

Oak Park Elementary School District No. 97



2021-2022

Section 504 Handbook and Parent/Guardian Information on District 97 Procedures

Section 504 of the *Rehabilitation Act of 1973* ("Section 504") and its implementing regulations prohibit discrimination on the basis of disability by any program or activity that receives federal financial assistance by the U.S. Department of Education. Pursuant to Board Policy 6:120, *Education of Children with Disabilities*, it is the intent of Oak Park Elementary School District No. 97 ("District 97") to ensure that students who are disabled within the definition of Section 504 are identified, evaluated and provided with appropriate educational services.

The purpose of this handbook is to provide parents/guardians with an overview of Section 504 and the District's processes and procedures for complying with legal requirements under Section 504 and its implementing regulations. If you have any questions or concerns regarding District 97's Section 504 processes and procedures, you are encouraged to contact your child's Section 504 Coordinator at your school or Dr. Felicia Starks-Turner, Associate Superintendent of Education and District 97's Section 504 Administrator.

Section 504 Overview

Section 504 is based on the principle that students with disabilities shall not be denied access to educational programs, services and activities on the basis of their disability. Section 504 requires that disabled students be provided with a free appropriate public education (FAPE) including education with non-disabled peers to the maximum extent appropriate.

Under Section 504, an individual with a disability is defined as a person who: (1) has a physical or mental impairment that substantially limits one or more major life activities; (2) has a record of such an impairment; or (3) is regarded as having such an impairment. The determination of whether a student has a physical or mental impairment that substantially limits a major life activity (and therefore has a disability) must be made on a case by case basis.

****Substantial Limitation:** This determination is made on a case by case basis.

*****Major Life Activity:** A major life activity includes: walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, and performing manual tasks; standing, lifting, bending, reading, concentrating, thinking, communicating and working.

A student may be eligible under Section 504 even if the students' disability or condition is controlled or mitigated by medication, cochlear implants or hearing aids, prosthetic devices, wheelchairs, etc. (does not include eyeglasses or contacts).

Coordination with IDEA Requirements

The District actively seeks out students suspected of needing special education and related services through its "Child Find" program and annually notifies the public of available services for disabled students and how to access such services. Students who may be disabled, pursuant to Section 504's definition of the term, may also be considered disabled under the *Individuals with Disabilities Education Act* ("IDEA"). The District recognizes, however, that students may be disabled within the meaning of Section 504 and eligible for accommodations, special education or related services while not being eligible for special education and related services under IDEA.

Accordingly, any student suspected of having a disability shall be referred to the building level support team

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for consideration. If, as a result of such consideration, the building level support team determines that the referred student may have a disability requiring the provision of special education and related services, the student shall be referred to the special education evaluation team for a case study evaluation under the District's special education procedures. Compliance with the District's special education procedures shall satisfy the requirements of Section 504.

Alternatively, if the building level support team determines that a referral for a case study evaluation is not warranted, or an IEP team determines that the student is not eligible for special education and related services under the IDEA after a case study evaluation is completed, but the building level support team determines that the student may be disabled within the meaning of Section 504, the following Section 504 procedures shall be properly implemented.

The Section 504 Process

The process consists of four steps: (1) Referral; (2) Evaluation; (3) Eligibility Determination; and (4) development of the Section 504 Plan. Beginning the 2021-2022 School Year, the District will be transitioning to the Embrace web-based system for all Section 504 notices, forms and procedures.

- 1) **Referral:** Referrals for consideration of Section 504 eligibility may be made at any time. A referral must be made in writing and dated at the time the request is made, including the reason for the referral. The referral to the school can be made from a parent/guardian or staff member by contacting the building's Section 504 Coordinator. The referral will be reviewed by the building level support team.

If it is determined that an evaluation is warranted, an evaluation team will initiate an initial evaluation pursuant to the evaluation procedures described below. Parental consent will be obtained prior to the initial evaluation, and any re-evaluation, completed by the District. If the team determines that an evaluation is not warranted, the parent/guardian will be advised of such, in writing, and provided with a description of the basis for the team's determination.

