



Section 504 Procedure Manual Section 504 of the Rehabilitation Act of 1973

Cleveland Metropolitan School District

Dr. Eugene T.W. Sanders
Chief Executive Officer

The Cleveland Metropolitan School District does not discriminate in educational programs, activities or employment on the basis of race, color, national origin, sex, age, religion, or disability.

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**CLEVELAND METROPOLITAN SCHOOL DISTRICT POLICY
SECTION 504 OF THE REHABILITATION ACT OF 1973
AND THE AMERICANS WITH DISABILITIES AMENDED ACT**

The Cleveland Metropolitan School District (the District) will ensure that no student with a disability as defined by Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Americans with Disabilities Amended Act (ADAA) within the District's jurisdiction will be denied, because of his/her disability, participation in curricular, intramural, or interscholastic activities or any of the services offered or rendered regularly to the students of this District. No otherwise qualified person shall, solely by reason of his/her disability, be subjected to discrimination under any program or activity sponsored by the Cleveland Metropolitan School District. The District is committed to ensure that students with Section 504 disabilities be identified, evaluated, and provided with a free appropriate public education. The District does not discriminate on the basis of disability with regard to admission, access to education services, treatment or employment in its programs and activities.

Effective January 1, 1990, the Americans with Disabilities Amendment Act also amended the Rehabilitation Act of 1973 such that the definition of a disability under the Rehabilitation Act (29 U.S.C. 705) is the same as the definition of a disability under the ADAA (42 U.S.C. 12102). This policy incorporates the amendment to the Americans with Disabilities Act.

Facilities/Program

The District's educational program shall be equally accessible to all students at each grade level. Barrier-free access to school facilities shall be provided to ensure that no individual with a disability is denied an opportunity to participate in a District program available to persons without disabilities. Students with disabilities shall have facilities of a type and quality equivalent to those of students without disabilities.

Identification, Evaluation and Placement

Identification

The District shall make all reasonable efforts to identify students with disabilities who reside within the District in order to determine possible eligibility for special education and/or related services or supplementary aids or services in accordance with federal and state law and this policy and procedures manual.

Evaluation

Any student, who is suspected of having a physical or mental disability which may substantially limit a major life activity, may be referred for an evaluation. Evaluations must address the concerns raised and the referral questions. As an example, if the suspected disability involves a medical issue, evaluation may consist of consultation with the physician, identification of care within the building and notification to others who may work with the child.

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Placement

A free appropriate public education shall be provided for each child determined to be qualified as disabled under Section 504. A qualified student with a disability shall be placed in an educational setting with his/her non-disabled peers to the maximum extent appropriate (“least restrictive environment” or “LRE”). If the qualified student requires accommodations in a regular education classroom, the student’s principal, who is also the school’s 504/ADAA Coordinator, shall involve the student’s regular education teacher(s) in the Section 504 evaluation and accommodation process to ensure that they:

- A. Have knowledge of the law and the relationship between the student's disability and his/her need for accommodations and interventions and/or services;
- B. Have knowledge of the student’s needs;
- C. Make appropriate accommodation(s) in the instructional program and/or classroom environment to make it possible for the student to access the general education curriculum and reasonable accommodations to provide the student equal access to facilities, curricular, and extra-curricular programs.

Hereafter, the policy will refer to Section 504 with the understanding that the ADAA also applies.

Reevaluation/Change in Placement

Section 504 requires a periodic review, not less than annually to review the plan’s efficacy and ongoing need. Additionally, this allows the succeeding teachers and service providers an opportunity to learn of the student’s needs and ensure that the plan is implemented at the beginning of each school year. An “evaluation” is required prior to a change of placement. Changes of placement would include graduation and disciplinary removals in excess of ten consecutive days.

Discipline

The discipline procedures described in the *Student Code of Conduct* shall be used in all situations in which a student with a qualified disability under Section 504 (or suspected qualified disability) may be subject to suspension or expulsion. Since expulsion or cumulative forms of suspension may, in cases when the student will be excluded from school ten (10) or more days, constitute a change in placement, a group of persons knowledgeable about the student, including the parent, shall convene a meeting to discuss whether the behavior that led to the proposed disciplinary action is directly related to the child’s disability. In this process, the team re-evaluates the student. If the team’s determination is that behavior leading to the proposed disciplinary action is not a manifestation of the child’s disability then the child shall be disciplined according to the *Student Code of Conduct*, the same as non-disabled students.

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Enforcement

The District will utilize a general grievance procedure that incorporates the appropriate due process standards and provides for the prompt and equitable resolution of alleged violations of Section 504 by the District. The Cleveland Metropolitan School District Board of Education has appointed a Section 504 Compliance Officer, who is charged with interpreting federal special education law and corresponding regulation on behalf of the District, directing District policy and overseeing the provisions of this policy and procedure manual. The Section 504 Compliance Officer reviews any alleged violations of Section 504 within the District. If it is deemed that a violation has occurred, The Section 504 Compliance Officer will recommend corrective action for those violations directly to the superintendent.

Complaints and Grievance Procedure

In accordance with Section 504 of the Rehabilitation Act of 1973 (Section 504), any student who believes s/he has been the victim of discrimination or harassment (including bullying) based upon disability or who believes s/he is entitled to or has been denied a free appropriate public education to which s/he as a student with a disability is entitled, is encouraged to report the alleged facts surrounding said treatment, entitlement or denial, within 10 days of the alleged action to: Section 504 Compliance Officer, Cleveland Metropolitan School District, Law Department, 1380 East 6th Street, Cleveland, Ohio 44114. Any complaint alleging a violation of law and this policy shall be investigated by or at the direction of the Section 504 Compliance Officer. In addition to the Complaint and Grievance Procedure set forth, alleged violations of Section 504 may be challenged through a due process hearing or reported to the United States Department of Education, Office for Civil Rights at 600 Superior Avenue East, Suite 750, Cleveland, Ohio 44114-2611.

