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SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY

Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504") prohibit discrimination against qualified persons with a disability in any program or activity receiving Federal financial assistance. No discrimination against any qualified person with a disability will knowingly be permitted in any of the programs, activities, and/or practices in the District.

A person with a disability is anyone who:

- A. **has** a physical or mental impairment that substantially limits one or more major life activities;
- B. **has a record of** (i.e., has a history of, or has been misclassified as having) a physical or mental impairment that substantially limits one or more major life activities; or
- C. **is regarded as having** a physical or mental impairment that substantially limits one or more major life activities (i.e., has a physical or mental impairment that does not substantially limit major life activities but is treated by the District as constituting such a limitation, or has a physical or mental impairment that substantially limits major life activities only as a result of the attitude of others toward such impairment, or has none of the physical or mental impairments recognized by Section 504 but is treated as having such an impairment).

Major life activities include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Physical or mental impairment means:

- A. any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems:
 - 1. neurological;
 - 2. musculoskeletal;

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3. special sense organs;
 4. respiratory, including speech organs;
 5. cardiovascular;
 6. reproductive;
 7. digestive;
 8. genito-urinary;
 9. hemic and lymphatic;
 10. skin; and
 11. endocrine; or
- B. any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Individual with a disability does not include the following (i.e., Section 504 specifically **excludes**):

- A. individuals who are currently engaging in the illegal use of drugs, when the District acts on the basis of such use
- B. with respect to employment, any individual who is an alcoholic whose current use of alcohol prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others
- C. with respect to employment, an individual who has a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, is unable to perform the duties of the job
- D. an individual on the basis of homosexuality or bisexuality

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- E. an individual on the basis of:
1. transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairment, or other sexual behavior disorders;
 2. compulsive gambling, kleptomania, or pyromania; or
 3. psychoactive substance use disorders resulting from current illegal use of drugs.

Individual with a disability includes an individual who:

- A. has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in such use;
- B. is participating in a supervised rehabilitation program and is no longer engaging in such use; or
- C. is erroneously regarded as engaging in such use, but is not engaging in such use.

Notwithstanding the preceding, for purposes of programs and activities, providing educational services, the District may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student who is an individual with a disability and who currently is engaging in the illegal use of drugs or in the use of alcohol to the same extent that such disciplinary action is taken against students who are not individuals with disabilities.

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In accordance with Section 504, the District will identify, evaluate, and, if the child is determined to be eligible under Section 504, afford access to appropriate educational services. In other words, the Board will not discriminate against otherwise qualified students with disabilities (i.e., students who otherwise meet eligibility criteria - e.g., age - for participation in the educational program and/or activities) in the provision of its educational programs and activities. Qualified students with disabilities will be afforded reasonable accommodations and/or modifications to the District's programs and activities, unless such accommodations/modifications would impose an undue burden on the operation of the particular program/activity, or would alter the fundamental nature or purpose of the program/activity. In addition to its provision of educational services, the Board will not discriminate against otherwise qualified students with disabilities in its provision of non-educational programs, services and activities such as counseling, athletics, transportation, health services, recreational activities, special interest groups or clubs, referrals to other agencies, and employment.

If a parent disagrees with a determination made by the District's professional staff, s/he may file a grievance or request a hearing before an impartial hearing officer (see AG 2260.01B).

Accessibility

Building principals along with the Director of Special Education, are responsible for making sure interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by persons with disabilities. This mandate includes the need for effective communication. As such, the District will make available appropriate auxiliary aids and services where necessary to facilitate effective communication and to provide an individual with a disability an equal opportunity to participate in, and enjoy, the benefits of a service, program or activity conducted by the Board. The type of auxiliary aid or service necessary to enable effective communication will vary in accordance with the length and complexity of the communication involved. Factors to be considered in determining an appropriate accommodation/auxiliary aid/service include:

- A. the context in which the communication is taking place;
- B. the number of people involved; and
- C. the importance of the communication.