- 2) **Evaluation:** Upon receipt of parental consent for an evaluation, the evaluation team will conduct an evaluation to determine if the student is eligible under Section 504. As part of the evaluation process, appropriate staff will be provided with a Teacher Input Form to complete and share with the team. The evaluation team will also review the student's existing school records, classroom observations, prior testing, grades, standardized test scores, medical reports, information provided by the parent/guardian, and other relevant data. If a parent/guardian obtains an independent evaluation and shares the evaluation with the District, the independent evaluation will be considered by the evaluation team and may be one of several sources used to determine eligibility and/or to develop a Section 504 plan. Additional evaluations may be administered, as determined by the evaluation team. No single document, data point or medical diagnosis is determinative of eligibility or any particular type or level of service.
- 3) **Eligibility Determination:** Upon completion of the 504 evaluation process, a meeting will be scheduled, and the parent/guardian sent a Notice of Conference, to determine whether the student has a physical or mental impairment that substantially limits one or more major life activities. The eligibility determination conference will involve a group of persons knowledgeable about the student, including the student's parents/guardians, and knowledgeable about the meaning of the evaluation data.
- 4) **Development of Section 504 Plan:** If the student is determined eligible under Section 504 and is determined to require services and/or accommodations in order to access the educational setting, a Section 504 Plan will be developed by the student's 504 team.

The 504 evaluation, eligibility determination and development of a Section 504 plan (if appropriate) will occur within 60 school days of the District's receipt of a consent form, signed by the student's parent/guardian.

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The Section 504 Team

The Section 504 Team may consist of the following individuals, depending on the needs of the student:

1. Section 504 Coordinator
2. Parent(s)/Guardian(s)
3. Principal (as necessary)
4. School Nurse *(as necessary)
5. Assistant Principal *(as necessary)
6. Student Support Specialist *(as necessary)
7. Other school personnel (including Occupational Therapists, Speech Therapists, and Social Workers as necessary)
8. Non-school Professionals (evaluators, physicians, therapists, etc.) as requested by parents/guardians. If the parents/guardians plan to have their legal counsel attend any school meeting, sufficient notice should be given to the 504 Administrator in order to arrange for the attendance of the school's legal counsel.

Eligibility Determination

To determine that a student is eligible for the rights and protections under Section 504, a student must be determined to 1) have a physical or mental impairment that substantially limits a major life activity, 2) have a record of such an impairment, or 3) be regarded as having such an impairment. In interpreting evaluation data and making placement decisions, the District shall:

1. Draw upon information from a variety of sources;
2. Ensure information is documented and carefully considered;
3. Ensure that the placement decision is made by a team knowledgeable about the student, the meaning of the evaluation data and the placement options; and
4. Ensure that the student is educated with non-disabled peers to the maximum extent appropriate.

If a student is determined to have a physical or mental impairment that substantially limits one or more major life activities but does not require reasonable accommodations to access the educational environment in a similar manner as the student's non-disabled peers, the student will still be afforded the rights and protections under Section 504.

Section 504 Plan

If a student is determined eligible by the Section 504 team, the 504 team will then determine what, if any, reasonable accommodations or services are necessary to allow the student to access the District's educational programs and services in a similar manner to the student's non-disabled peers. The evaluation findings, eligibility and the recommended educational services and accommodations will be recorded in the student's Section 504 Plan. Accommodations should address areas where the student's disability substantially limits the student's ability to access educational environment.

Possible accommodations may include, but are not limited to:

- Extended time for classroom and/or standardized tests or quizzes
- Preferential seating in classroom, standardized testing situations, or school assemblies
- "Stop the Clock" breaks during testing
- Breaks during testing or class
- Limited extension of due dates of homework and other assignments
- Modified homework assignments

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- Long-term assignments divided into smaller segments with staggered deadlines
- Snacks available during testing or class (for diabetic students or students with other health conditions)
- Visual organizer
- Check for student understanding
- Alternative testing locations for classroom and/or standardized tests and quizzes

If a parent, student, or teacher/staff member believes that the Section 504 Plan needs to be subsequently reviewed or modified, the Section 504 Coordinator should be contacted in order to request a 504 review meeting. This review may be requested at any time. The 504 Coordinator will then consider the request and determine whether to honor or deny the request. If the request is denied, reasons for the denial will be provided, in writing.

