



**Dallas Center – Grimes Community School District**  
**Section 504 Manual**  
**December 20, 2017**

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**District Administrator / 504 Coordinator:**

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**Building Administrators:**

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## Section 504

Section 504 of the Rehabilitation Act of 1973 is Congress' directive to schools receiving any federal funding to eliminate discrimination based on disability from all aspects of school operation. Since the Dallas Center - Grimes Community School district receives federal dollars, it is required to provide eligible disabled students with equal access to services, programs, and activities offered by the District. Section 504 is a civil rights statute and not an education statute. Therefore, it is the responsibility of regular education staff and building administration to implement those practices and procedures necessary for a school to fulfill the requirements of this law. It is also important to understand that schools receive no additional funding to implement Section 504 accommodations. At Dallas Center-Grimes, it is the responsibility of the district Section 504 Coordinator and Compliance officer to ensure that all students have access to services, programs, and activities. Provisions of the District Section 504 Plan are implemented by the building principal and principal's designee.

### Eligibility for Section 504

A free appropriate public education (FAPE) is one provided by a public school that (1) is designed to meet the individual educational needs of person with a disability as adequately as the needs are met of persons without disabilities, and (2) is based upon adherence to evaluation, placement and procedural safeguard requirements of the Act (see Appendix A for a detailed list of federal laws).

Like other students, those students with a disability, as defined by Section 504, are entitled to a free appropriate public education. An appropriate education for a Section 504 disabled student may require the provision of specific accommodations and related services in order to meet the needs of the student. Section 504 focuses on ensuring a level of access to educational services and the learning process for qualified disabled students that is equal to that given non-disabled peers.

Students eligible for Section 504 accommodation plans must meet three criteria. The three criteria are (1) A **mental or physical impairment**, (2) **which substantially limits**, (3) **one or more major life activities**. It is important to understand that all three criteria **must be present** for a student to be eligible for a Section 504. Students may also be eligible under Section 504 but not in need of a plan, this will be documented on the 504 eligibility form. Equally important, this disability must be why the student cannot equally access or receive benefit from the school's programs and services. All paperwork required and used for evaluation will be kept in a secure location housed within the building and the 504 plan and eligibility form will be uploaded to infinite campus under counseling documents. Below is additional information on each of the three criteria.

### **Mental or physical impairment:**

This includes any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems: neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin and endocrine or any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness and specific learning disabilities. This criterion does not limit eligibility to specific diseases or categories of medical conditions. The law was intentionally written this way to avoid limiting the range of diseases or medical conditions that might be considered for Section 504 eligibility.

### **Substantially limits:**

Section 504 does not specifically define the term “substantially limits.” The basis for evaluating this criterion is the impact a disability has on one or more of a student’s major life activities. It is vital to understand that for a student to qualify for Section 504, the impairment must impose a significant limitation on one or more major life activities. The eligibility team will consider the nature and severity of the disability as well as how long the disability is expected to last. **Simply having a condition or disability does not automatically qualify a student for Section 504 protection. The condition must present a barrier to the student’s ability to access the same education opportunities as a non-disabled student.**

### **Major life activities:**

Major life activities include such things as: seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, working, breathing, learning, reading, communicating, thinking, concentrating, caring for oneself, and performing manual tasks. The operation of major bodily functions (*e.g.*, the functions of the immune system, normal cell growth, and digestive, bowel, bladder, respiratory, circulatory, endocrine, neurological, brain, and reproductive functioning) count as major life activities. Please note that this list of major life activities is not exhaustive.

## **Child Find for Section 504**

Dallas Center-Grimes has an obligation to find students who may qualify for Section 504. School districts find students who qualify for Section 504 in the same way they may identify students who qualify for special education. An evaluation for Section 504 may be triggered through the school or parent referral. School staff including teachers, nurses, administrators, and counselors have received training to help identify identify students who are suspected of having a disability. Once a disability is suspected, staff are to make a referral to the building 504 Coordinator for evaluation. Parents are encouraged to notify the school if their child is diagnosed with a disability. This may often be disclosed through a health history or health records. The school district may request that the parent sign consent to release health

information to assist with an evaluation for Section 504. Parents have the right to agree to or deny this request. Information about Section 504 can be found on the district's website, along with parent rights. In addition, annual notices regarding section 504 and antidiscrimination are published in the district newsletter and can be found posted in buildings. It is the school district's responsibility to evaluate the student's needs using multiple sources and develop and implement any required accommodations for the student.

## **Referral for Section 504**

A referral for Section 504 can be made to the building 504 Coordinator listed below. Once a referral is made, a consent for evaluation and/or health releases may be signed by the parent to initiate the evaluation process. The evaluation may include members from the building assistance teams. This team looks different in each building, but usually involve administrators, counselors, teachers, the school nurse, and may also involve Heartland staff.

At Dallas Center-Grimes, students are able to access intervention for both academic and social-emotional needs as part of the Multi-Tiered Systems of Support (MTSS) at each grade level. Students may access these supports regardless of an identified disability. Through these interventions, it may be found that a student has a disability (mental or physical impairment) that substantially impacts their learning. If a student exhibits the need for intervention the intervention will be initiated through the MTSS process. Progress will be monitored by the building Student Assistance Team. Once the team determines that accommodations are required for the student to progress, the team will initiate a referral for Section 504 evaluation. A parent may request an evaluation for Section 504 or special education eligibility at anytime. The request will be honored if there is a suspicion of a disability.

## **504 Team**

To determine Section 504 eligibility, a team of qualified adults who know the student well will be formed to facilitate the process and ensure procedural integrity. Based on disability, these teams may include the student's general education teacher, school administrator, school counselor, school interventionist, school nurse and others who are knowledgeable regarding the child's suspected disability. At times, consultants from the Area Education Agency may also be invited to meetings if they have information or expertise that may be helpful to the evaluation process.

Each School Building will identify a lead contact(s) for their building. This person is responsible for the coordination of 504 activities at the building level to include maintenance and accuracy of records, staff communication/education at the building level, plan implementation, transition within and between buildings, and coordination of annual reviews. The district contact person is responsible for overseeing the district 504 program and insuring that the district is appropriately

identifying and serving students who are eligible for Section 504 services.

### **List Contacts:**

District Office: Angela Dvorak - Director of Student Services - 504 Coordinator (515-992-3866)

Dallas Center Elementary: Deb Cale - Principal (515-992-3838)

Heritage: Diann Williamson - Principal (515-300-9627)

North Ridge: April Heitland - Principal (515-986-5674)

South Prairie: Chris Schmidt - Student Services (515-986-4057)

Middle School: Julie Kopecky - Dean (515-992-4343)

Meadows: Emily Judd - Counselor (515-986-0105)

High School: Travis Donahue - Student Services (515-986-9747)

## **Evaluation**

The Section 504 Coordinator will obtain parental signed parental consent to conduct an evaluation. They will also lead the evaluation process and determine who will be involved. Multiple sources of information will be utilized as part of the evaluation. Possible sources include: cumulative and health files, teacher input, parent interview, student interview, private provider records, observations, assessment data, permanent products, or other information provided by the parent. The Section 504 Coordinator will ensure that all the steps of the evaluation process are completed and documented within the 60-day timeline.

