ADAD: Section 504 Procedures

Policy

The Cleveland Metropolitan School District ("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 Act Amendments Act (ADAAA) 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 District. The District is committed to ensure that students with 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, 2009, the ADAAA 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 ADAAA (42 U.S.C. 12102). This policy incorporates the amendments to the Americans with Disabilities Act.

The Board of Education directs the Chief Executive Officer to promulgate guidelines in accordance with this policy.

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 comparable to those of students without disabilities.

Identification, Evaluation, and Placement

Identification/Child Find

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 and/or services in accordance with federal and state law and this policy and procedures manual.

Evaluation

Any student who, because of a disability, needs or is believed to need special education or related services, or 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. All evaluation and placement decisions will be made by a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options (Evaluation Team). When evaluating a student to determine eligibility under Section 504, the assessment will not be limited to whether the mental or physical impairment substantially limits the major life activity

of learning. The evaluation team shall not take into account the ameliorating effects of mitigating measures (other than ordinary eyeglasses or contact lenses) used by a student when determining if the student has a disability. A student may be eligible for a Section 504 plan if the student does not require educational services but does require modifications to District policies, health services or food services in order to participate in District programs and activities.

Parents and guardians shall be invited to participate in Section 504 meetings so as to have a meaningful opportunity to provide input into Section 504 team decisions regarding the identification, evaluation and placement of students with disabilities. If the District denies a parental request for a Section 504 evaluation, it will provide with written notice of its procedural safeguards.

Placement

A free appropriate public education shall be provided for each child determined to be qualified as a student with a disability 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 a student has an impairment that is episodic in nature or in remission, the student is eligible for placement pursuant to Section 504 if the impairment, when active, substantially limits one or more major life activities. If the qualified student requires related aids and/or services in a regular education classroom, the student's principal, who is also the school building's 504/ADAAA coordinator, shall involve the student's regular education teacher(s) in the Section 504 evaluation and placement process to ensure that they:

- Have knowledge of the law and the relationship between the student's disability and his/her need for regular or special education and/or related aids and/or services
- Have knowledge of the student's needs
- Ensure that the student's individualized needs are met as adequately as the needs of nondisabled students are met.

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

Reevaluation/Change in Placement

Section 504 requires a periodic meeting 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. The District requires the student's team, identified as persons knowledgeable of the student, to conduct the periodic review annually.

An "evaluation" is required prior to a change of placement. Changes of placement would include graduation and disciplinary removals in excess of ten (10) consecutive days. The evaluation requirement may be satisfied with the manifestation determination review according to the guidelines promulgated pursuant to this policy.

Discipline

The discipline procedures described in the Student Code of Conduct shall be used in all situations in which a qualified student with a 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 and substantially related to the child's disability. In this process, the team re-evaluates the student. If the team's determination is that the 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.

Enforcement

The District will utilize a general complaint 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 District has appointed a Section 504 Compliance Officer, who is charged with interpreting Section 504/ADAAA and corresponding regulations 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 Chief Executive Officer (or designee).

Complaint 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 ten (10) days of the alleged action to the Section 504 Compliance Officer. Any complaint alleging a violation of law and/or this policy shall be investigated by or at the direction of the Section 504 Compliance Officer. In addition to the Complaint Procedure set forth, alleged violations of Section 504 may be challenged through an impartial 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; Telephone: 216.522.4970; Facsimile: 216.522.2573; TDD: 877.521.2172; E-Mail: OCR.Cleveland@ed.gov.

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 ongoing 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 seg.:

- 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 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

- o has a physical or mental impairment that substantially limits one or more of the major life activities of such individual
- o has a record of such an impairment; or
- o being regarded as having such an impairment. (42 U.S.C. 12102)

Major Life Activities

- Include, but are 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. (42 U.S.C. 12102)
- 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. (42 U.S.C. 12102)

Substantially Limits

- An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.
- An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.
- 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, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants, mobility devices, or oxygen therapy equipment and supplies, reasonable accommodations or auxiliary aids and/or services. This list is not exhaustive.

Has a record of

• Has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

Is regarded as

- has a physical or mental impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such a limitation;
- has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or
- does not have a physical or mental impairment but is treated by a recipient as having such an impairment.

Transitory Impairment

• The Act shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of six (6) months or less.