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When an auxiliary aid or service is required, the District will provide an opportunity for individuals with disabilities to request the auxiliary aids and services of their choice, and will give primary consideration to the choice expressed by the individual. The District will generally honor the requestor's choice, unless it can demonstrate that another equally effective means of communication is available, or that use of the means chosen would result in a fundamental alteration of the service, program or activity, or in undue financial and administrative burdens.

**Examples of Auxiliary Aids/Services
for Individuals who are Deaf or Hard of Hearing:**

Qualified interpreters – an interpreter who is able to sign to the individual who is deaf what is being said by the hearing person and who can voice to the hearing person what is being signed by the individual who is deaf; this communication must be conveyed effectively, accurately, and impartially, through the use of any necessary specialized vocabulary.	
Telecommunication devices for deaf persons (TDDs).	Telephones compatible with hearing aids.
Computer-aided transcription services.	Closed caption decoders.
Written materials.	Note-takers.
Telephone handset amplifiers.	Videotext displays.
Assistive listening systems.	Exchange of written notes.

**Examples of Auxiliary Aids/Services
for Individuals with Vision Impairments**

Qualified readers.	Braille materials.
Taped texts.	Large print materials.
Audio recordings.	Assistance in locating items.

**Examples of Auxiliary Aids/Services for
Individuals with Speech Impairments**

TDDs.	Speech synthesizers.
Computer terminals.	Communication boards.

Since the District communicates by telephone with applicants and beneficiaries, TDDs or equally telecommunication systems will be used to communicate with individuals with impaired hearing or speech.

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Administrators are responsible for verifying that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities. Additionally, administrators are directed to verify that proper signage is present at all inaccessible entrances to their facilities, directing users to an accessible entrance or to a location at which they can obtain information about accessible facilities. The international symbol for accessibility should be used at each accessible entrance to a facility.

Procedures Applicable to Section 504 Referrals/Evaluations/Accommodation Plans

Annually the District will undertake to identify and locate every qualified person with a disability residing in the District who is not receiving a public education, and notify the person and their parents or guardians of the District's duties and responsibilities under Section 504.

The District's Section 504/ADA Compliance Officer shall designate an individual in each school building to serve as the "Building 504 Officer."

Referral

Referrals may be made by anyone (e.g., parents, teachers, or other knowledgeable professionals). Referrals shall be made on the Referral for Section 504 Evaluation (Form 2260.01A F4) and submitted to the Building 504 officer. Referrals may be made at any time during the school year. Prior to completing the written referral, school staff are encouraged to contact appropriate Related Services specialist(s) to seek input and/or guidance regarding the need for referral. Parents may request a referral form by contacting the building principal, Building 504 Officer or the District's Section 504/ADA Compliance Officer.

Assessment/Evaluation

Upon receipt of a referral for Section 504 Evaluation form, the Building 504 Officer will collect all relevant information on the student (e.g., medical reports, grade cards/report cards, school history, disciplinary action, etc.) to assist in documenting the following: a physical and/or mental impairment, and an adverse educational effect (i.e., substantial limitation of learning).

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The Building 504 Officer should contact school staff who perform assessments and have them review existing pertinent information and determine whether additional assessments are needed. If individual evaluation is needed, written parental consent shall be obtained and a copy of student and parental rights sent. Evaluations are then performed and the disability documented in writing.

The evaluation must be sufficient to accurately and completely assess the nature and extent of the disability, and the recommended services and/or accommodations. Evaluations that are more limited than a full special education evaluation may be adequate in some circumstances. The evaluation or review of assessment information should include consideration of any behaviors that interfere with the otherwise qualified student's regular participation in the educational program and/or activities.

Before any action is taken with respect to Section 504 accommodations for a student with a disability, an evaluation shall be conducted or assessment information reviewed to determine if the student has a disability under Section 504. The assessment information may include, but will not be limited to, medical reports documenting the disability, achievement test scores, teacher observations, and other data. If it is determined that an evaluation is necessary for a student who may have a disability under Section 504, but not under IDEIA, the parents must be informed that such evaluation will be done. Additionally, if an evaluation is conducted, the Building 504 Officer is responsible for verifying that:

- A. tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;
- B. tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient; and
- C. tests are selected and administered so that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

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Reevaluations

Reevaluations are not required at specific intervals; however, assessments will be updated so that eligibility and accommodation planning is based on information that accurately defines the student's disability and reflects the student's current strengths and needs. At least every three (3) years appropriate school staff should determine whether updated evaluations are needed. When a reevaluation is needed, parents will be sent prior notice and a copy of their parental rights.

