with applicable district policies, state regulations, and the Family Rights and Privacy Act (FERPA).

Prior to signing this consent form, be certain that you have been fully informed of all information relevant to the planned evaluation of your child. A copy of your rights/responsibilities under Section 504 of the Rehabilitation Act are attached.

If you have additional questions, please contact _____ at _____

I, as parent or guardian of the above names student, do [] do not [] give my consent for this evaluation. This consent is given voluntarily and I understand that it can be revoked at any time prior to the completion of the assessment/evaluation. I have been fully informed of all information relevant to the planned assessment/evaluation and have received a copy of the procedural rights and responsibilities under Section 504 of the Rehabilitation Act. All of this has been communicated to me in my primary language.

Parent/Guardian Signature

Date

**Please sign and return this section to the contact person listed above

Attachment: 504 Rights/Responsibilities

FEDERAL WAY PUBLIC SCHOOLS

SECTION 504 STUDENT EVALUATION AND ACCOMMODATION PLAN

Student Name: _____ Birthdate: _____ Age: _____

Grade: _____ Student #: _____ Phone Numbers(s) _____

Referral Source: _____ Case Manager: _____

Plan Implementation Date: _____ Projected Review Date: _____ Parent Notified Date: _____
(Send Student Reports)

Section 504 Classification: _____

School: _____

A. Present Level of Educational Performance:

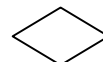
B. Assessment Results/Identified Needs:

C. Describe the Basis for the Determination of Disability (if any):

Stop here if there is no basis for a disability.

D. Describe If The Disability Limits a Major Life Activity (Complete this section if C. applies):

If student does not meet "D", stop here.



E. Describe the Accommodations that are Necessary (such as Environmental, Instructional, Behavioral):

F. The plan is in place only through:

- Elementary school year only
- Middle/Junior High school year only
- Secondary school years only
- Other

G. Signature of Participants

| <u>Name</u> | <u>Role</u> |
|-------------|-------------|
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H. Review/Revisions:
(Date)

Revision(s)

| | |
|-------|-------|
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** Please establish a review plan to ensure that the accommodation plan is appropriately addressing the student's needs.



Federal Way Public Schools
31405 – 18th Avenue South, Federal Way, WA 98003
Phone: 253-945-2000

HIPAA AUTHORIZATION FOR EXCHANGE OF MEDICAL INFORMATION

RE: _____ Birthdate: _____
(Patient's First Name & Last Name) (month day year)

Address: _____ City: _____ Zip: _____

I hereby authorize the following to disclose the protected health information regarding the above-named patient to **Federal Way Public Schools**, 31405-18th Avenue South, Federal Way, WA 98003, for the purpose of educational evaluation and planning.

Name of agency / physician / counselor / etc.

Street Address City, State, Zip

Phone (+ Area Code) FAX number (+ Area Code)

Information obtained with this authorization will be used solely for the purpose defined above and will be limited to the minimum information necessary to achieve the stated purpose.

Information to be disclosed (X all that apply):

- Medical Records Diagnostic Records
 Treatment Records Other: _____

By initialing below, I authorize release of the information pertinent to my case:

_____ Chemical Dependency (includes alcohol/drug treatment)
_____ HIV/AIDS
_____ Mental Health Information

I understand that the information used or disclosed may be subject to redisclosure by the person or class of persons or facility receiving it, and would then no longer be protected by federal privacy regulations.

I may revoke this authorization by notifying **Federal Way Public Schools** in writing of my desire to revoke it. However, I understand that any action already taken in reliance on this authorization cannot be reversed, and my revocation will not affect those actions. I understand that the medical provider to whom this authorization is furnished may not condition my treatment of me on whether or not I sign the authorization.

This authorization expires on _____, OR upon occurrence of the following event that relates to me or to the purpose of the intended use or disclosure of information about me: _____.

If this authorization form does not contain an expiration date, it expires 90 days from the date this form was signed.

Signature of parent, guardian, or adult student Date

Personal representative's name Relationship to patient: Parent Legal guardian* Holder of Power of Attorney*
(*Please attach legal documentation if you are the legal guardian or Holder of Power of Attorney.)

Street address

City State Zip

PLEASE RETURN TO: _____

Attn: _____

AUTHORIZATION FOR EXCHANGE OF CONFIDENTIAL EDUCATIONAL INFORMATION

RE _____ Birthdate: _____
 : _____
 (Student's Name)

School: _____ Grade: _____ Date: _____

I hereby authorize the exchange of confidential information regarding the above named student for the purpose of establishing special education eligibility, placement, and program planning between:

Federal Way Public Schools
 and

 Name of school district/agency/etc.

