

## **Rochester School District Education of Students with Disabilities Under Section 504 of the Rehabilitation Act of 1973**

<b>STEP</b>	<b>DESCRIPTION OF ACTIVITY</b>
1. Concern	Any person (e.g. parent, guardian, teacher, etc.) can refer a student for an evaluation under Section 504. A concerned person should refer a student for evaluation if the person knows or suspects that, due to a mental or physical impairment, the student is experiencing substantially limited performance in one or more major life activities.
2. Referral	The concerned individual should complete the Student Concern Form and give it to the building Section 504 Officer (School Counselor).
3. Screening	<p>The Section 504 Officer and designated building team reviews the referral, conducts a file review (including assessment data), and consults with staff, parents/guardians, professionals, and/or the student. The team then determines if an evaluation is needed.</p> <p>If yes: * Provide the parent/guardian with a copy of the Section 504 Procedural Safeguards.</p> <p>Obtain written consent from the parent/guardian for a Section 504 Individual Evaluation. If appropriate, also obtain written consent for a mutual exchange of information.</p> <p>If no: * Provide screening results to appropriate parties with accompanying recommendations.</p>
4. Evaluation	<p>Conduct all evaluations deemed appropriate and for which the parent/guardian has given written permission.</p> <p>It is recommended that an Eligibility Team be composed of one of the student's teachers, a building counselor, a building administrator, the parent/guardian, and persons knowledgeable about the student's disability and the meaning of the evaluation data and service options. The team determines if 1) the student has a mental or physical impairment that substantially limits one or more major life activities, and 2) the student needs accommodations, related aids or services.</p> <p>If no: * Consider other referral sources or options for the student and/or school. Provide written notice to parents that the student does not qualify.</p> <p>If yes: Does the student also seem to have a disability under one of the IDEA conditions?</p>

If yes: \* Refer to IDEA evaluation team for appropriate disposition

If no: \* Proceed to Step 5

Note: whatever the disposition of the case at step 4, the Team must complete the Section 504 Student Evaluation Form and place it in the student's cumulative file.

5. Develop Plan      Once eligibility under Section 504 has been determined, the process moves to the development of a Section 504 Plan. This plan is to be developed by a professional team that may or may not be the same individuals who were involved at the eligibility step No. 6, but a similar minimum team composition is recommended. The Section 504 Plan describes what educational or related aids and services the student needs in order to receive a free appropriate public education.
- Implement the Plan: 1) Provide parents with a copy of the Procedural Safeguards and Section 504 Plan, and 2) obtain written consent before the initial placement (signature on plan).
7. Educational Services      The educational services are implemented as outlined in the Student 504 Plan. The School Counselor is the designated Case Manager who monitors the implementation of the plan and the progress of the student. The original signed Student 504 Plan is placed in the student's cumulative file. Copies are distributed to each teacher and sent to Special Services at District Office.
8. Annual Review      Each Student 504 Plan should be reviewed by the team annually to ensure that it is meeting the student's current needs.
9. Periodic Re-Evaluation      Re-evaluations need to occur at least every three years to determine continued eligibility or if the student's needs have changed. It also must occur before any significant change in the student's placement. Significant changes in placement may include initiating or discontinuing a service, significantly increasing or decreasing the amount of services, and/or certain disciplinary removals from school (e.g. long term suspensions and expulsions).

## **ROCHESTER SCHOOL DISTRICT SECTION 504 GRIEVANCE PROCEDURE**

Students, and/or parents, staff or other individuals acting on behalf of students of the district are eligible to participate in this complaint procedure. This complaint procedure is designed to assure that the resolution of real or alleged violations shall be directed toward a just solution that is satisfactory to the complainant, the administration, and the board of directors. This grievance procedure shall apply to the general conditions of the nondiscrimination policy, and more

particularly to policies dealing with guidance and counseling, co-curricular programs, and curriculum development and instructional materials. As used in this procedure,

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

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

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

### **Level One**

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

If the grievant feels he/she cannot approach the administrator, the grievant should contact the District’s Section 504 Compliance Officer for assistance.

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

### **Level Two**

If the grievance is not resolved to the satisfaction of the grievant, a formal statement of the grievance (Formal Grievance Presentation) may be filed by the grievant with the Section 504 Compliance Officer within thirty days of completing the informal review process.

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

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

That the school district denies allegations contained in the complaint; or

The nature of such reasonable corrective measures deemed necessary to eliminate any act, condition or circumstance with the district which brought the complaint; or

That corrective measure would place an unreasonable financial burden upon the district and will not be undertaken.

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

### **Level Three**

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

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

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

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

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

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

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

Due process hearing or mediation requests must be made directly to the district 504 Compliance Officer.

**Date: 05/09; 10/11; 08/16; 04/17**