Program Evaluation and Compliance

The District shall evaluate its programs and practices on nondiscrimination and the provision of services under Section 504, in accordance with federal law, and document its findings on an on-going basis and will adjust its practices as needed. The District shall submit assurance of compliance as required by federal law.

DEFINITIONS

The Rehabilitation Act of 1973, 29 U.S.C. Sec. 794 *et seq.*:

Sec. 794

Nondiscrimination under Federal grants and programs;

“No otherwise qualified individual with a disability in the United States, as defined in Sec. 705(20) of this title, shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program

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or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service.” (29 U.S.C. Sec. 794(a))

- Individual with disability: Any individual who (i) has a physical or mental impairment that substantially limits one or more of such person’s major life activities; (ii) has a record of such impairment; or (iii) is regarded as having such an impairment. (29 U.S.C. 705, 42 U.S.C. 12102)
- Major Life Activities: (A) Included, *but not limited to*, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. (29 U.S.C. 705, 42 U.S.C. 12102)
- (B) Major Bodily Functions include, *but are not limited to*, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. (29 U.S.C. 705, 42 U.S.C. 12102)
- Substantially Limits: (A) An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. (B) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. (C) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as the following examples: medication, medical supplies, equipment, hearing aids and cochlear implants, reasonable accommodations or auxiliary aids or services. This list is not exhaustive.
- Has a record of: has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.
- Is regarded as: The individual establishes that he or she has been subjected to an action prohibited under this Act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

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The following definitions apply:

The Rehabilitation Act of 1973	The Rehabilitation Act of 1973, 29 U.S.C. 794 <i>et seq.</i>
The Americans with Disabilities Amended Act	Section 504 of the Rehabilitation Act of 1973. (42 U.S.C. 12102 <i>et seq.</i>)
Individuals with Disabilities Education Improvement Act	also known as “IDEIA.” (20 U.S.C. 1401 <i>et seq.</i>)
School Staff	A group of knowledgeable persons familiar with the student and his/her needs. Within the District’s Section 504 policy and procedure manual, school staff may include, but are not limited to, the school principal, psychologist, general education teacher, guidance counselor, administrative staff and nurse (if applicable).

“Section 504 Procedural Safeguards”

The following is a description of the rights of District students with qualified Section 504 disabilities or those students suspected of having such disabilities. School staff are to ensure that each student with, or suspected of having, a Section 504 disability, and her/his parent(s) are kept fully informed concerning decisions about the student and about the student’s due process rights in case the family disagrees with any decisions made by the District under Section 504.

District staff must ensure that parents of students are provided with *Notice of Students’ Rights under Section 504*, which sets forth the following rights for parents of such students:

SECTION 504 PROCEDURAL SAFEGUARDS:

1. A child who is qualified as disabled under Section 504 has the right to an appropriate education designed to meet his/ her individual educational needs as adequately as the needs of non-disabled students are met.
3. A child who is qualified as disabled under Section 504 has the right to free educational services, except for those fees that are imposed on non-disabled students or their parents. Insurers and similar third parties are not relieved from their obligation to provide for services to a disabled student.
4. A child who is qualified as disabled under Section 504 has a right to placement in the least restrictive environment.
5. A child who is qualified as disabled under Section 504 has a right to facilities, services, and activities that are comparable to those provided for non-disabled students.
6. A child who is qualified as disabled under Section 504 has a right to an evaluation prior to an initial 504 placement and any subsequent significant change in placement.
7. The district shall consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations, anecdotal reports, and/or test scores.

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8. Placement decisions must be made by a group of persons, i.e., the 504 Team, including persons knowledgeable about the child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities.
9. A child who is qualified as disabled under Section 504 has a right to periodic reevaluations, approximately every three years.
10. A parent of a child who is qualified as disabled under Section 504 has the right to notice prior to any action by the district in regard to the identification, evaluation, or placement of the child.
11. A parent of a child who is qualified as disabled under Section 504 has the right to examine relevant educational records of their child.
12. A parent of a child who is qualified as disabled under Section 504 has the right to an impartial hearing with respect to the district's actions regarding the child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney.
13. If a parent wishes to challenge the actions of the district's Section 504 Team in regard to the child's identification, evaluation, or educational placement, he/she should file a written Notice of Appeal with the district's Section 504 Compliance Officer, Law Department 1380 East 6th Street, Cleveland, Ohio 44114 within 10 calendar days from the time he/she received written notice of the Section 504 Team's action(s). A hearing will be scheduled before an impartial hearing officer and notification in writing of the date, time, and place for the hearing will be provided.
14. If a parent disagrees with the decision of the impartial hearing officer, he/she has a right to a review of that decision by a court of competent jurisdiction.
15. A parent of a child who is qualified as disabled under Section 504 has the right to file a complaint with the United States Department of Education, Office for Civil Rights at 600 Superior Avenue East, Suite 750, Cleveland, Ohio 44114-2611.
16. On Section 504 matters, other than a child's identification evaluation and placement, a parent has a right to file a complaint with the district's Section 504 Compliance Officer. Complaints, questions or concerns about Section 504 may be directed in writing to the District's Section 504 Compliance Officer at: Cleveland Metropolitan School District, Attention: Section 504 Compliance Officer, Law Department 1380 East 6th Street, Cleveland, Ohio 44114.

REFERRAL

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Section 504 Referral Form

It is the responsibility of the District to identify and evaluate students who, within the intent of Section 504 of the Rehabilitation Act of 1973, require special accommodations and/or services in order to receive a free appropriate education (FAPE).