 Street Address

 City State Zip

 Phone FAX number

Information Requested (Check all that apply.)

| | |
|--|---|
| <input type="checkbox"/> Official Transcript | <input checked="" type="checkbox"/> Manifestation Determination Review(s) |
| <input type="checkbox"/> Academic Records | <input type="checkbox"/> Discipline Records |
| <input type="checkbox"/> Educational Evaluations/Test Scores | <input type="checkbox"/> Health Records |
| <input checked="" type="checkbox"/> Special Education Records | <input type="checkbox"/> Immunization Records |
| <input checked="" type="checkbox"/> Psychological and Counseling Records | <input type="checkbox"/> Other (specify): _____ |
| <input checked="" type="checkbox"/> Social/Emotional | <input type="checkbox"/> Other (specify): _____ |

I acknowledge notification of this transfer of records as required by the Family Educational Right and Privacy Act of 1974 and understand that I have a right to receive a copy at my own expense, if requested, and have an opportunity for a hearing to challenge the content of the records. I understand that the information obtained will be treated in a confidential manner and will not be transmitted to a third party without my permission. I also understand that it is my right to request a copy of all information and contest any information I feel is incorrect. This authorization is valid until revoked in writing.

PLEASE RETURN TO:

 Signature of parent, guardian, or adult student Date

 Relationship to student

 Street Address

 City State Zip

 Attn: _____

NOTICE OF SCHOOL DISTRICT ACTION

TO: _____ DATE: _____
(PARENT OR GUARDIAN)

(STREET ADDRESS AND APARTMENT NUMBER, IF APPLICABLE)

(CITY STATE ZIP CODE)

RE: _____ ID#: _____
(STUDENT)

BIRTHDATE: _____ SCHOOL: _____ GRADE: _____
(MM/DD/YYYY)

This is to notify you of action taken by the district for the above named student.

1. Description and explanation of proposed action.

- IEP IEP Amendment Placement Reevaluation
 Initial Referral Evaluation Decision Discipline/Exclusion
 Refusal Other

Explanation:

2. Other options considered and reason(s) why options were rejected.

3. Information upon which proposed action is based and description of evaluation/test procedures used.

4. Other factors related to the proposed action.

A full explanation of your procedural safeguards is enclosed: Yes No

Mediation services are available to parents as a dispute resolution process. If you have any questions regarding your rights or this notice, please contact me at _____.

Special Education Representative

Date Sent

Copy to be placed in Student 504 File

Revised April 2001

NOTICE OF SCHOOL DISTRICT ACTION.dot

Section 504 Manifestation Determination Form

Name of Student: _____ Date: _____

School: _____ Grade: _____

Disability: _____

Behavior Subject to Disciplinary Action: _____

The Section 504 Team has reviewed the student’s evaluation and diagnostic data and Section 504 Plan, observations of the student, and information provided by the student’s parent. Based on this review, the Section 504 Team concludes:

QUESTION 1: There is a direct and substantial relationship between the behavior and the student’s disability.

Agree

Disagree

Discussion:

QUESTION 2: The behavior is the direct result of the school district’s failure to develop and implement an appropriate 504 plan.

Agree

Disagree

Discussion:

DETERMINATION: Determination of the behavior subject to disciplinary action is a manifestation of the student’s disability. (Note: The behavior is a manifestation of the student’s disability if the answer to 1 or 2 is “Agree”.)

Agree

Disagree

Name/Title of Persons Who Made This Determination:

1. If any of the two questions are answered “AGREE,” the behavior subject to discipline must be considered a manifestation of the student’s disability and the student cannot be suspended for more than 10 consecutive school days.
2. If the determination is answered “DISAGREE”, the student may be disciplined in the same manner as non-disabled students are disciplined and all educational services to the student may cease.

FEDERAL WAY PUBLIC SCHOOLS

PARENT/GUARDIAN AND STUDENT RIGHTS IDENTIFICATION, EVALUATION AND PLACEMENT OF STUDENTS WITH DISABILITIES

This is a notice of your rights under Section 504. These rights are designed to keep you fully informed about the district's decisions about your child and to inform you of your rights if you disagree with any of those decisions.