Eligibility Determination

Within a reasonable period of time (generally no more than sixty (60) school days), the Building 504 Officer will convene an Intervention Assistance Team ("IAT") Conference. The student's parents will be sent a letter inviting them to attend and participate in the IAT conference (Form 2260.01A F9). The letter to the parents should be sent at least ten (10) days prior to the Conference. Parents will also be sent a copy of the Notice of Parent/Student Rights in Identification Evaluation and Placement of Individual with Disabilities (Form 2260.01A F3). The IAT shall be composed of persons knowledgeable about the child, the meaning of the evaluation data, and the placement options, and should at a minimum include the Building 504 Officer and the parents. The IAT may also include general education teacher(s), the building principal, student, guidance counselor, school psychologist, school nurse, Director of Pupil Services/Special Education, and other persons with knowledge of the student or the suspected disability, and any other individual the parents may wish to bring to the Conference. The purpose of the Conference is to discuss the information gathered, determine whether the student has a disability that makes him/her eligible for services and/or accommodations under Section 504 (i.e., review the disability and how it affects the student's education), and if so, determine the need for special accommodations and appropriate placement.

The Building 504 Officer will serve as the Chairperson of the IAT Conference. The Chairperson has the following responsibilities:

- A. at each IAT Conference, to verbally explain and offer a written copy of the Notice of Parent/Student Rights in Identification Evaluation and Placement of Individual with Disabilities (Form 2260.01A F3)
- B. gather information
- C. organize the presentation of the data

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D. coordinate the deliberation of Section 504 eligibility (see Form 2260.01A F11) for a list of factors to be considered):

1. Does the student have a physical or mental impairment?
2. Does that impairment "substantially limit one or more major life activities"?
3. Does the team have the data to justify a disability determination?
4. Is the student a qualified individual with disabilities within the meaning of Section 504?

E. determine needs, accommodations, and services for the student - reasonable accommodations may include, but are not limited to:

1. adjusting testing procedures (i.e., reduce time test anxiety, eligibility for remediation/retention);
2. individualize classroom assignments, homework;
3. record lectures and student responses;
4. utilize computer or other assistive technology;
5. provide a buddy to take notes;
6. provide an interpreter (for students or adults);
7. modify materials, adjust the reading level;
8. modify the organization of the student's day;
9. facilitate or modify parents/student/teacher/staff communication;

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10. modify school procedures (e.g., provide additional time for passing between classes, adjust transportation, or approve early dismissal).

The reasonable modifications will be individualized to meet the needs of the student.

- F. document the meeting, the committee's recommendations, and the parent/guardian's written permission. (Form 2260.01A F10)

The Section 504 IAT Conference Report Form should be completed to document the IAT's decision concerning Section 504 eligibility. If services and/or accommodations are necessary, a Section 504 Accommodation Plan (Form 2260.01A F13) also must be completed. These documents should be reviewed periodically.

In interpreting data and making placement decisions, the District will draw upon information from a variety of sources, including aptitude and achievement tests, teacher observations and recommendations, physical condition, social or cultural background, and adaptive behavior. The information obtained from all such sources shall be documented and carefully considered.

Possible Outcomes of the IAT Meeting

- A. Student determined to be eligible for modifications/accommodations pursuant to a Section 504 Accommodation Plan.
- B. Student determined to be ineligible for a Section 504 Accommodation Plan but does need some interventions such as provided under a Classroom Adjustment Checklist (Form 2260.01A F14). Results of this determination are shared with the parents. Parents will receive a copy of their procedural rights and safeguards, which address their appeal process if desired.
- C. The IAT determines that it needs to collect more information before making an eligibility determination; or

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- D. Student determined ineligible for a Section 504 Accommodation Plan and has no need for a Classroom Accommodation/Adjustment Plan. Student will be served appropriately in the regular education program without specific interventions. Results of this determination are shared with the parents. Parents will receive a copy of their procedural rights and safeguards, which address their appeal process if desired.