Once the evaluation is complete, the Section 504 Coordinator will convene a meeting to discuss the results. Parents will be invited to attend this meeting. If they are unable to attend, the meeting may be held and parents will be notified regarding the outcome of the evaluation and whether or not a plan is required.

Below are listed the required steps and forms which must be used when evaluating and serving a student in Section 504 (see Appendix B).

- 1) [Section 504 Notification Letter / Parent Consent](#)
- 2) [Section 504 Eligibility Determination](#)
- 3) [504 Student Accommodation Plan](#)
- 4) A [Guide to Section 504](#) of the Rehabilitation Act of 1973

## **Optional Forms:**

Forms that are available and may be needed include:

- 1) [Section 504 Teacher Input Form](#)
- 2) [Parent/Student Interview Form](#)
- 3) Authorization for the [Release of Health and/or Educational Information](#)
  - Health documents will be kept in health file in the nurse's office
- 4) [Support for Accommodation Request \(SAR\) Form](#)
- 5) [Eligibility](#) form used when a 504 is discontinued
- 6) [Manifestation Determination](#) form used prior to change in placement due to disciplinary procedures

## **Mitigating Measures:**

The 2008 Amendments to the ADA made clear that mitigating measures, with the exception of corrective lenses, could not be considered during the evaluation process. Examples of mitigating measures include but are not limited to medication, medical equipment and devices, prosthetic limbs, low vision devices, accommodations and behavioral modifications. The corrective effect of mitigating measures may not be used to rule out Section 504 eligibility. To determine eligibility for a student who is successfully using mitigating measures an evaluation should focus on how the student performed major life activities/major bodily functions without the use of mitigating measures.

## **Health Plans:**

The federal Office of Civil Rights has made clear that a district may not forego evaluating a student with asthma, food allergies, diabetes, or other health issues for Section 504 based on the fact that the student has an Individual Health Plan at school. In fact, an IHP can be considered a mitigating measure. For the purpose of eligibility determination, the team must consider the impact of the disability without provisions contained in the IHP. If a district has reason to suspect that any student has a disability and may need special education or related services it must determine eligibility under Section 504 and provide procedural safeguards.

## **Conditions that are in Remission:**

An impairment that is episodic or in remission is considered a disability if it would substantially limit a major life activity when active. To determine eligibility, the team considers the condition when it is active. The plan is then written to accommodate limitations experienced during exacerbations. During remissions, the plan remains in place but not all accommodations may be

needed. By approaching these conditions in this manner, the student will avoid delays that might incur should the team have to reconvene and/or a reevaluation is needed. Examples may include depression and bi-polar disorders, juvenile rheumatoid arthritis, inflammatory bowel disease, cancer, and congenital herpes.

#### **Disabled But Not Eligible for 504:**

A district may conduct a 504 evaluation and determine that a student is eligible, but not currently in need of a Section 504 plan. For example this could happen if a high school student is diagnosed with a food sensitivity that substantially limits the major life activity of eating and the function of the digestive system. However, based on the Section 504 evaluation, it could be determined that the student does not need accommodations because they choose to bring cold lunch. In this situation the school district is not obligated to provide the student with any additional services. The student is still a person with a disability and therefore remains protected by the general nondiscrimination provisions of Section 504. In this scenario, the individual is eligible under Section 504, but not in need of a 504 plan.

For students who are eligible but do not require a plan, a yearly review regarding their need for accommodation and services will occur. These students would be marked for Section 504 eligibility in Infinite Campus and should be reevaluated every three years to determine if the student continues to qualify.

### **504 Accommodations and Services**

Once a student has been evaluated and found eligible for Section 504, the team's second responsibility is to identify the specific accommodations or services that will be required to provide access. Documentation of needed accommodations is noted in a Section 504 Accommodation Plan. This plan provides a summary of the services and accommodations that a student requires to ensure equal access to the learning process and/or district programs, activities, and services. While parents and private providers may make recommendations regarding accommodations, the district makes the final decision regarding what accommodations are required in the plan. The final 504 plan becomes part of the student's cumulative file.

Section 504 requires that a student with an eligible disability be educated with students who do not have disabilities to the maximum extent appropriate. This is referred to as educating the student in the least restrictive environment. Implementation of most Section 504 Plans occurs in the regular classroom. Accommodations generally are those minor adjustments to things like seating arrangements, lesson presentation, assignments, and other facets of the learning environment that provide the student with equal access to learning opportunities. An example might be moving the student to a position in the room that best supports his/her ability to focus

on schoolwork. Accommodations might involve the use of such things as special visual aids, large print, or using video recordings. Allowing a student additional time to complete a specific kind of task is also an accommodation. For health conditions, an example may include allowing a student with a medical condition to carry their own emergency medication on a fieldtrip or unlimited access to the restroom without penalty.

There are many accommodations that can support a student's equal access to educational opportunities. Outside evaluations and recommendations will be considered by the 504 team when determining accommodations for each individual through the 504 evaluation process. It is the job of the 504 eligibility team to identify those accommodations that will support the needs of a given student resulting from the identified impairment.

Section 504 teams review active Section 504 Accommodation Plans yearly with more frequent meetings occurring if needed. The purpose of a yearly review is to add, subtract and/or modify student accommodations as needed. The purpose of a reevaluation is to determine ongoing eligibility, review plan efficacy, and the possible need for plan modifications. If a student no longer needs a 504 Plan, the eligibility team terminates it at an annual review or reevaluation. If a student moves into the district with a current 504 plan, the accommodations in the current 504 will be implemented until a reevaluation can be completed and current needs can be determined.

### **Extracurricular Activities:**

A school district that offers extracurricular activities and sports must do so in such manner as is necessary to afford qualified students with disabilities an equal opportunity for participation. This means districts must make reasonable modifications and provide accommodations that are necessary to ensure an equal opportunity to participate, unless the school district can show that doing so would be a fundamental alteration to its program. A school district may adopt bona fide safety standards needed to implement its extracurricular athletic program or activity. A school district, however, must consider whether safe participation by any particular student with a disability can be assured through reasonable modifications or the provision of accommodations.

### **Termination of a 504 Plan:**

As part of a reevaluation, a team may consider if a 504 plan needs to be terminated. The team will review existing data to determine if a student continues to need a 504 plan. Data may be collected from multiple sources to assist with the decision to terminate a 504 plan. Once the team determines that a 504 plan is no longer required, the team will determine if the individual who received Section 504 accommodations continues to be eligible but no longer in need of a 504 plan or if the individual is no longer eligible under Section 504. This decision, including a summary of the data collected will be documented on the Section 504 [eligibility form](#).