Any student who needs, or is believed to need, accommodations or services not available through existing programs in order to receive a free appropriate public education may be referred by a parent, teacher, or a third party for identification and possible evaluation of the student's individual educational needs.

The school principal is the school's Section 504 coordinator and shall have ample referral forms available in the main office for parents, teachers and other individuals who request them.

The Section 504 Referral Form must be submitted directly to the school principal and the principal shall sign the original form upon receipt and make three (3) copies. A copy shall be forwarded to the (1) school psychologist (2) the Section 504 Compliance Officer (3) parent (4) the original shall be placed in the student's educational file located in the main office.

Upon referral for an evaluation, the parent/legal guardian, or student if over 18, shall also be provided with a copy of the description of rights granted by the federal law to students with disabilities.

SECTION 504 REFERRAL PROCEDURES

If a parent or school staff member suspects that a child may have a disability and may be entitled to special accommodations and/or services under Section 504, the principal shall follow these procedures.

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	PROCEDURE	PERSON RESPONSIBLE	FORMS (S)
1.	<p>INITIAL REFERRAL FOR SECTION 504 EVALUATION</p> <p>(When a parent refers their child for a Section 504 evaluation)</p> <p>A Parent may <i>verbally</i> or <i>in writing</i> request a Section 504 evaluation to their child’s teacher, principal, other administrative staff, school nurse, school psychologist, school social worker or guidance counselor.</p> <ul style="list-style-type: none"> • If the parent requests a 504 evaluation then the staff member must immediately inform the parent that the parent must fill out a “<i>Referral Form</i>” and that upon completion, the form must be given directly to the principal. • If needed, the staff member shall assist the parent in obtaining the form from the main office. If parent requires assistance in writing the referral, the staff member shall assist the parent in filling out the referral form, <u>whether or not the staff member agrees with the grounds for the referral.</u> <p>(Referrals from third parties) When a third party submits a written referral for a Section 504 Evaluation, <u>the child’s Parent/legal guardian must be notified of the referral.</u> If the referral is given to the teacher then that teacher must immediately forward the form to the principal (or their designee) for action.</p>	<p>The staff member receiving the verbal or written request</p> <p>Parent</p> <p>Principal and Psychologist</p>	<p>Section 504 Referral Form</p> <p>Section 504 Referral Form &</p> <p>Section 504 Notice</p>
	POST REFERRAL		
2.	<p>The principal signs and dates the referral. Three copies of the referral are made and within a reasonable time, the principal gives a <u>copy</u> of the referral to the</p> <ol style="list-style-type: none"> 1. parent or person requesting the evaluation 2. school psychologist 3. Section 504 Compliance Officer, Law Dept. <p>The original form is placed in the student’s educational file.</p>	Principal	
	INITIAL DETERMINATION		
3.	<p>An initial determination is made, with deference given to the parent, psychologist and nurse (if applicable), whether the school <i>suspects</i> that the child has a present disabling condition that substantially limits a major life activity. A doctor’s statement does not make the child eligible for a 504 plan. It can be used in conjunction with all data to be reviewed in the team determination.</p> <p>The school psychologist, upon consultation with the parent, teacher, principal, guidance counselor (if applicable), the child’s doctor and/or school nurse (if applicable) forwards a Section 504 Notice to Parents with 504 Procedural Safeguards indicating whether or not the school suspects the child has a present disabling condition that</p>	School Psychologist /nurse	Section 504 Notice to Parents w/ 504 Procedural Safeguards

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	substantially limits a major life activity. If the child has gone through IDEA referral and evaluation process and is deemed ineligible under IDEA, the child does not need to start over at the referral stage for Section 504. Current evaluation data can assist in the determination of 504 eligibility.		
	EVALUATION		
	<p>If the school team does suspect that the child may be qualified under Section 504 then team must move forward with a full Section 504 evaluation <u>within sixty (60) days of the principal's signature on the Section 504 Referral Form</u>. The school team shall make efforts to include the parent and shall include at least one of the child's general education teacher(s), the school psychologist and school nurse (if applicable) and other applicable support staff, i.e., audiologist, PT, SLP,OT.</p> <p>Parent/legal guardian shall be notified in writing of the Section 504 team meeting.</p> <p>If the school team does not suspect that the child is handicapped then the team is not obligated to move forward with a full Section 504 evaluation</p>	Principal	Section 504 Notice to Parents with 504 Procedural Safeguards
	ACCOMMODATION PLAN		
4.	Consent of parent/legal guardian is obtained for implementation of the plan.	Principal	Section 504 Evaluation and Accommodation Plan
5.	<p>After the Section 504 evaluation meeting, the principal shall make four (4) copies of the Section 504 Evaluation and Accommodation Plan and give a copy to:</p> <ol style="list-style-type: none"> 1. parent 2. the child's general education teacher(s) 3. school psychologist and/or nurse (if applicable) 4. Section 504 Compliance Officer, Law Dept. 5. student's educational file (original) 	Principal	
6.	Section 504 plan is implemented	General Education Teacher	Section 504 Evaluation and Accommodation Plan

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SECTION 504 REFERRAL FORM

THIS REFERRAL MUST BE GIVEN TO THE PRINCIPAL UPON COMPLETION

This referral is being made by: parent/legal guardian, teacher, principal, other (circle one)