The record of the District's proceedings should reflect the determination on the issue of whether the student has been identified as an individual with a disability under Section 504. If the child is found ineligible for services and/or accommodations under Section 504, the Section 504 IAT Conference Report should state the basis for the decision that no special services/accommodations are presently needed.

Section 504 Accommodation Plan

If accommodations are appropriate and necessary under Section 504, IAT will develop and complete the Section 504 Accommodation Plan (Form 2260.01A F13). Aside from the description of the student's disability and the special education or related services needed, the Plan should also specify how the regular or special education, and related aids and services, will be provided, and by whom. The Plan will include reasonable accommodations that may be necessary for the student to receive a free appropriate public education. The purpose of the Section 504 Accommodation Plan is so that the student has equal access to school activities, to remove barriers to educational opportunity, and provide, to the degree possible, a level playing field for student learning. The Section 504 Plan should include parent/IAT team members' signatures. A copy of the Plan will be sent to the District's Section 504 Compliance Officer and the Building 504 Officer **as soon as possible**. A copy of the Plan also will be placed in the student's cumulative folder and given to school personnel who work with the student. If the parents are present, the Building 504 Officer will request written permission from the parents to implement the Section 504 Accommodation Plan. If the parents do not attend the meeting, the parents' signatures are not required prior to implementation of the Plan. A copy of the Plan must be sent to the student's parents.

Upon completion of the Section 504 Accommodation Plan, the Building 504 Officer should follow the Additional Procedures Applicable to Students with Section 504 Accommodation Plans (see below).

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Classroom Accommodation/Adjustment Plan

If a Classroom Accommodation/Adjustment Plan is determined to be appropriate, the team will develop one to provide necessary interventions. Aside from the description of the student's disability and the special education or related services needed, the Plan should also specify how the regular or special education, and related aids and services, will be provided, and by whom. This Plan should be shared with the parent(s) and the school personnel who work with the student. A copy of the Plan should be filed in the student's cumulative record folder. A copy of the Plan is not required to be sent to the District's Section 504 Compliance Officer.

Appeal

If the parents challenge the actions of the IAT regarding identification, evaluation or placement of their child, the Board must provide a due process hearing before an impartial hearing officer to resolve the dispute. See AG 2260.01B – Section 504 ADA/Grievance and Due Process Procedures.

Additional Procedures Applicable to Students with Section 504 Accommodation Plans

- A. Beginning of each school year (August – September)
 1. Building 504 Officer checks with the District's Section 504/ADA Compliance Officer for a list of students in his/her building who have had Section 504 Accommodation Plans in the past.
 2. The Building 504 Officer is responsible for then obtaining a copy of previous school year's Section 504 Accommodation Plan.
 3. The Building 504 Officer should then notify the student's parents that the IAT needs to meet to review the Section 504 Accommodation Plan and to determine whether it is still necessary/appropriate for the new school year.

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4. The Building 504 Officer will set up an IAT meeting to formulate a Section 504 Accommodation Plan for the student for the new school year. The Section 504 IAT Conference Report (Form 2260.01A F10) should be completed. The IAT should decide whether to continue the existing Plan, discontinue the current Plan, or develop a new Plan.
5. The Building 504 Officer should follow-up in writing the student's parents as to the outcome of the IAT meeting.
6. If there is an "active" Section 504 Plan, a copy of the Plan needs to be forwarded to the District's Section 504 Compliance Officer by October 15th of each school year and a copy of the Plan placed in the student's cumulative record folder.

B. During the school year

The Section 504 Accommodation Plan can be reviewed by the IAT at any time if concerns develop as to the appropriateness of the accommodations/modifications being used with the student. This review can be initiated by staff or parents.