## **Section 504 and Discipline**

Students who are eligible for Section 504 accommodations and services are held to a similar standard, with regard to discipline, as students eligible under IDEA. A student who is currently receiving Section 504 accommodations must undergo a process similar to a manifestation determination before disciplinary consequences are assigned. In disciplining a student:

The administrator will determine whether the student committed the infraction of which the student is accused; For suspensions beyond 10 days the student's 504 team will determine whether the behavior was caused by the disability (manifestation determination).

### **Suspension/Placement:**

A disabled student may not be suspended for more than ten days without a manifestation determination. The student's 504 team must make the determination of the relationship between the misconduct and the disability. If the team determines the behavior was not caused by the disability, the student may be disciplined in the same manner as students who do not qualify under Section 504. The student's team may modify the current educational placement when the misconduct is directly caused by the disability. If appropriate, an alternative educational placement may be considered. If the misconduct is not directly caused by the disability, the district is not required to provide educational programming. If the student returns to school after a suspension or expulsion, a 504 reevaluation will be conducted to determine current needs for services and accommodations.

### **Manifestation Determination:**

When considering a change of placement for a student receiving Section 504 accommodations, the school should determine whether the student's disability caused the misconduct. A change in placement is considered once a student has 10 days of removal from their current educational setting due to misconduct or breaking a school rule and/or policy. This process is called a manifestation determination. During a manifestation determination hearing, a group of individuals who are knowledgeable about the student and the disability will determine if the student's disability had a direct and substantial relationship to the misconduct. This group will most likely be the student's 504 team and may include district level administration. If it is determined by the team that there is no direct and substantial relationship between the misconduct and the disability, the school district can discipline the student, according to the school handbook without accommodation. For students who receive only 504 accommodations, it is not considered educational entitlement, therefore there is no duty to continue the student's education.

If the misconduct is related to the disability, the team must review the student's placement to determine if the current placement is appropriate. During the period of the manifestation

determination, and after the team determines that the misconduct had a direct and substantial relationship to the disability, the student will “stay put” or remain in the same placement as when the misconduct occurred. The team may also consider a change in placement when appropriate.

### **Drugs, Weapons, Alcohol, and Serious Bodily Injury:**

It is important to note, that a student who is eligible for Section 504 and who is currently engaged in the illegal use of drugs or alcohol, a school may take any disciplinary measure pertaining to the use or possession of illegal drugs or use of alcohol as is taken for a student who is not disabled. In these situations, no manifestation determination hearing is required.

However, a student with a disability who is not currently engaged in the illegal use of drugs or alcohol who commits a drug/alcohol offense, such as possession, sale, or distribution of drugs or alcohol, is afforded Section 504 and ADA protection. These rights include an evaluation of whether the behavior is related to the disability and the right to due process. For example, a student with a disability is entitled to procedural protection when illegal drugs are found in his locker if it is determined that the student is not currently using the drugs. OCR defines “current use of drugs” as “illegal use of drugs that occurred recently enough to justify a reasonable belief that a person’s drug use is current or that continuing use is a real and ongoing problem” OCR Staff Memorandum, 19 EDEL859 (OCR 1992). Thus if it is known that the student with the drugs in his locker has been consistently using illegal drugs but did not to be use them that day, the student may be a current user and may not be protected.”

Students with current substance abuse violations are excluded from the definition of disabled under Section 504 and ADA. Therefore, current drug or alcohol offenders are subject to the same disciplinary action to the extent applied to non-disabled students for a similar code of conduct infraction. Once an individual is in treatment, they can be covered again by Section 504 when not actively using.

Similar to IDEA, there are three special circumstances that allow school personnel to remove a student with disabilities to an interim alternative educational setting for no more than 45 school days regardless of the outcome of the manifestation determination. The three special circumstances are if the student:

1. Carries/possesses a weapon to or on school premises, as well as to or at school functions.
2. Possesses, uses, sells or solicits the sale of a controlled substance or illegal drugs on school premises or at a school function. Note: Alcohol and tobacco violations of a school’s code of conduct are not “special circumstances.”
3. Inflicted serious bodily injury upon another person while at school, on school premises,

or at a school function.

- Serious bodily injury is defined as bodily injury which involves:
  - A substantial risk of death
  - Extreme physical pain
  - Protracted and obvious disfigurement
  - Protracted loss of impairment of the function of a bodily member, organ, or mental faculty.

When special circumstances apply then the LEA:

- May remove a student to an interim alternative education setting for no more than 45 school days regardless of the outcome of a manifestation determination
- Must notify the parents of the decision to remove and provide parents the procedural safeguards notice on the date the decision is made
- Must conduct a manifestation determination
- Must continue to provide a free appropriate public education
- May review data for additional needs prior to the student returning to his or her original placement.

## **Parent Rights**

The following is a list of parent rights granted by federal law. The intent of the law is to keep parents fully informed concerning decisions made about their children and to inform them of their rights should disagreement occur over a 504 decision.

### **As a parent, you have the right to:**

- Have your child take part in, and receive benefit from, public education programs without discrimination based on a disability.
- Have the district advise you as to your rights under the law.
- Receive notice with respect to the identification, evaluation, or placement of your child.
- Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have the district make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
- Have your child educated in facilities and receive services comparable to those provided students without disabilities.
- Have your child receive special education and related services if she/he is found to be eligible under the Individuals with Disabilities Education Act (IDEA), or to receive reasonable accommodations under Section 504 of the Rehabilitation Act.
- Have eligibility and educational placement decisions made based upon a variety of information sources, and by individuals who know the student, the eligibility data, and placement options.

- Give your child an equal opportunity to participate in non-academic and extracurricular activities offered by the district through the provision of reasonable accommodations.
- Examine all relevant records relating to decisions regarding your child's identification, eligibility, educational program, and placement.
- Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
- Receive a response from the district to reasonable requests for explanations and interpretations of your child's records.
- Request amendment of your child's educational records if there is a reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child.
- File a complaint with the district when you believe your child's rights have been violated (see Appendix C for district grievance form).
- Request an impartial hearing related to decisions regarding your child's identification, eligibility, and educational placement. You and your child may take part in the hearing and have an attorney present at your own cost.
- File a formal complaint with the Iowa Department of Education or the U.S. Department of Education Office for Civil Rights (Region VII):

*Office for Civil Rights Region VII, U.S. Department of Education*, The OCR office for Iowa is located at: Chicago Office, Office for Civil Rights, U.S. Department of Education, Citigroup Center, 500 W. Madison Street, Suite 1475, Chicago, IL 60661, Telephone: 312-730-1560, FAX: 312-730-1576; TDD: 877-521-2172, Email: OCR.Chicago@ed.gov.