I. STUDENT'S PERSONAL INFORMATION

ID/SS#: _____

Student: _____ Date of Birth: _____

Parent/Guardian: _____ Phone(s): _____

Address: _____ School: _____

Teacher: _____ Grade: _____

Referred by: _____ Referral Date: _____

II. BACKGROUND INFORMATION:

A. Reason for Referral:

B. Indicate which major life activity(s) appears to be limited:

- | | | | |
|--|--|--|---|
| <input type="checkbox"/> caring for self | <input type="checkbox"/> eating | <input type="checkbox"/> seeing | <input type="checkbox"/> hearing |
| <input type="checkbox"/> sleeping | <input type="checkbox"/> breathing | <input type="checkbox"/> standing | <input type="checkbox"/> speaking |
| <input type="checkbox"/> communicating | <input type="checkbox"/> concentrating | <input type="checkbox"/> perform manual tasks | <input type="checkbox"/> walking |
| <input type="checkbox"/> lifting | <input type="checkbox"/> bending | <input type="checkbox"/> learning | <input type="checkbox"/> reading |
| <input type="checkbox"/> immune system function | <input type="checkbox"/> respiratory function | <input type="checkbox"/> normal cell growth | <input type="checkbox"/> thinking |
| <input type="checkbox"/> digestive function | <input type="checkbox"/> bladder function | <input type="checkbox"/> neurological function | <input type="checkbox"/> working |
| <input type="checkbox"/> circulatory function | <input type="checkbox"/> reproductive function | <input type="checkbox"/> endocrine function | <input type="checkbox"/> brain function |
| <input type="checkbox"/> other (please describe _____) | | | |

C. Indicate specifically how the major life activity(s) is being limited.

D. Indicate how severe the major life activity(s) is being limited:

- Mildly Moderately Substantially

E. Strategies/interventions to date (attach copies of documentation):

F. List all medications or devices that are currently being used by the student.

G. Attach any additional information (i.e. previous evaluations, medical reports, state/district-wide tests)

By signing below, I acknowledge receipt of a copy of this referral and a copy of the Section 504 Procedural Safeguards. I also understand that the school psychologist and/or nurse will forward the "Notice to Parent" form within a reasonable amount of time to me indicating whether the child is suspected as having a disability under Section 504. I further understand that, if I am the parent or legal guardian of the student, my signature also acts as my written consent for the school to initiate a full Section 504 evaluation and to contact and obtain additional information from my child's pediatrician, doctor, psychologist, psychiatrist, or other health care provider. I acknowledge that I have received, read, and understand the Notice of Parent/Student Rights in Identification, Evaluation and Placement for Section 504. I also acknowledge that I must deliver this referral to the school principal.

*Parent (or person making referral)

Date

THIS REFERRAL MUST BE GIVEN TO THE PRINCIPAL and the Principal shall sign below upon receipt and give a signed copy to the person making the referral. A copy must also be sent to the Section 504 Compliance Officer and a copy placed in the student's educational file.

*Signature of Principal

Date of referral receipt

SECTION 504 PROCEDURAL SAFEGUARDS:

1. Your child, if qualified as disabled under Section 504, has the right to an appropriate education designed to meet his/ her individual educational needs as adequately as the needs of non-disabled students are met.
3. Your child has the right to free educational services, except for those fees that are imposed on non-disabled students or their parents. Insurers and similar third parties are not relieved from their obligation to provide for services to a disabled student.
4. Your child has a right to placement in the least restrictive environment.
5. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students.
6. Your child has a right to an evaluation prior to an initial Section 504 placement and any subsequent significant change in placement.
7. The district shall consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations, anecdotal reports, and/or test scores.
8. Placement decisions must be made by a group of persons, i.e., the Section 504 Team, including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities.
9. If qualified as disabled under Section 504, your child has a right to periodic reevaluations, generally every three years.
10. You have the right to notice prior to any action by the district in regard to the identification, evaluation, or placement of your child.
11. You have the right to examine relevant educational records of your child.
12. You have the right to an impartial hearing with respect to the district's actions regarding your child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney.
13. If you wish to challenge the actions of the district's Section 504 Team in regards to your child's identification, evaluation, or educational placement, you should file a written Notice of Appeal with the district's Section 504 Compliance Officer, Law Department 1380 East 6th Street, Cleveland, Ohio 44114 within 10 calendar days from the time you received written notice of the Section 504 Team's action(s). A hearing will be scheduled before an impartial hearing officer and you will be notified in writing of the date, time, and place for the hearing.
14. If you disagree with the decision of the impartial hearing officer, you have a right to a review of that decision by a court of competent jurisdiction.
15. You have a right to file a complaint with the United States Department of Education Office for Civil Rights at 600 Superior Avenue East, Suite 750, Cleveland, Ohio 44114-2611.
16. On Section 504 matters, other than your child's identification evaluation and placement, you have a right to file a complaint with the district's Section 504 Compliance Officer. Complaints, questions or concerns about Section 504 may be directed in writing to the District's Section 504 Compliance Officer at: Cleveland Metropolitan School District, Attention: Section 504 Compliance Officer, Law Department 1380 East 6th Street, Cleveland, Ohio 44114.

SECTION 504 REFERRAL PAGE TWO OF TWO

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SECTION 504 NOTICE TO PARENT

(This form serves as the response to the parent of the District’s initial determination of eligibility)

STUDENT’S PERSONAL INFORMATION

ID/SS#:	_____	Date of Birth:	_____
Student:	_____	Phone(s):	_____
Parent/Guardian:	_____	School:	_____
Address:	_____	Grade:	_____
Teacher:	_____	Referral Date:	_____
Referred by:	_____		

_____ Notice to Parent or legal guardian of Referral for Section 504 Accommodation Plan.

Your child, _____, has been referred to the Section 504 school team because of a concern that he/she may have a physical or mental disability that substantially limits a major life activity.

_____ Notice to Parent of initial determination:

The school psychologist, nurse (circle one) upon consultation with the Principal has reviewed the referral and the provided documentation. The review may have also included reviewing your child’s educational file, consulting with his or her teachers, the school counselor, you, your child, your child’s doctor and/or other professionals.