C. Procedural Safeguards

Any time the written results of an IAT meeting are provided to a student's parents, they should also be given a copy of Notice of Parent/Student Rights in Identification, Evaluation, and Placement of Individual with Disabilities (Form 2260.01A F3).

- D. If the parents challenge the actions of the IAT regarding identification, evaluation or placement of their child, the Board must provide a due process hearing before an impartial hearing officer to resolve the dispute. See AG 2260.01B – Section 504/ADA Grievance and Due Process Procedures.

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SECTION 504/ADA - GRIEVANCE AND DUE PROCESS PROCEDURES

If a person believes that s/he has been discriminated against on the basis of his/her disability, the person may utilize the following grievance procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

In accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), parents, students, and employees will be notified of their right to file an internal grievance complaint regarding an alleged violation, misinterpretation or misapplication of Section 504. In addition, students and their parents will be notified of their right to request a due process hearing before an impartial hearing officer (IHO) regarding the identification, evaluation or educational placement of persons with disabilities, and their right to examine relevant records.

Director of Special Education is the District's Section 504 Compliance Officer. The Compliance Officer can be reached at:

10051 Green Lake Rd.
Middleville, MI 49333

269-795-5521 (phone number)

Complaints and requests for due process hearings must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint or the request for a hearing, and offer possible solutions to the dispute. The complaint or request for due process hearing must be filed with the Section 504 Compliance Officer within the time limits specified below.

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Procedural Rights and Safeguards – Students and Parents

With respect to decisions or actions regarding the identification, evaluation or educational placement/modifications of a student with or may have a disability under Section 504, but not also qualifying under the IDEIA, the following procedural safeguards will be provided:

- A. students with disabilities have the right to take part in, and receive benefits from, public education programs without discrimination because of their disabilities;
- B. parents have the right to be advised of their rights under Section 504;
- C. parents have the right to receive written notice of any decision regarding the identification, evaluation, or educational placement of their child;
- D. parents have the right to have his/her child receive a free appropriate public education;

This includes the right to be educated with students without disabilities to the maximum extent appropriate (i.e., the student's education will be provided in the regular education classroom unless it is demonstrated that education in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily). It also includes the right to have the District make reasonable accommodations to allow their child an equal opportunity to participate in school and in school-related activities.

- E. parents have the right to have their child educated in facilities and receive services comparable to those provided to students without disabilities;
- F. parents have the right to have their child receive special education and/or related services if the child is found to be eligible under the Individuals with Disabilities Education Improvement Act ("IDEIA") and/or Section 504;

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G. parents have the right to have evaluation and educational placement decisions made based upon a variety of informational sources, and by persons who know the student, and are knowledgeable about the evaluation data and placement options;

H. parents have the right to have their child transported in a non-discriminatory manner;

However, if the District has made available a free appropriate education to the student which conforms to the requirements of Section 504 and nevertheless the parents choose to place the student elsewhere, the District is not obligated to pay for any costs incurred in transporting the student to that alternative school/program.

I. parents have the right to have their child given an equal opportunity to participate in nonacademic and extracurricular activities offered by the District;

J. parents have the right to examine all relevant records, including, but not limited to, those documents related to decisions regarding their child's identification, evaluation, educational program and placement;

K. parents have the right to obtain, at their own expense, an independent educational evaluation of their child;

L. parents have the right to obtain copies of educational records at a reasonable cost unless the fee would effectively deny the parents access to the records;

M. parents have the right to a response from the District to reasonable requests for explanations and interpretations of their child's records;

N. parents have the right to receive all information in the parent's native language and mode of communication;

O. parents have the right to periodic re-evaluations and an evaluation before any significant change in program/service modifications;

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- P. parents have the right to request amendments of their child's educational record(s) if there is reasonable cause to believe that information contained in the record(s) is inaccurate, misleading or otherwise in violation of the privacy rights of their child;

If the District refuses to amend the record(s), the parents have the right to request a hearing and/or to place in the record a statement of why they disagree with the information it contains.