## **Section 504 Grievance Procedures**

### **Board Policy Code 101R**

The best solutions to parent and student concerns occur at the school level. Therefore, the first step in resolving a complaint involves the parent or guardian contacting the building principal and discussing the issue with the principal and other appropriate building staff. If the issue is not resolved through these discussions, the parent or guardian can complete a Section 504 Complaint Form and send a copy to the Equity Coordinator or the Director of Student Services. A sample Complaint form is included in this handout. The form is also available at your local school. This form should be completed by the parent or guardian to document their concerns (see Appendix C).

Students, parents of students, employees, and applicants for employment in the school district have the right to file a formal complaint alleging discrimination. The district has policies and procedures in place to identify and investigate complaints alleging discrimination. If appropriate, the district will take steps to prevent the recurrence of discrimination and to correct its discriminatory effects on the Complainant and others. Parents also have the right to request an impartial hearing related to any decisions regarding your child's identification, eligibility, and educational placement.

A Complainant may attempt to resolve the problem informally by discussing the matter with a building principal. However, the Complainant has the right to end the informal process at any time and pursue the formal grievance procedures outlined below. Use of the informal or formal grievance procedure is not a prerequisite to the pursuit of other remedies. Please note that informal processes and procedures are not to be used in certain circumstances (e.g., sexual harassment and sexual assault).

### **Filing a Complaint:**

A Complainant who wishes to avail himself/herself of this grievance procedure may do so by filing a complaint with the equity coordinator(s). An alternate will be designated in the event it is claimed that the equity coordinator or superintendent committed the alleged discrimination or some other conflict of interest exists. Complaints shall be filed within 30 days of the event giving rise to the complaint or from the date the Complainant could reasonably become aware of such occurrence. The Complainant will state the nature of the complaint and the remedy requested. The equity coordinator(s) shall assist the Complainant as needed.

### **Investigation:**

Within fifteen (15) working days, the equity coordinator will begin the investigation of the complaint or appoint a qualified person to undertake the investigation (hereinafter "equity coordinator"). If the Complainant is under 18 years of age, the equity coordinator shall notify his or her parent(s)/guardian(s) that they may attend investigatory meetings in which the Complainant is involved. The complaint and identity of the Complainant, Respondent, or witnesses will only be disclosed as reasonably necessary in connection with the investigation or as required by law or policy. The investigation may include, but is not limited to the following:

- A request for the Complainant to provide a written statement regarding the nature of the complaint;
- A request for the individual named in the complaint to provide a written statement;
- A request for witnesses identified during the course of the investigation to provide a written statement;
- Interviews of the Complainant, Respondent, or witnesses;
- An opportunity to present witnesses or other relevant information; and
- Review and collection of documentation or information deemed relevant to the investigation.

Within 60 working days, the equity coordinator shall complete the investigation and issue a report with respect to the findings. The equity coordinator shall notify the Complainant and Respondent of the decision within 5 working days of completing the written report. Notification shall be by U.S. mail, first class.

### **Decision and Appeal:**

The complaint is closed after the equity coordinator has issued the report, unless within 10 working days after receiving the decision, either party appeals the decision to the superintendent by making a written request detailing why he/she believes the decision should be reconsidered. The equity coordinator shall promptly forward all materials relative to the complaint and appeal to the superintendent. Within 30 working days, the superintendent shall affirm, reverse, amend the decision, or direct the equity coordinator to gather additional information. The superintendent shall notify the Complainant, Respondent, and the equity coordinator of the decision within 5 working days of the decision. Notification shall be by U.S. mail, first class.

### **Appeal to Board:**

If the grievant is not satisfied with the superintendent's decision, the grievant can file an appeal with the board within five working days of the decision. It is within the discretion of the board to determine whether it will hear the appeal. The decision in no way prejudices a party from seeking redress through state or federal agencies as provided by in law. This policy and procedures are to be used for complaints of discrimination, in lieu of any other general complaint policies or procedures that may be available. If any of the stated timeframes cannot be met by the district, the district will notify the parties and pursue completion as promptly as possible. Retaliation against any person, because the person has filed a complaint or assisted or participated in an investigation, is prohibited. Persons found to have engaged in retaliation shall be subject to discipline by appropriate measures.

As noted above, at anytime you also have the right to request an impartial hearing related to any decisions regarding your child's identification, eligibility, and educational placement. Request for hearings shall be submitted in writing to the Superintendent. Upon receiving a written request for a hearing, the Superintendent will contact an Impartial Hearing Officer. The hearing officer will schedule a due process hearing to occur as soon as reasonably possible for the parent/legal guardian and district. The parent/legal guardian and district may be represented by legal counsel at the hearing, may examine relevant records, and participate in the hearing. Within ten (10) days after the conclusion of the hearing, the hearing officer will render a written decision. The written decision shall include applicable findings of fact and conclusions of law. The hearing officer shall submit the written decision to the parent/legal guardian and to the Board of Education. The decision of the hearing officer shall constitute the final administrative decision on the Section 504 matter.

Finally, note the Office for Civil Rights (OCR) is the federal agency responsible for enforcing Section 504 compliance. While we believe that the best resolutions occur at the school level, parents/guardians always have the right to initiate a complaint with the OCR.

*Office for Civil Rights Region VII, U.S. Department of Education*, The OCR office for Iowa is located at: Chicago Office, Office for Civil Rights, U.S. Department of Education, Citigroup Center, 500 W. Madison Street, Suite 1475, Chicago, IL 60661, Telephone: 312-730-1560, FAX: 312-730-1576; TDD: 877-521-2172, Email: OCR.Chicago@ed.gov.

## **Support for Accommodation Request (SAR)**

Students who receive Section 504 services, graduate from high school, and go on to an institution of higher learning may need accommodations at that setting. The Support for Accommodation Request (SAR) form has been developed as a tool for summarizing documentation from a student's secondary school experience. School staff can use this form to summarize relevant and useful information from a variety of sources (accommodation plans, assessments, reevaluations, high school records). The SAR can be used as the basis for verifying eligibility and supporting requests for accommodations, academic adjustments, and/or auxiliary aids at the postsecondary level. Completing this form can be very helpful to students as they transition to post-secondary educational setting. A student with an active 504 plan, who intends to enroll in post-secondary education, may request that a SAR form be completed by the building 504 coordinator prior to graduation if required by the college. It is then the responsibility of the student to present this completed document to their admissions office to obtain needed accommodations.

## **Training**

Training will be provided to all building level 504 coordinators through a combination of training opportunities through the local Area Education Agency (AEA) and in-district training with the district 504 coordinator. Minimally each year, the district level 504 team composed of administrators, counselors, deans, at-risk staff will meet to assess the learning needs for the district regarding 504 knowledge and provide appropriate training and/or updates to school staff regarding Section 504. Building 504 coordinators who are new to evaluating for 504 eligibility and writing 504 plans will be given direct training from the district 504 coordinator utilizing the district 504 manual. These individuals who are new to the 504 process will also attend 504 training at the local AEA. School nurses are also trained by the local AEA Nurse Consultant on the guidelines surrounding health plan creation in conjunction with 504 eligibility. All school staff providing educational accommodations and/or supports will be given additional training and support around meeting the needs of students who are eligible under section 504 by the district 504 team.