The following initial determination has been made:

_____ Your child **DOES NOT** have a suspected physical or mental disability that requires further evaluation for qualification under Section 504 due to the fact that the referral and documentation reviewed is insufficient to warrant a suspected disability. *You are hereby advised that you have procedural due process rights by which to challenge this determination, which are attached on page two of this notice.*

_____ Your child **DOES NOT** have a suspected physical or mental disability that requires further evaluation for qualification under Section 504. However, your child may be referred to the school’s Intervention Based Assessment team (IBA) for general education interventions. *You are hereby advised that you have procedural due process rights by which to challenge this determination, which are attached to the referral that you already have and again on page two of this notice.*

_____ The District **DOES** suspect that your child may have a physical or mental disability that requires further evaluation for possible determination of eligibility under Section 504. *You are hereby advised that you have procedural due process rights by which to challenge this determination, which are attached to the referral that you already have and on page two of this notice.*

You are hereby invited to your child’s Section 504 Evaluation and Accommodation Plan meeting on

_____, _____, 200_ at _____. **The meeting will take place in room _____.**

_____ Upon review of your child’s referral and supporting documentation, your child may have a suspected disability that adversely impacts educational performance and requires special education and/or related services. Your child’s case has been referred to the building’s IBA team for interventions and a possible referral for a multifactored evaluation.

_____ Your child's Section 504 team determined during your child's evaluation meeting on _____ that your child **NO LONGER QUALIFIES** for a 504 Accommodation Plan and has terminated the plan. *You are hereby advised that you have procedural due process rights by which to challenge this decision.*

Signature of School Psychologist or Nurse

Date forwarded to parent with Procedural Safeguards

SECTION 504 PROCEDURAL SAFEGUARDS:

1. Your child, who is qualified as disabled under Section 504 has the right to an appropriate education designed to meet his/ her individual educational needs as adequately as the needs of non-disabled students are met.
2. Your child has the right to free educational services, except for those fees that are imposed on non-disabled students or their parents. Insurers and similar third parties are not relieved from their obligation to provide for services to a disabled student.
3. Your child has a right to placement in the least restrictive environment.
4. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students.
5. Your child has a right to an evaluation prior to an initial Section 504 placement and any subsequent significant change in placement.
6. The district shall consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations, anecdotal reports, and/or test scores.
7. Placement decisions must be made by a group of persons, i.e., the Section 504 Team, including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities.
8. If qualified as disabled under Section 504, your child has a right to periodic reevaluations, generally every three years.
9. You have the right to notice prior to any action by the district in regard to the identification, evaluation, or placement of your child.
10. You have the right to examine relevant educational records of your child.
11. You have the right to an impartial hearing with respect to the district's actions regarding your child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney.
12. If you wish to challenge the actions of the district's Section 504 Team in regards to your child's identification, evaluation, or educational placement, you should file a written Notice of Appeal with the district's Section 504 Compliance Officer, 1380 East 6th Street, Cleveland, Ohio 44114 within 10 calendar days from the time you received written notice of the Section 504 Team's action(s). A hearing will be scheduled before an impartial hearing officer and you will be notified in writing of the date, time, and place for the hearing.
13. If you disagree with the decision of the impartial hearing officer, you have a right to a review of that decision by a court of competent jurisdiction.
14. You have a right to file a complaint with the United States Department of Education Office for Civil Rights at 600 Superior Avenue East, Suite 750, Cleveland, Ohio 44114-2611.
15. On Section 504 matters, other than your child's identification evaluation and placement, you have a right to file a complaint with the district's Section 504 Compliance Officer. Complaints, questions or concerns about Section 504 may be directed in writing to the District's Section 504 Compliance Officer at: Cleveland Metropolitan School District, Attention: Section 504 Compliance Officer, 1380 East 6th Street, Cleveland, Ohio 44114.

Directions to school psychologist and/or nurse for completing Notice to Parents:

1. Upon review of the referral, the attached documentation and upon consultation with the principal, teacher, parent, guidance counselor and the child's doctor, the school psychologist and (if medically applicable) the school nurse will make the initial decision of whether the child has a suspected disability that substantially limits a life activity based on the information presented.
2. This form must be prepared and sent to the parent/guardian within a reasonable amount of time, i.e., (approximately within 30 days of the initial referral).
3. In addition to sending a copy of this form to the parent/legal guardian, within 24 hours, a copy must be forwarded to the Section 504 Compliance Officer (Legal Department), a copy kept by the school psychologist or nurse with a copy placed into the child's educational file, which shall be maintained in the school office.

SECTION 504 NOTICE TO PARENT PAGE TWO of TWO

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EVALUATION

Section 504 Evaluation Team Report

SECTION 504 EVALUATION

Any student who needs or is believed to need special accommodations, related services or programs under the auspices of Section 504 of the Rehabilitation Act of 1973, may be referred to the Section 504 School Team for evaluation.

The Section 504 School Team shall be composed of persons knowledgeable about the student's school history, the student's individual needs, the meaning of evaluation data, and options that will enable the student to attain equal access.

The student's parent shall be notified of, and invited to participate in, the Section 504 School Team meeting within a reasonable amount of time (or approximately two weeks) prior to the meeting

The Section 504 evaluation requires the use of evaluation procedures that ensure that children are not misclassified, unnecessarily labeled as having a disability, or incorrectly placed. Therefore, any tests used for the purpose of qualifying a student under Section 504 shall be selected and administered so as best to ensure that the test results accurately reflect the student's aptitude or achievement or other factor being measured rather than reflect the student's disability, except where those are the factors being measured. All evaluation materials must be tailored to evaluate the specific areas of educational need and not merely those designed to provide a single intelligence quotient. The tests and other evaluation materials must be validated for the specific purpose for which they are used and appropriately administered by trained personnel.

The Section 504 School Team shall consider all relevant information on the student to determine whether he/she is disabled under Section 504 from a variety of sources. Information may include reports from outside physicians; observations from parents, teachers, and school personnel; results of standardized tests; and other documents that may have relevance.