- Q. parents have the right to request mediation or an impartial due process hearing related to decisions or actions concerning their child's identification, evaluation, educational program or placement;
- R. parents have the right to file an internal grievance;
- S. parents have the right to be represented at any point in the process by an attorney;
- T. parents may have the right to reasonable attorney fees as authorized by law (i.e., if the parents are successful on their due process claim);
- U. parents have the right to be notified of their Section 504 rights:
1. when evaluations are conducted;
 2. when eligibility is determined;
 3. when an accommodation plan is developed; and
 4. before there is significant change in the plan for services.

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Grievance Procedure – Students

A “grievance” is a complaint by a student and/or parent. This grievance procedure may be used for any disagreement with respect to actions regarding the identification, evaluation, educational services or educational program of students who, because of disability, need or are believed to need Section 504 Accommodation Plans and are not eligible under the IDEIA, except in the case of disciplinary actions where the provisions of the Student Code of Conduct apply. A student and/or parent may initiate the procedure when s/he/they believe that a violation, misapplication or misinterpretation of Section 504 has occurred.

- Step 1 - Principal/Building 504 Officer Conference: A student or parent may initiate a grievance by making a written request for a conference with the building principal or Building 504 Officer to discuss the complaint and seek resolution. The request shall fully describe the grievance (i.e., it must set out the circumstances giving rise to the dispute and how the child is adversely affected), and be filed as soon as possible, but not longer than thirty (30) calendar days after disclosure of the facts giving rise to the grievance. The principal shall conduct the conference within five (5) school days following receipt of the request. The principal will state in writing his/her decision to the individual within five (5) school days following the conference.
- Step 2 - Appeal to the District’s Section 504 Compliance Officer: If the grievance is not resolved satisfactorily at Step 1, the student or parent may appeal the principal’s decision in writing to the District’s Section 504 Compliance Officer. The appeal must be made within five (5) school days following receipt of the principal’s decision. The Compliance Officer will review the case, may conduct an informal hearing, and will notify all parties in writing of his/her decision within ten (10) school days of receiving the appeal.
- Step 3 - Further Appeal: If the grievance is not resolved satisfactorily at Step 2, the student or parent may appeal for an independent due process hearing (see below) or may take the matter directly to the U.S. Department of Education’s Office for Civil Rights. A request for a due process hearing must be made within ten (10) school days following receipt of the Compliance Officer’s response in Step 2. The request for due process should be made in writing to the Compliance Officer.

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Due Process Hearing – Student

- A. When a request for a due process hearing is received, the aggrieved party will have the opportunity to receive a hearing conducted by an impartial hearing officer (“IHO”) (i.e., by a person not employed by the Board of Education, not involved in the education or care of the child, and not having a personal or professional interest that would conflict with his/her objectivity in the hearing).
- B. The School District will maintain a list of trained IHOs that may include IDEIA hearing officers, attorneys, and Directors of Special Education outside the District. The District’s Section 504 Compliance Officer will appoint an IHO from that list, and the costs of the hearing shall be borne by the District. The appointment of an IHO will be made within fifteen (15) school days after the request for a due process hearing is received.
- C. A party to such a due process hearing shall have:
 1. the right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;
 2. the right to present evidence, and confront, cross-examine and compel the attendance of witnesses;
 3. the right to a written or electronic verbatim record of such hearing; and
 4. the right to written findings of fact and decisions.
- D. The IHO shall conduct the due process hearing within a reasonable period of time (i.e., not to exceed ninety (90) calendar days of the request for such a hearing, unless this time-frame is mutually waived by the parties or is determined by the IHO to be impossible to comply with due to extenuating circumstances).