## **Non-Discrimination Statement**

The Dallas Center-Grimes Community School District does not discriminate in its educational

programs and activities on the basis of a student's disability. If it has been determined that your child has a qualifying disability for which accommodations may need to be made to meet his/her individual needs as adequately as the needs of other students,~as a parent, you have the right to the following:

- Participation of your child in school district programs and activities, including extracurricular programs and activities, to the maximum extent appropriate, free of discrimination based upon the student's disability and at the same level as students without disabilities;
  - receipt of free educational services to the extent they are provided students without disabilities;
  - receipt of information about your child and your child's educational programs and activities in your native language;
  - notice of identification of your child as having a qualifying disability for which accommodations may need to be made; notice prior to evaluation and placement of your child; and right to periodically request a re-evaluation of your child;
  - inspection and review of your child's educational records including a right to copy those records for a reasonable fee; you also have a right to ask the school district to amend your child's educational records if you feel the information in the records is misleading or inaccurate; should the school district refuse to amend the records, you have a right to a hearing and to place an explanatory letter in your child's file explaining why you feel the records are misleading or inaccurate;
  - a hearing before an impartial hearing officer if you disagree with your child's evaluation or placement; you have a right to counsel at the hearing and have the decision of the impartial hearing officer reviewed.

Inquiries concerning the school district's compliance with the regulations implementing Title VI, Title IX, the Americans with Disabilities Act (ADA), §504 or Iowa Code §280.3 should be directed to: Angela Dvorak, 1414 Walnut St., Suite 200, Dallas Center, Iowa 50063, telephone: 515-992-3866, who has been designated by the school district to coordinate the school district's efforts to comply with the regulations implementing Title VI, Title IX, the ADA, §504 and Iowa Code §280.3.

#### Nondiscrimination Statement

Students, parents, employees and others doing business with or performing services for the Dallas Center-Grimes Community School District are hereby notified that this school district does not discriminate on the basis of race, color, religion, sex, age, national origin, sexual orientation, gender identity, or disability in admission or access to, or treatment in, its programs and activities or hiring and employment practices. Any person having inquiries concerning the school district's compliance with the regulations implementing Title VI, Title VII, Title IX, the

Americans with Disabilities Act (ADA), § 504 or Iowa Code § 280.3 is directed to contact: Angela Dvorak, 1414 Walnut St., Suite 200, Dallas Center, Iowa 50063, telephone: 515-992-3866.

## 504 Forms

Below are listed the required forms which must be used when evaluating and serving a student in Section 504 (see Appendix B).

- 1) [Section 504 Notification Letter / Parent Consent](#)
- 2) [Section 504 Eligibility Determination](#) (kept in cumulative file)
- 3) [504 Student Accommodation Plan](#) (uploaded into Infinite Campus)
- 4) A [Guide to Section 504](#) of the Rehabilitation Act of 1973

### Optional Forms

Forms that are available and may be needed include:

- 1) [Section 504 Teacher Input Form](#)
- 2) [Parent/Student Interview Form](#)
- 3) Authorization for the [Release of Health and/or Educational Information](#)
  - Health documents will be kept in health file in the nurse's office
- 4) [Support for Accommodation Request \(SAR\) Form](#)
- 5) [Eligibility](#) form used when a 504 is discontinued
- 6) [Manifestation Determination](#) form used prior to change in placement due to disciplinary procedures



## 504 Checklist

Activity	Date	Notes
1. Notify parents of intent to evaluate. Obtain <a href="#">Consent</a> for 504 evaluation and provide parents/guardian with <a href="#">504 brochure</a> , <a href="#">DCG 504 Manual</a> , parental rights, and district grievance procedures.		
2. After the consent is returned, start the evaluation and handout the <a href="#">Teacher Input Form</a> and <a href="#">Parent/Student Interview Form</a> to those who are knowledgeable about the student. <ul style="list-style-type: none"><li>● Invite professionals to participate who can interpret data, are familiar with the student, and can allocate building and district resources.</li><li>● Involve the school nurse for mental and physical health conditions (consider a health screening for all students to rule-out hidden health conditions).</li><li>● Obtain <a href="#">releases</a> for health information if screening is positive. If a release cannot be obtained from a parent or the parent chooses to not sign a release, the team will continue with the evaluation with the current and available information.</li><li>● The evaluation must include multiple sources of information (interview parents and teachers, record review, observations, teacher/student interactions, academic scores, grades, attendance, work products, standardized test scores health records, outside records/resources).</li><li>● Teachers continue to implement relevant accommodations and document results.</li><li>● Complete evaluation within 60 days of when parental consent is obtained.</li></ul>		
3. Building 504 coordinator completes the <a href="#">504 Eligibility Determination</a> form. This form will be kept in the student's cumulative file.		

<p>4. Building 504 coordinator drafts a <a href="#">504 Plan</a> accommodation plan. (copy kept in Infinite Campus)</p> <ul style="list-style-type: none"> <li>● List accommodations in concrete terms and identifies person responsible</li> <li>● List services provided (i.e., health) and reference documents (i.e., IHP).</li> <li>● Building 504 coordinator appoints plan administrator who oversees communication, plan implementation, and serves as a contact person.</li> </ul>		
<p>5. Notify parent/guardian regarding meeting dates either by phone or in writing (letter or e-mail).</p> <ul style="list-style-type: none"> <li>● Conduct the 504 meeting with participants who can interpret data, are familiar with the student, and can allocate building and district resources.</li> <li>● After the meeting, provide parents with a copy of the final plan within 48 hours (entire evaluation process not to exceed 60 days).</li> </ul>		
<p>6. Provide on-going written notification after meetings are held to determine eligibility, review and update the plan, conduct a reevaluation, or discontinue a plan.</p> <ul style="list-style-type: none"> <li>● <b>Annual Review</b> conducted by participants who can interpret data, are familiar with the student, and can allocate building and district resources to ensure continued access.</li> <li>● <b>Reevaluation</b> conducted at least every 3 years, in place of an annual review. Additional data will be collected to determine current needs and eligibility.</li> <li>● <a href="#">Eligibility</a> form to use when a 504 plan is discontinued</li> <li>● The <a href="#">Student Accommodation Request</a> may be completed upon or prior to graduation for students planning to attend post-secondary education as requested by the student and college.</li> <li>● Complete the <a href="#">Manifestation Determination</a> prior change in placement due to disciplinary procedures</li> </ul>		
<p>7. Keep all paperwork required and used for evaluation in a secure location housed within the building and upload the copy of the 504 plan to infinite campus under counseling documents.</p>		

## **Appendix A**

### **Federal Laws**

#### **Section 504 of 1973**

Section 504 of the Civil Rights Act of 1973 is a federal civil rights law designed to eliminate disability discrimination in programs and activities receiving federal funds. Because public school districts receive federal funds they must adhere to Section 504 law and provide a free appropriate public education (FAPE) to those students who meet the requirements of Section 504. Denial of Section 504 accommodations to students is deemed disability discrimination.