You have the right to:

1. Have your child participate in and benefit from the district's education program without discrimination based on disability.
2. An explanation of your and your child's rights under Section 504.
3. Receive notice before the district takes any action regarding the identification, evaluation, or placement of your child.
4. Refuse consent for the initial evaluation and initial placement of your child.
5. Have your child receive a free appropriate public education. This includes your child's right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have the district provide related aids and services to allow your child an equal opportunity to participate in school activities.
6. Have your child educated in facilities and receive services comparable to those provided to non-disabled students.
7. Have your child receive special education services if she/he needs such services.
8. Have evaluation, educational, and placement decisions for your child based upon information from a variety of sources, by a group of persons who know your child, your child's evaluation data, and placement options.
9. Have your child provided an equal opportunity to participate in non-academic and extracurricular activities offered by the district.
10. Have educational and related aids and services provided to your child without cost except for those fees imposed on the parents/guardians of non-disabled children.
11. Examine your child's education records and obtain a copy of such records at a reasonable cost unless the fee would effectively deny you access to the records.
12. A response to your reasonable requests for explanations and interpretations of your child's education records.

13. Request the district to amend your child's education records if you believe that they are inaccurate, misleading, or otherwise in violation of the privacy rights of your child. If the district refuses this request, you have the right to challenge such refusal.
14. Request mediation or an impartial due process hearing to challenge actions regarding your child's identification, evaluation, or placement. You and your child may take part in the hearing and have an attorney represent you. Hearing requests can be made to the district's 504 coordinator.
15. Ask for payment of reasonable attorney's fees if you are successful on your claim.
16. File a local grievance or a complaint with the U.S. Department of Education Office for Civil Rights.

The person in this district who is responsible for ensuring that the district complies with Section 504 is: your local school counselor or the 504 Officer, Federal Way School District, 31405 18th Avenue South, Federal Way, Washington 98003.

PART IV

**PROCEDURAL REQUIREMENTS OF
SECTION 504**

AND

**FEDERAL WAY PUBLIC SCHOOLS
GRIEVANCE PROCEDURES**

PROCEDURAL REQUIREMENTS OF SECTION 504

To be in compliance with Section 504, school districts must provide for public notification of their policies of nondiscrimination and of their grievance procedures; and they must publicly identify the person who coordinates compliance. Specifically, districts must do the following:

1. Provide written assurance of nondiscrimination whenever the district receives federal money. 34 CFR 104.4(a)

Note: This assurance form is provided by the federal government, and districts have made such assurance since 1977.

2. Designate an employee to coordinate compliance with Section 504.34 CFR 104.7(a)
3. Provide grievance procedures to resolve complaints of discrimination. 34 CFR 104.7(b)
4. Provide notice to students, parents, employees, unions, and professional organizations of nondiscrimination in admission or access to, or treatment or employment in, its programs or activities. Notice must also specify the responsible employee designated to coordinate compliance. 34 CFR 104.8
5. Annually identify and locate all Section 504 qualified children with disabilities in the district's geographic area who are not receiving a public education. 34 CFR 104.32(a)
6. Annually notify persons with disabilities and their parents or guardians of the district's responsibility under Section 504.34 CFR 104.32(b)
7. Provide parents or guardians with procedural safeguards: 34 CFR 104.32.
 - a. notice of their rights
 - b. an opportunity to review relevant records
 - c. an impartial hearing with opportunity for participation by parents or guardians and representation by counsel
 - d. a review procedure

Persons disagreeing with the identification, evaluation, and placement of their child have several options open to them, including (1) filing a complaint or grievance through the district's discrimination complaint procedure Section 504, (2) having a due process hearing before an impartial hearing officer, (3) filing a complaint with the Office for Civil Rights (OCR), (4) filing a complaint with the U.S. Department of Education, and/or (5) filing in Civil Court.

FEDERAL WAY PUBLIC SCHOOLS GRIEVANCE PROCEDURE

Students, and/or parents, staff or other individuals acting on behalf of students of the district are eligible to participate in this complaint procedure. This complaint procedure is designed to assure that the resolution of real or alleged violations shall be directed toward a just solution that is satisfactory to the complainant, the administration and the board of directors. This grievance procedure shall apply to the general conditions of the nondiscrimination policy, and more particularly to policies dealing with guidance and counseling, co-curricular programs, and curriculum development and instructional materials. As used in this procedure,

“Grievance” shall mean a complaint which has been filed by a complainant (a student, an employee, a parent or guardian) relating to alleged violations of any anti-discrimination law including Title IX regulations and Washington Administrative Code (WAC) 392-190 or Section 504 of the Rehabilitation Act of 1973, or Title VII of the Civil Rights Act of 1964.