Should the Section 504 School Team determine that a student is disabled under Section 504, it will develop a Section 504 accommodation plan describing what accommodations, services and/or programs will be provided to meet the student's specified needs.

The Section 504 School Team shall invite the parents/guardian to participate in the meeting where recommendations are made.

If a plan for providing services is developed, all school personnel who work with the student shall be informed of the plan.

Evaluation of the student and formulation of a plan of services will be carried out by the Section 504 School Team according to the following procedures:

An individualized evaluation will be conducted in the native language of the student.

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The Section 504 School Team will evaluate the nature of the student's disability and the impact of the disability upon the student's education. This evaluation will include consideration of any behaviors that interfere with regular participation of a student who otherwise meets the criteria (such as age) for participation in the educational program and/or activities.

The Section 504 School Team in writing will make the final decision, and the parents or guardian of the student shall be notified of the Section 504 procedural safeguards available to them, including the right to an impartial hearing and review.

REVIEW/REEVALUATION OF STUDENT'S PROGRESS

The Section 504 School Team will monitor the effectiveness of the student's Section 504 Accommodation Plan periodically and at a minimum of every three years conduct a re-evaluation.

IMPLEMENTATION OF SECTION 504 PLANS

The general education teacher must implement the provisions of Section 504 plans for those students for whom the teacher is responsible. If the general education teacher fails to implement the plans, such failure may be considered discrimination on the basis of a disability and the parent will be able to file a complaint with the U.S. Department of Education, Office for Civil Rights, file a Section 504 due process hearing or file a complaint under the District's grievance procedure.

REGULAR EDUCATION INTERVENTION PLAN

A regular education intervention plan is appropriate for a student who does not have a disability or is not suspected of having a disability but may be facing challenges in school. IBA teams are designed to provide regular education teachers with support and strategies for helping students in need of various accommodations and assistance. Regular Education Intervention Plans are not policed by the U.S. Department of Education, Office for Civil Rights.

ACCOMMODATION PLAN

Section 504 Accommodation Plan

SECTION 504 ACCOMMODATION PLAN

The Section 504 School Team will develop a written plan describing the disability and the individualized instruction or related services needed. The plan will specify how the regular or individualized instruction and/or aids and/or services will be provided, and by whom. Usually, the student's regular education teacher will be in charge of implementing the specific accommodations.

The parents or guardian shall be invited to participate in Section 504 School Team meetings where accommodations and services for the student will be determined, and shall be given an opportunity to examine all relevant records.

The team may also determine that no special accommodations or services are appropriate. If so, the record of the Section 504 School Team proceedings will reflect the determination of the student as a person without a qualified disability and will state the basis for the decision that no special services are presently needed.

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A student with a disability under Section 504 shall be placed in the regular educational environment of the District, with the use of accommodations and/or services, unless the District demonstrates that such placement cannot be achieved appropriately. The student with a qualified disability shall be educated with those who are not disabled to the maximum extent appropriate to the individual needs of the student.

The intent of Section 504 is to “accommodate” qualified disabled students’ needs within the regular education environment. For this to occur, all staff shall be provided specific information concerning the district’s procedures for implementing Section 504 plans.

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Cleveland Metropolitan School District

SECTION 504 EVALUATION TEAM REPORT & ACCOMMODATION PLAN

Student's Name: Last First ID# Grade: DOB: / /

Address: School:

Parent(s) Name(s) Home Phone: Work Phone: Cell

Principal, 504 Coordinator: Date of Evaluation:

The Section 504 Team must decide, after considering information from a variety of sources, whether the child's suspected disability "substantially limits a major life activity."

1. Criteria used to evaluate this accommodation plan: Log, teacher observations, district tests, check lists, achievement tests, medical information, doctor recommendations, district tests, standardized tests, other. (circle those that apply)

2. The Section 504 School Team has evaluated the student and determined:

The student DOES NOT have a mental or physical disability that substantially limits one or more major life activities. The Student is not a qualified student under Section 504. Justification for decision:

The student DOES NOT have a mental or physical disability that substantially limits one or more major life activities. It is the Section 504 team's determination that the student be referred to the general education IBA team for interventions. The 504 Procedural Safeguards are on page two of this Evaluation Team Report. Justification for decision:

The student DOES have a physical or mental handicap that substantially limits one or more of the following major life activities:

- carrying for self, hearing, standing, concentrating, lifting, reading, immune system function, bladder function, respiratory function, reproductive function, eating, sleeping, speaking, perform manual tasks, bending, thinking, normal cell growth, neurological function, circulatory function, other (please describe), seeing, breathing, communicating, learning, working, digestive function, brain function, endocrine function

Justification for decision:

3. SPECIFIC ACCOMMODATIONS NEEDED FOR ELIGIBLE STUDENT

Describe the specific accommodations planned for this student, including the title of the responsible party.

Accommodations Needed	TITLE of Responsible Party

3. The Section 504 Team should re-visit the student’s plan annually. The team will re-visit this plan no later than: _____, 200__.

4. Participants—the persons whose signatures appear below evaluated and determined the eligibility of the student under Section 504 and developed this Section 504 Accommodation Plan. By signing below you are indicating that you participated in this evaluation and accommodation meeting.

NAME	TITLE	DATE
	PARENT	
	PRINCIPAL, 504 COORDINATOR	
	PSYCHOLOGIST (if applicable)	
	NURSE (if applicable)	
	OT/PT/SLP (if applicable)	
	GUIDANCE COUNSELOR (if applicable)	
	OTHER	

Parent participated but refused to sign

PARENT STATEMENTS:

- I received a written notice of my procedural safeguard rights under Section 504.
- I received notice of the Section 504 evaluation and accommodation meeting.
- I agree with the Section 504 plan as it is written.
- I disagree with this Section 504 Plan and refuse the accommodations and services listed herein.