#### **Americans with Disabilities Act of 1990 – ADA**

The ADA is a wide-ranging civil rights law prohibiting discrimination based on disability. It affords similar protections against discrimination to Americans with disabilities as the Civil Rights Act of 1964, which made discrimination based on race, religion, sex, national origin, and other characteristics illegal. In addition, the ADA also requires covered employers to provide reasonable accommodations to employees with disabilities, and imposes accessibility requirements on public accommodations. The ADA applies to places of public accommodation and to state and local governments.

#### **The ADA Amendments Act of 2008 - ADAAA**

The ADAAA amended the (ADA) and other disability nondiscrimination laws at the Federal level of the United States. The ADAAA makes changes to the definition of the term "disability," clarifying and broadening that definition—and therefore the number and types of persons who are protected under the ADA and other Federal disability nondiscrimination laws. It was designed to strike a balance between employer and employee interests.

#### **How Section 504, ADA and ADAAA Intersect**

Section 504 and the ADA are closely related. A public school district that receives federal financial assistance is covered both by Section 504 (because it receives federal financial assistance) and the ADA (because it is a unit of local government). Coverage and standards are, in all material respects, the same. The ADAAA's alteration of the definition of individual with a disability applies to both the ADA and Section 504.

## **Appendix B - 504 Forms**



Dear :

The Dallas Center-Grimes Community School District does not discriminate in its educational programs and activities on the basis of a student's disability. We have reason to suspect that **(Student Name)** may have a disability that substantially limits a major life activity. We will be convening a team of individuals to determine whether accommodations may need to be made to meet **(his or her)** individual needs. We want to include people on the team who know your child, and would especially value your input.

Please provide your consent for us to accomplish this evaluation, by indicating your decision and providing your signature on the attached form and return. (instructions are located on the form)

Any information you have that will help us in our evaluation would be appreciated. This might include testing that was done outside of the school, parent data and observations, medical records, physician reports, and student health records.

Once the information has been reviewed, we will be meeting with you to discuss plans to meet your child's needs. Please feel free to contact **(enter contact name, phone, and email address.)**

Parents and students have specific rights under Section 504 of the Rehabilitation Act of 1973. These rights are summarized on the back of this letter.

Thank you for working with the school to help your child be successful!

Sincerely,



## Section 504 Student and Parental Rights

As a parent you have the right to the following:

- Participation of your child in school district programs and activities, including extracurricular programs and activities, to the maximum extent appropriate, free of discrimination based upon the student's disability and at the same level as students without disabilities;
- Receipt of free educational services to the extent they are provided students without disabilities;
- Receipt of information about your child and your child's educational programs and activities in your native language;
- Notice of identification of your child as having a qualifying disability for which accommodations may need to be made and notice prior to evaluation and placement of your child and right to periodically request a re-evaluation of your child;
- Inspect and review your child's educational records including a right to copy those records for a reasonable fee; you also have a right to ask the school district to amend your child's educational records if you feel the information in the records is misleading or inaccurate; should the school district refuse to amend the records, you have a right to a hearing and to place an explanatory letter in your child's file explaining why you feel the records are misleading or inaccurate;
- A hearing before an impartial hearing officer if you disagree with your child's evaluation or placement; you have a right to counsel at the hearing and have the decision of the impartial hearing officer reviewed.



Dallas Center-Grimes Community School District

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## Parent Consent for 504 Evaluation

Date:

Student's Name:

DOB

\_\_\_\_\_ Yes, I consent to the proposed screening/evaluation.

\_\_\_\_\_ No, I do not consent to the proposed screening/evaluation

Comments:

Parent Signature

Date



Dallas Center-Grimes Community School District

## *Authorization for the Release of Health and/or Educational Information*

**Student Name:** \_\_\_\_\_

**Birthdate:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

On behalf of the above named student, I authorize \_\_\_\_\_  
(name of health care provider, agency, or medical institution)

to release evaluation records to \_\_\_\_\_ and \_\_\_\_\_  
(Area Education Agency) (School or School District)

for the purpose of determining eligibility for and/or provision of Section 504.

AEA Contact: \_\_\_\_\_

District Contact: \_\_\_\_\_

AEA Address: \_\_\_\_\_

District Address: \_\_\_\_\_

For this purpose, I consent to the release of the following health information to the AEA and school district regarding this child from

\_\_\_\_\_ / \_\_\_\_\_ to \_\_\_\_\_ / \_\_\_\_\_ :

- Current Medical Status
- Current Medications/treatments
- Recommendations for School
- Other \_\_\_\_\_

I hereby give special permission to the above named medical entity to release records pertaining to:

- Mental health
- Substance abuse/chemical dependence
- Sexually transmitted disease
- HIV/AIDS

I understand that the released information becomes a part of the student's educational records and, as such, is protected by the Family Educational Rights and Privacy Act (FERPA). The information may be reviewed by all members of the Section 504 team and, as appropriate, those identified as having legitimate educational interest. The information may also be used in the future, including if the student moves, for the purpose of educational decision making.

I understand that I have the following **rights** with respect to this authorization:

- The right to inspect or copy the health information to be disclosed by this form.
- The right to receive a copy of this form.
- The right to withdraw this Authorization by written notification at any time (although my withdrawal will not be effective as to uses and/or disclosures already made regarding this form).

This authorization is valid until / / , or until one year after the date of signing, whichever occurs first.

	/		/
Signature	/	Relationship to Student	Date

---

	/		/
Signature	/	Relationship to Student	Date

---

**Health Insurance Portability and Accountability Act (HIPAA)/  
Family Educational Rights and Privacy Act (FERPA) Notice**

Any and all personally identifiable information regarding children and families is protected from unauthorized disclosure under FERPA. Personally identifiable information protected by FERPA is specifically **exempted** from HIPAA privacy standards. FERPA prohibits disclosure of personally identifiable information without parent consent except in limited circumstances, requires notice to be provided to the child’s family regarding their privacy rights, requires providers to keep records of access to a child’s records, and contains complaint and appeal procedures which apply to disputes over records.

**NOTICE TO RECIPIENTS OF MENTAL HEALTH INFORMATION**

In accordance with the Iowa Mental Health Information Disclosure Act (Iowa Code, Chapter 228), a recipient of mental health information may redisclose this information only with the written authorization of the subject or the subject’s legal representative or as otherwise provided in chapter 228 and 220. Unauthorized disclosure is unlawful and civil damages and criminal penalties may apply. Federal confidentiality rules (42 CFR Part 2) restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.