A complaint shall mean a charge alleging specific acts, conditions or circumstances, which are in violation of the anti-discrimination laws. A respondent shall mean the person alleged to be responsible or who may be responsible for the violation alleged in the complaint.

The primary purpose of this procedure is to secure an equitable solution of a justifiable complaint. To this end, specific steps shall be taken:

Level One

The grievant (student, parent, employee or patron) shall discuss the complaint or concern with the administrator responsible for the program in which the alleged act took place within thirty-school business days of the circumstances which gave rise to the problem.

If the grievant feels he/she cannot approach the administrator, the grievant should contact the Compliance Officer for assistance.

Every effort will be made to resolve the concern promptly during this informal review process. The administrator will discuss proposed corrective measures with the grievant, including suggestions from the grievant, and attempt to implement them.

Level Two

If the grievance is not resolved to the satisfaction of the grievant, a formal statement of the grievance (**Formal Grievance Presentation**) may be filed by the grievant with the Compliance Officer within thirty days of completing the informal review process.

The Compliance Officer shall investigate the allegations set forth by the grievant without delay and shall institute such other reasonable procedures to effect a prompt resolution of the complaint as may be appropriate.

Upon completion of the investigation, the Compliance Officer shall respond in writing (**Decision of Section 504/ADA Compliance Officer**) to the grievant as expeditiously as possible, but in no event later than fifteen (15) school business days following receipt of the formal complaint.

The response shall clearly state either:

- That the school district denies allegations contained in the complaint; or
- The nature of such reasonable corrective measures deemed necessary to eliminate any act, condition or circumstance with the district which brought the complaint; or
- That corrective measure would place an unreasonable financial burden upon the district and will not be undertaken.

Any corrective measures shall be initiated as expeditiously as possible, but in no event later than thirty (30) school business days following the mailing of a written response to the grievant.

Level Three

Should the decision of the Compliance Officer be unacceptable to the grievant, the grievant may appeal (**Notification of Appeal**) to the Superintendent/designee.

This appeal process requires the grievant to file a written notice of appeal with the Superintendent/designee within ten (10) calendar days of receipt of the Compliance Officer's response.

The Superintendent/designee shall schedule a hearing within twenty (20) school business days upon receipt of the written notice of appeal.

At the hearing, both parties shall be allowed to present such witnesses and testimony, as the Superintendent/designee deems relevant and material. Both parties may be represented by legal counsel.

The Superintendent/designee shall render a decision (**Decision by Superintendent/Designee**) in writing within ten (10) school business days following termination of the hearing and provide a copy to all parties involved.

The Compliance Officer shall maintain files and records of all complaints and results of these complaints.

Individuals filing grievances with the district are not precluded from filing complaints with the Office of Civil Rights.

FEDERAL WAY PUBLIC SCHOOLS
GRIEVANCE FORM
FORMAL GRIEVANCE PRESENTATION (Step Two)

(To be completed by grievant and submitted
to the Section 504/ADA Compliance Officer)

Grievant(s) _____ Date of Formal Presentation: _____

Home
Address of
Grievant(s) _____

Statement of Grievance:
(must include specific acts, conditions or circumstances alleged to be violations of the law)

Suggested Corrective Measure:

Signature of Grievant(s) _____

For District Use:
Date Received

Reference Number

**FEDERAL WAY PUBLIC SCHOOLS
GRIEVANCE FORM**

DECISION OF SECTION 504/ADA COMPLIANCE OFFICER

(To be completed by Section 504/ADA Compliance Officer)

Grievant(s) _____ Date of Formal Grievance Presentation: _____

School _____ Principal _____

Decision: _____

Decision Attached

Date of Decision _____

Signature of Section 504/ADA
Compliance Officer

Grievant(s) Response:

_____ I accept the above decision

_____ I do not accept the above decision

_____ I hereby refer my grievance to the Superintendent/Designee

Date of Response _____

Signature of Grievant(s)

Reference Number _____

FEDERAL WAY PUBLIC SCHOOLS
GRIEVANCE FORM

DECISION BY SUPERINTENDENT/DESIGNEE (Step Three)
(To be completed by the Superintendent/Designee within
five (5) days after hearing with the Grievant(s))

Grievant(s) _____

Date of Formal Grievance Presentation:

Date of Appeal Received
by the Superintendent _____

Date Hearing Held
by Superintendent _____

Appeal Upheld _____

Appeal Denied _____

Decision of Superintendent/Designee and Reasons:

Date of Decision _____

Signature of Superintendent/Designee

Reference Number _____