Parent/guardian signature Date

Parent/guardian signature Date

1. Your child, who is qualified as disabled under Section 504 has the right to an appropriate education designed to meet his/ her individual educational needs as adequately as the needs of non-disabled students are met.
2. Your child has the right to free educational services, except for those fees that are imposed on non-disabled students or their parents. Insurers and similar third parties are not relieved from their obligation to provide for services to a disabled student.
3. Your child has a right to placement in the least restrictive environment.
4. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students.
5. Your child has a right to an evaluation prior to an initial Section 504 placement and any subsequent significant change in placement.
6. The district shall consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations, anecdotal reports, and/or test scores.
7. Placement decisions must be made by a group of persons, i.e., the Section 504 Team, including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities.
8. If qualified as disabled under Section 504, your child has a right to periodic reevaluations, generally every three years.
9. You have the right to notice prior to any action by the district in regard to the identification, evaluation, or placement of your child.
10. You have the right to examine relevant educational records of your child.
11. You have the right to an impartial hearing with respect to the district's actions regarding your child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney.
12. If you wish to challenge the actions of the district's Section 504 Team in regard to your child's identification, evaluation, or educational placement, you should file a written Notice of Appeal with the district's Section 504 Compliance Officer, 1380 East 6th Street, Cleveland, Ohio 44114 within 10 calendar days from the time you received written notice of the Section 504 Team's action(s). A hearing will be scheduled before an impartial hearing officer and you will be notified in writing of the date, time, and place for the hearing.
13. If you disagree with the decision of the impartial hearing officer, you have a right to a review of that decision by a court of competent jurisdiction.
14. You have a right to file a complaint with the United States Department of Education Office for Civil Rights at 600 Superior Avenue East, Suite 750, Cleveland, Ohio 44114-2611.
15. On Section 504 matters, other than your child's identification evaluation and placement, you have a right to file a complaint with the district's Section 504 Compliance Officer. Complaints, questions or concerns about Section 504 may be directed in writing to the District's Section 504 Compliance Officer at: Cleveland Metropolitan School District, Attention: Section 504 Compliance Officer, 1380 East 6th Street, Cleveland, Ohio 44114.

The Principal shall forward a copy of this document to the following:

1. **Section 504 Compliance Officer (Law Department)**
2. **Student's permanent file,**
3. **Parent (if parent did not receive a copy),**
4. **School Psychologist**
5. **Student's general education teacher,**
6. **Nurse (if applicable)**

Cleveland Metropolitan School District

SECTION 504 EVALUATION/MANIFESTATION DETERMINATION REVIEW

Student's Name: _____ ID# _____ Grade: _____ DOB: ____ / ____ / ____
Last, First

Principal, 504 Coordinator: _____ Date of Evaluation: _____

Upon consideration of a change of placement due to discipline, the Section 504 Team must conduct an evaluation including review of pertinent information from a variety of sources, to determine whether the child's disability was directly related to the code of conduct violation.

Nature of behavior subject to disciplinary action:

Upon completion of the evaluation:

1. Did the 504 Team review relevant information in the student's file? Yes No

Please specify:

2. Did the 504 Team review the student's current 504 Accommodation plan? Yes No

3. Did the 504 Team consider information provided by parent/legal guardian? Yes No

3. Did the 504 Team determine that the conduct in question was caused by/or had a direct relationship to the child's disability? Yes No

4. Was the child's conduct a direct result of the district's failure to implement the 504 Accommodation plan? Yes No

Based upon review of all relevant information and in consideration of the specifics of the code of conduct violation, the 504 Team has determined that the behavior subject to disciplinary action:

Was Was Not a manifestation of the student's disability.

Signature: _____ Signature: _____

Signature: _____ Signature: _____

Signature: _____ Signature: _____

Revised on: Thursday, January 1, 2009

GRIEVANCE PROCEDURES

Grievance Filing Form

General Statement

The Cleveland Metropolitan School District strives to provide an environment free from discrimination. The District encourages students, parents and staff to identify barriers to a discrimination-free and an appropriate learning environment in the school(s). All grievances will be received and investigated in a fair and expeditious.

This policy does not deny the right of the grieving party to file formal complaints at any time with the U.S. Department of Education, Office of Civil Rights or to seek private counsel for complaints alleging discrimination.

All records pursuant to the grievance shall be maintained by the District separate and apart from student records for a period of not less than five (5) years.

If a parent requests §an impartial due process hearing, all parties shall have the right to representation, to present witnesses and evidence, and to question opposing witnesses.

Steps to Resolution

Step 1: Principal or Immediate Supervisor (Informal and optional--may be bypassed by grieving party)

An informal meeting with the parties and the principal or the Compliance Officer can solve many problems. An individual with a complaint is encouraged to first discuss it with the teacher, counselor, or building administrator involved with the objective of resolving the matter promptly and informally. Employees with a complaint are encouraged to first discuss it with their principal or immediate supervisor with the same objective.

Step 2: Section 504 Compliance Officer

If the complaint or issue is not resolved at Step 1, the grieving party may file a written grievance stating: 1) the nature of the grievance; and 2) the remedy requested. The grieving party must sign and date the grievance. The written grievance must be filed with the Section 504 Coordinator within ten (10) days of the event or incident, or from the date the grieving party could reasonably become aware of such occurrence.