**NOTICE TO RECIPIENTS OF SUBSTANCE ABUSE INFORMATION**

This information has been disclosed from records whose confidentiality is protected by Federal law. Iowa Code, Chapter 125 and Federal regulations (42 CFR, Part 2) prohibit any further disclosure without the specific written consent of the person to whom the information pertains, or as otherwise permitted by such statute and regulations. A general authorization for the release of medical or other information is not for this purpose. Federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.

**NOTICE TO RECIPIENT OF HIV RELATED TESTING INFORMATION**

This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of the information without specific written consent of the person to whom it pertains, or as otherwise permitted by law. A general authorization for the release of medical or other information is not sufficient for this purpose. (Iowa Code 141.23) Federal confidentiality rules (42 CFR, Part 2) restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.



**Section 504 Eligibility Determination**

Eligibility Meeting Date:  
DOB:           Gender:  
Parent/Guardian:

Student Name:  
Grade:   School:  
Three year Reevaluation Date:

**Evaluation Information Considered and Impact of Disability on Major Life Activity**

<b>Physical or Mental Impairment</b>	<b>Major Life Activity Impacted</b>	<b>*Source Considered (list date created, source and attach)</b>	<b>Level of limitation (NA, mild moderate, substantial)</b>

\*Must consider multiple sources. Possible source examples: medical records, school records, standardized testing results, interviews, teacher input, observation data...

**Actions to be Taken:**

- The student has a physical or mental impairment that significantly impacts a major life activity
  - A Section 504 Accommodation Plan will be written
  - A Section 504 Accommodation Plan is not needed at this time
  
- The student does not have a physical or mental disability that significantly limits one or more major life activities.
  - No further action is needed at this time.
  - A individual health plan will address the student’s need for health services.
  
- The team recommends in addition to a Section 504 Plan that further evaluation for possible IDEA eligibility be pursued.

Eligibility Determination Team Members

<b>Name and Title</b>	<b>Required team members</b>
	Member knowledgeable about the student (parent or staff member)
	Member knowledgeable about the meaning of evaluation data
	Member who can allocate district resources
	Other team members



### 504 Student Accommodation Plan

Student:	DOB:	Grade:
Eligibility Determination Date:	Annual Review:	Reeval Date:

**Meeting Attendance (Name – Position)**

	Parent/ Guardian		
	Disability Expert		
	Administrator/Designee		

**Areas of Strength:**

- 

**Describe Areas of Concern Based on Eligibility Determination:**

- This student requires an individual health to provide health services. A copy of the plan will be kept in the health office and the school nurse will be part of this student’s 504 team.

Areas of Difficulty	Accommodations	Person Responsible	Data Review / Comments

Plan will be kept for 3 years following expected graduation date.



## Section 504 Teacher Input Form

<b>Student Name:</b>		<b>MS/HS</b>	<b>Grade:</b>	
<b>Teacher Name:</b>		<b>Subject:</b>	<b>Due Date:</b>	

*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 and write in numbers where applicable:
  - Missing assignments
  - Late assignments
  - Incomplete or illegible assignments
  - Failure to participate in class
  - 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 (*e-mail, phone, conference*)?
  
7. Any additional information or comments? (*Please use additional pages as necessary.*)



### **504 Intake Parent/Student Interview**

1. What is the background/history of the student?

- 

2. What are his/her strengths and interests?

- 

3. What are his/her needs/concerns?

-



## **SUPPORT FOR ACCOMMODATION REQUEST**

To be used in consideration of post-secondary academic accommodation requests.

**Student's Name:**

**1. ELIGIBILITY/DIAGNOSTIC STATEMENT:**

- Date of original eligibility:
- Most recent reevaluation date:
- Current goal area(s) of concern:

**2. FORMAL DIAGNOSIS and DATE (when available):**

**3. \_\_\_\_\_ What is the BASIS OF DETERMINATION for current services?** (Provide available diagnostic assessment information and recent evaluation results; include performance levels with/without accommodations.)

**4. Describe the CURRENT FUNCTIONAL IMPACT of the disability:**

**5. RESPONSE TO specially designed INSTRUCTIONAL INTERVENTION:**

**6. Expected PROGRESSION or STABILITY of the disability:**

**7. \_\_\_\_\_ HISTORY of ACCOMMODATIONS:**

- 9<sup>th</sup> Grade:
- 10<sup>th</sup> Grade:
- 11<sup>th</sup> Grade:
- 12<sup>th</sup> Grade:

**8. SUGGESTED ACCOMMODATIONS for post-secondary experiences:**

**9. RECOMMENDATIONS (include accommodations, linkages to adult services, other support) for**

- Living:
- Working:

**10. ADULT/COMMUNITY Contacts:**

- Agency:            Status            Name/Position:            Telephone:

**11. SIGNATURE of Credentialed Professional**

Name of Person completing this form (Print):  
Agency/Organization:

Title/Role:

---

Signature

Telephone  
Date

**12. AUTHORIZATION for RELEASE OF INFORMATION**

I hereby authorize the release of information summarized in this **Support for Accommodation Request** for the purpose of evaluating eligibility and accommodation requests.

---

Name of Student (Printed)

Student's Signature

Date

**13. STUDENT WRITTEN RESPONSE—Statement of Goals (Please write your statement of at least 3-5 sentences describing what you hope to accomplish in the next year.)**

**EVALUATION:** For: <http://ahead.org/survey/iowa/dss/dss.php>

Username: IowaPostsecondary

Password: SARpse

For: <http://ahead.org/survey/iowa/secondary/secondaryprov.php>

Username: IowaSecondary

Password SARse

SAR Revised 7/28/09



<b>Section 504</b>	<b>Manifestation Determination Guide</b>	<b>Meeting Date</b>
------------------------	--	---------------------

**Student:**  
**School District:**

**Date of Birth:**  
**Building:**

**Meeting Participants**

Name	Title	Name	Title
	Parent(s)		Administrator

**Code of Conduct Violation:**

**Timelines:** Within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of conduct, a manifestation determination must be made. This determination is made prior to implementing a disciplinary removal of more than ten (10) consecutive school days or a pattern of short-term removals that cumulate to more than ten (10) school days in a year that would constitute a significant change of placement.

Date the code of conduct violation occurred:

Date of the school district’s determination that the potential disciplinary action would constitute a change of placement:

**504 Team Review:** The following information was considered:

- Evaluation and diagnostic results
- Information from the parents or guardian
- This individual’s 504
- Staff observations

Other:

**Behavioral Background Information**

1. Has there been a history, previously documented or not, of behavioral concerns for this student?

If “No,” proceed to the Manifestation Determination section.

If “Yes”, briefly describe the history of behavior concerns:

2. Does the history of behavior concerns include behavior similar to or related to the behavior that was a code of conduct violation?

Comments:

3. Has a functional behavioral assessment (FBA) been completed for this student?

If “Yes,” what function of the student’s behavior(s) of concern was identified?