Yearly Review

Annual meetings will be held, beginning with student's initial eligibility meeting, to review the student's Section 504 Plan, including the accommodations, modifications and services. Follow-up on whether such accommodations and/or services are successful, unsuccessful, or no longer necessary will be reviewed and necessary changes will be made to the Section 504 Plan. Additionally, every three years, the 504 team will conduct a re-evaluation to determine the student's continued eligibility under Section 504.

Termination of Services

The Section 504 Team shall recommend the termination of a student's Section 504 Plan if it determines on the basis of the review of all pertinent information that the student no longer has a physical or mental impairment that substantially limits one or more major life activities. Record of the decision to terminate services shall be maintained in the student's temporary record.

A copy of the Parent/Guardian's Section 504 Rights in Brief has been enclosed herein. If you have any questions regarding District 97's Section 504 processes and procedures, please feel free to contact the 504 Coordinator at your child's school or Dr. Felicia Starks-Turner, the District 504 Administrator.

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PARENTS RIGHTS IN BRIEF

Section 504 of the Rehabilitation Act of 1973

It is the policy of the Board of Education of Oak Park Elementary School District No. 97 to provide a free and appropriate public education to each student with a disability. It is the intent of the District to ensure that students who are eligible under Section 504 of the Rehabilitation Act of 1973 are identified, evaluated and provided with appropriate educational accommodations, if needed. Below is a description of the rights granted by federal law to students with disabilities. The intent of the law is to keep parents fully informed concerning decisions about their child and to inform parents of their rights if they disagree with any of these decisions.

Parent/Student Rights under 504:

- 1) The right for your child to take part in and receive a free and appropriate public education without discrimination because of his/her disability.
- 2) The right for your child to receive a free appropriate public education which includes the right to be educated among non-disabled peers to the maximum extent appropriate and in the student's least restrictive environment.
- 3) The right to have the school district inform you of your rights and procedural safeguards under Section 504 in understandable language.
- 4) The right to an evaluation prior to an initial Section 504 placement and any subsequent significant change in placement. Evaluation, education and placement decisions will be made based upon a variety of sources and by persons who know the student, the evaluation data and placement options.
- 5) The right to receive reasonable accommodations, if required, to access educational programs in a manner similar to his/her non-disabled peers.
- 6) The right to an equal opportunity to participate in nonacademic and extracurricular activities offered by the District.
- 7) The right to facilities, services and activities comparable to those provided for non-disabled students.
- 8) The right to receive notice a reasonable time before the District identifies, evaluates or changes your child's placement.
- 9) The right to a manifestation determination review before any disciplinary removal of your child that constitutes a significant change in placement, in order to determine if your child's misconduct was related to his/her disability.
- 10) The right to inspect and review your child's educational records, including the right to obtain copies of educational records, as required under the Family Educational Rights and Privacy Act (FERPA) and the Illinois School Student Records Act (ISSRA).
- 11) The right to file a complaint with the District's 504 Administrator or a grievance under the District's Uniform Grievance Procedure (see Board Policy 2:260) for any alleged violations of Section 504 of the Rehabilitation Act.
- 12) The right to request an impartial hearing regarding the student's identification, evaluation or educational placement including an opportunity for parental participation in the hearing, and representation by an attorney at parent expense. The hearing officer will be selected by the District. Hearing requests must be addressed Dr. Felicia Starks Turner @fstarks@op97.org.
- 13) The right to file a complaint with the Office of Civil Rights of the United State Department of Education, which is located at 500 West Madison St., Suite 1475, Chicago, IL 60661.