Responsibility of the 504 Compliance Officer

The Section 504 Compliance Officer is appointed by the Board and is personally responsible for Section 504 compliance throughout the District. The Section 504 Compliance Officer has the authority to investigate all written grievances and to issue corrective actions to address non-compliance with federal law. The Section 504 Compliance Officer will prepare a written report of all investigations, which shall include the following:

- A clear statement of the allegations of the grievance and remedy sought by the grieving party.
- A statement of the facts as contended by each of the parties.
- A statement of the facts as found by the Section 504 Compliance Officer and identification of evidence to support each fact.
- A list of all witnesses interviewed and documents reviewed during the investigation.
- A narrative describing attempts to resolve the grievance.
- The Section 504 Compliance Officer's determination as to whether the allegations in the grievance are meritorious.

The Section 504 Compliance Officer will complete the investigation and file the report with the Superintendent within twenty-five (25) days after receipt of the written grievance. The Section 504 Compliance Officer will send a copy of the report to the grieving party.

If the Section 504 Compliance Officer believes the grievance is valid, the Section 504 Compliance Officer will recommend appropriate corrective actions to the Superintendent.

If the Superintendent agrees with the recommendation of the Section 504 Compliance Officer, the corrective actions will be implemented.

The Section 504 Coordinator and Superintendent may also designate an investigations a written grievance is filed.

Other Options of the Grieving party

At any time during this process, the grieving party may file a complaint with the U.S. Department of Education, Office of Civil Rights.

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Cleveland Metropolitan School District

Section 504 Grievance Filing Form

If you wish to challenge the actions of the district's Section 504 Team in regards to your child's identification, evaluation, or educational placement, this form serves as a written grievance to be submitted to the Section 504 Compliance Officer

Child's Name _____ D.O.B.: _____ Date ____/____/____

Address _____ School _____

Parent's Name (print) _____

Home Phone _____ Cell Phone _____ Work _____

Telephone Number _____ Email: _____

Nature of your grievance. (Please describe the policy or action you believe may be in violation of Section 504. Please also identify any person(s) you believe may be responsible.)

Please provide your proposed remedy to this alleged violation:

Signature of Grieving party _____ /_____/_____
Date

Signature of Person Receiving Grievance

_____/_____/_____
Date _____ Location

THIS FORM SHOULD BE FORWARDED WITHIN 10 DAYS OF THE ALLEGED VIOLATION OF THE PROCEDURAL SAFEGUARDS TO:
Section 504 Compliance Officer, Cleveland Metropolitan School District, 1380 East 6th Street, Cleveland, OH 44114.

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MEDIATIONS AND HEARING PROCEDURES

SECTION 504 MEDIATION AND HEARING PROCEDURES

Mediation procedures for Section 504 are not intended to delay or hinder the parent/legal guardian's right to a hearing. Rather, they are intended to assist the parent/legal guardian in resolving differences and in obtaining a free appropriate public education for their child.

When the parent/legal guardian does not agree with the Section 504 evaluation findings and/or the accommodation plan/placement recommendations, the following may occur:

1. The school principal arranges a conference that includes the parent/legal guardian, the classroom teacher(s), and/or participants as needed. The parent/legal guardian(s) is given a copy of the Section 504 Procedural Safeguards. If the parent/legal guardian is non-English speaking, an interpreter is provided.
2. The school principal conducts the conference and informal resolution of differences is sought.
 - (a) The school principal explains to the parent/legal guardian that this process does not interfere with his/her right to file a formal complaint.
 - (b) The school principal/designee summarizes the results of the conference in writing, sends copies to the parent/legal guardian and places copies in the student's cumulative folder.

Due Process Procedures

The Cleveland Metropolitan School District's procedures for Section 504 due process hearings ensure that:

1. A parent/legal guardian or the school district may initiate a hearing on matters dealing with identification, evaluation or the provision of a free appropriate public education.
2. The district may initiate a hearing to override a parent's refusal or revocation of consent for a Section 504 evaluation.
3. Parents will receive timely notice of the date and time of the hearing, which shall be mutually convenient.
4. The hearing officer will be selected by the District
5. The hearing officer shall not be:
 - a. Employed by an agency involved with the care or education of the student subject to the hearing.
 - b. A person having a professional or personal interest that would conflict with his/her objectivity in a hearing.

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Due Process Hearing Rights and Procedures

The parties to a Section 504 Due Process Hearing have a right to:

1. Be accompanied and advised by an attorney
2. Have the assistance of an interpreter (if the parent's natural language is not English and given adequate notice to the District)
3. Present evidence and examine witnesses
4. The hearing officer shall render a decision, subject to judicial review that is binding on all parties, except that in all cases any action taken must comply with the current Ohio Revised Code and federal court decisions.
5. The party initiating the due process hearing will bear the burden of proof.
6. Parents or the District may initiate a due process hearing on a matter related to (1) eligibility and related procedures, (2) procedural safeguards, or (3) provision of a free and appropriate public education to the student.
7. Requests for a due process hearing must be submitted in writing to the Superintendent.
8. The request shall include:
 - The name of the student
 - The name of the parent or legal guardian
 - The address and telephone number of the legal guardian
 - The name of the school the child attends
 - A statement of the issues to be presented at the hearing.
 - A statement of the remedy requested of the hearing officer.

Decision of the Hearing Officer

The hearing officer shall review all relevant facts and render a decision.

A copy of the hearing officer's decision shall be delivered to the District and the parent, guardian within forty-five days from the date of the hearing.

Notification will include a statement that either party may appeal the decision to district court.

Revised on: Thursday, January 1, 2009

REFERENCES:

The Cleveland Municipal School District, (1987), "Board of Education" Cleveland, Ohio.

Zirkel, P., & Gorn, S. (1997). "Section 504, the ADA and the Schools" Horsham, PA. LPR Publications.

Rehabilitation Act of 1973, (29 U.S.C. 794 *et seq.*)

Americans with Disabilities Amendment Act (ADAA), (42 U.S.C. 12101 *et seq.*)

Individual with Disabilities Education Improvement Act (IDEIA) 2004, (20 U.S.C. 1401 *et seq.*)