Is this function related to the behavior that was a code of conduct violation?

Comments:

4. Have the behavior(s) of concern been considered in developing the current 504?

Comments:

5. Has the behavior(s) of concern been addressed through accommodations or in a behavior intervention plan (BIP)?

Comments:

6. Have these interventions been matched to the identified function of the behavior(s) of concern?

Comments:

7. Will the supports and services specified in the 504 and/ or the behavioral intervention plan meet this student's future behavioral needs?

Comments:

### **Additional Information**

1. Are there any unusual circumstances involved such as possession of or selling illegal substances, possession of a weapon, or the behavior resulted in property damage or bodily injury? Any pending legal action?

### **Manifestation Determination**

1. Was the code of conduct violation caused by or has a direct and substantial relationship to this individual's disability?

2. Was the code of conduct violation the direct result of the school's failure to implement the 504 Plan?

⇒ If the team agrees that either question is accurately answered "Yes", the behavior is a manifestation of this individual's disability. Disciplinary action constituting a change in placement cannot be taken. Conduct an FBA and develop a BIP. If a BIP already exists review and modify to address the behavior or consider conducting a disability suspect.

⇒ If the team agrees that both questions are accurately answered "No", the behavior is not a manifestation of this individual's disability. Disciplinary action constituting a change in placement may be taken.

### **Final Decision**

- The team reached consensus that the behavior IS a manifestation of this individual's disability.
- The team has determined that the behavior in question is NOT a manifestation of disability.
- The team did not reach consensus. (Attach written notice, informing the parents of the team's determination and recommendation for action.)

Note: If expulsion is recommended to the board and implemented, details related as to whether or not the student may reapply for admission and whether, or not, educational services will be provided by the school during the disciplinary period should be included in a final notification letter, after the school board has made its ruling.

Appendix C - Grievance Procedure

**Grievance Form for Complaints of Discrimination or  
Non-Compliance with Federal or State Regulations Requiring  
Non-Discrimination**

I, \_\_\_\_\_, am filing this grievance because

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(Attach additional sheets if necessary)

Date of Occurrence: \_\_\_\_\_ Describe incident or occurrence as accurately as possible:

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(Attach additional sheets if necessary)

Signature: \_\_\_\_\_

Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

If student, name: \_\_\_\_\_ Grade Level: \_\_\_\_\_ Attendance Center: \_\_\_\_\_

## **Glossary:**

### **Definitions**

**Accommodations** — Adaptations made by classroom teachers and other school staff to enable the students with disabilities, under Section 504, to benefit from an appropriate education.

Adjustments in academic requirements and expectations may be necessary to accommodate the needs of an individual student with a disability to enable him/her to participate in the general education program.

- Accommodations must be individualized.
- Accommodations should be designed to meet the individual educational needs of students with disabilities as adequately as the needs of other students are met.
- Modifications can be made to general education programs or the provision of different programs may be necessary.

**Americans With Disabilities Act (ADA)** – A civil rights law that prohibits discrimination against persons with disabilities in the areas of accessibility, employment, public services, public accommodations, transportation, and communication.

**Appropriate** – Meeting the needs of a student with a disability as adequately as the needs of students without a disability. Providing sufficient individualized services to enable a disabled student to receive educational benefit.

**Consent for 504 Evaluation/Placement** – OCR policy interpretation requires parental consent prior to conducting a Section 504 evaluation. Although it is implied in the OCR on-line Q & A that consent is required prior to a Section 504 placement, neither Section 504 nor its regulations require consent prior to Section 504 placement.

**Emergency Action Plan/Emergency Care Plan (EAP/ECP)** – A plan of action developed by the registered nurse for actions carried out by qualified trained personnel of the school nurse to use that is student specific in the event that an actual or potential healthcare emergent need occurs during the school day or school activities, including medical emergencies and disaster preparedness or evacuation needs.

**Family Educational Rights and Privacy Act (FERPA)** – Federal law and regulations that address student record keeping and confidentiality.

**Free Appropriate Public Education (FAPE) under Section 504** – Related aids and services that are designed to meet individual educational needs of a students with a disability as adequately as the needs of nondisabled persons are met, based upon procedures satisfying

Section 504's identification, evaluation, placement and due process requirements. An appropriate education can consist of: education in regular classes or school activities education in regular classes or school activities with related aids or services special education a combination of such services

**Individual Health Plans (IHP)** – A document of individualized plan of care using the nursing process pursuant to Iowa Administrative Code Chapter 655-6, written by the registered nurse using nursing judgment after an initial student assessment, with collaborative input from the student's parents or legal guardians, healthcare professionals, and educational personnel to provide written directions for managing student health needs and adaptations for enhancing the student's independent functions in the school setting.

**Individual with a Disability** – An individual with a disability is anyone (1) who has a physical or mental impairment which substantially limits one or more major life activities, (2)\* who has a record of such an impairment, or (3)\* who is regarded as having such an impairment. (34 CFR §104.3(j) - 4 -

**Least Restrictive Environment (LRE)** – To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children without a disability. Special classes, separate schooling, or other removal of children with disabilities from the general education environment occurs only if the nature or severity of the disability is such that education in regular classes, with the use of supplementary aids and services, cannot be achieved satisfactorily.

**Office for Civil Rights (OCR)** – A federal agency with three, primary responsibilities: (1) investigating complaints, (2) conducting compliance reviews, and (3) providing technical assistance. In addition to its national office, 10 regional OCR offices are located throughout the United States.

**Qualified Student** – "Qualified disabled person" means an elementary or secondary student with a disability is (1) of an age during which non-disabled persons are provided services, (2) or any age during which it is mandatory under state law to provide such services, or (3) to whom a state is required to provide a FAPE under the IDEA.

**Related Aids or Services** – A broad definition including any service a student needs to participate in and benefit from a district's education program. These include, but are not limited to: school health services counseling environmental instructional behavioral transportation

**Section 504** – Section 504 of the Rehabilitation Act of 1973 is the federal law prohibiting discrimination on the basis of disability.

**Section 504 Coordinator** – A coordinator is required by regulations for school districts employing 15 or more persons, to coordinate compliance with Section 504 regulations.

**School 504 Contact** – A School 504 contact is generally a student services or general education staff member appointed by the principal to coordinate school-based 504 efforts including convening the 504 team, ensuring accommodations are implemented and providing outreach to parents of 504 students with disabilities.

**Substantial Limitation** – A substantial limitation means an individual is substantially limited in the performance of a major life activity as compared to most people in the general population.

**Temporary Impairments** – A temporary impairment is an impairment of short duration with limited or no residual effect that does not result in substantial limitation of one or more major life activities/major bodily functions for an extended period of time. Whether or not a temporary impairment is substantial enough to be a disability under Section 504 must be determined on a case-by-case basis, taking into consideration both the duration (or expected duration) of the impairment and the extent to which it actually limits a major life activity of the affected individual.