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- E. The IHO will give the parent and/or student written notice of the date, time and place of the hearing. Notice will be given no less than twenty-one (21) calendar days prior to the date of the hearing, unless otherwise agreed to by the parent and/or student. The notice shall include:
1. a statement of time, place and nature of the hearing;
 2. a statement of the legal authority and jurisdiction under which the hearing is being held;
 3. a reference to the particular section of the statutes and rules involved;
 4. a statement of the availability of relevant records for examination;
 5. a short and plain statement of the matters asserted; and
 6. a statement of the right to be represented by counsel.
- F. The IHO shall conduct the hearing in a manner that will afford all parties a full and fair opportunity to present evidence and to otherwise be heard. The parent and/or student may be represented by another person of his/her choice, including an attorney.
- G. The IHO shall make a full and complete record of the proceedings.
- H. The IHO shall render a decision in writing to the parties within thirty (30) calendar days following the conclusion of the hearing. The decision will be based solely on the testimony and demonstrative evidence presented at the hearing and include a summary of the evidence (i.e., findings of fact) and the reason for the decision.
- The notification shall include a statement that either party may appeal the decision.
- I. Appeal of the IHO's decision may be made to a Federal court of competent jurisdiction.

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Grievance Procedure – Employees

The following grievance procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination on the basis of disability. This grievance procedure is not available to unsuccessful applicants.

- A. A person with a complaint based on alleged discrimination on the basis of disability must first discuss the problem with the District's Section 504 Compliance Officer.
- B. If the informal discussion does not resolve the matter, the individual may file a written complaint with the District's Section 504 Compliance Officer. The written complaint must contain the name and address of the individual or representative filing the grievance, be signed by the grievant or one authorized to sign for the grievant, and describe the alleged discriminatory action in sufficient detail to inform the Compliance Officer of the nature and date of the alleged violation, and propose a resolution. The grievance must be filed within thirty (30) calendar days of the circumstances or event giving rise to the grievance, unless the time for filing is extended by the Compliance Officer for good cause.
- C. The District's Section 504 Compliance Officer will conduct an independent investigation of the matter (which may or may not include a hearing). This grievance procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the grievance. The Compliance Officer will provide the grievant with a written disposition of the complaint within ten (10) workdays. If no decision is rendered within ten (10) workdays, or the decision is unsatisfactory in the opinion of the grievant, the employee may file, in writing, an appeal with the Superintendent. The Compliance Officer shall maintain the District's files and records relating to the grievance.

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- D. The Superintendent will, within ten (10) workdays of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.

The Superintendent will render his/her decision within ten (10) workdays of the hearing.

- E. If, at this point, the grievance has not been satisfactorily resolved, further inquiry may be made to the U.S. Department of Education's Office for Civil Rights. The Officer for Civil Rights can be reached at:

Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202-1100
(202) 245-6800; 1-800-421-3481
FAX: (202) 245-6840; TDD: (877) 521-2172
E-mail: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

- F. The employee may be represented at any of the above-described hearings.
- G. The right of a person to a prompt and equitable resolution of the grievance shall not be impaired by the person's pursuit of other remedies such as the filing of a Complaint with the Office for Civil Rights or the filing of a court case in the appropriate Federal District Court. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

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- H. The Board of Education will not discriminate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by Section 504 or the Americans with Disabilities Act ("ADA"), or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under Section 504 or the ADA, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by Section 504 or the ADA.

Grievance Procedure – Public Complaints About Facilities and/or Services

A person who has a complaint about District facilities or services may register such complaint with the site administrator or the District's Section 504 Compliance Officer. Such complaints should be filed within thirty (30) calendar days of the circumstances or event giving rise to the grievance.

- A. The complaint must contain the following information:
1. Name(s) of person(s) filing complaint.
 2. Whether the person(s) represents an individual or group.
 3. Whether the person(s) making the complaint has discussed the problem with the site administrator and/or the District's Section 504 Compliance Officer.
 4. A written summary of the complaint and a proposed solution.
- B. The site administrator or the District's Section 504 Compliance Officer will respond to the complaint within five (5) business days.
- C. If a satisfactory response is not received within five (5) business days, the person should forward a copy of the complaint to the Superintendent, who will respond within ten (10) business days.

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- D. If a satisfactory response is not received within ten (10) business days, the person may forward a copy of the complaint to the Board of Education. The Board will consider the complaint and respond within forty (40) calendar days.
- E. If a satisfactory response is not received from the Board of Education, further inquiry may be made to the U.S. Department of Education's Office for Civil Rights.

Approved 10/17/08