The Rehabilitation Act of 1973

• Also referred to as Section 504

The Americans with Disabilities Act Amendments Act

• ADAAA, 42 U.S.C. 12101 et seg.

Individuals with Disabilities Improvement Act

• IDEIA, 20 U.S.C. 1401 et seq.

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).

Administrative Guidelines

The Board of Education directs the Chief Executive Officer to promulgate these administrative guidelines and procedures for implementation throughout the District.

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.

It is important to note that when evaluating a student under Section 504, the student's Section 504 team is to consider all appropriate assessments and that Section 504 prohibits the District from categorically excluding any particular type of assessment from consideration.

District staff must ensure that parents of students are provided with Notice of Parent/Guardian/Student Rights, which sets forth the following rights for parents of such students:

Notice of Parent/Guardian/Student Rights

Notice, and other procedural safeguards, shall be provided to parent(s) and guardian(s) with respect to actions regarding the identification, evaluation or educational placement of students with disabilities. Below is a description of the rights granted by Federal law to individuals with disabilities. It is the intent of Section 504 of the Rehabilitation Act of 1973 to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions. You have the right to:

- Have your child take part in, and receive benefits from public education programs without discrimination because of his/her disability.
- Have the District advise you of your rights under Federal law.
- Receive notice with respect to identification, evaluation, or placement of your child.
- Have your child receive a free appropriate public education that consists of regular or special education and related aids and/or services designed to meet the student's needs as adequately as the needs of nondisabled students are met. This also includes the right to be educated with non-disabled students to the maximum extent appropriate.
- Have your child educated in facilities and receive services comparable to those provided nondisabled students.
- Have your child receive special education and related services if s/he is found to be eligible under Individuals with Disabilities Education Improvement Act, and/or regular or special education and related aids and/or services under Section 504.

- Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, and are knowledgeable about the evaluation data and placement options, including the child's parents.
- Have transportation provided to and from an alternative setting at no greater cost to you than would be incurred if the student were placed in a program operated by the District and not in addition to any cost normally charged to a student without a disability for such transportation.
- Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the District.
- Examine all relevant records relating to decisions regarding your child's identification, evaluation, education program, and placement.
- Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records, the same as for all individuals requesting such records.
- A response from the District to reasonable requests for explanations and interpretations of your child's records.
- Request amendments of your child's educational records 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 your child. If the District refuses to amend the record(s), you have the right to request a hearing and/or to place in the record a statement of why you disagree with the information it contains.
- Request mediation or an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational programs, or placement. You and your child may take part in the hearing and be represented. Hearing requests must be made to the Section 504 Compliance Officer.
- Receive all information in the parent's native language and mode of communication.
- File a local grievance or a complaint with the Office for Civil Rights at any time

The District's Section 504 Compliance Officer, the person in the District responsible for assuring that the District complies with Section 504 is:

Section 504 Compliance Officer Cleveland Metropolitan School District 1111 Superior Avenue East, Suite 1800 Cleveland, Ohio 44114

Phone: (216) 838-0070

Email: TitleIX EEO@clevelandmetroschools.org

The Office for Civil Rights of the United States Department of Education enforces the requirements of Section 504 of the Rehabilitation Act of 1973. The address of the Ohio Office is:

Office for Civil Rights, Cleveland Office U.S. Department of Education 1350 Superior Avenue East, Suite 325 Cleveland, Ohio 44115

Telephone: 216.522.4970 Facsimile: 216.522.2573 TDD: 877.521.2172

E-Mail: OCR.Cleveland@ed.gov

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 regular or special education and related aides and/or services in order to receive a free appropriate public 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 building's Section 504 coordinator and shall have ample referral forms (FORM A) available in the main office for parents, teachers and other individuals who request them. The Section 504 Referral Form (FORM A) 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 (1) the school psychologist; (2) the Section 504 Compliance Officer; and (3) the parent. The original shall be placed in the student's permanent 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

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:

	Procedure	Person Responsible	Form(s)
1	Initial Referral for Section 504 Evaluation	The staff member	Section 504 Referral
		receiving the verbal or	Form (FORM A)
	When a parent refers a child for a Section 504 evaluation A parent may verbally or in writing request a Section 504 evaluation to the child's teacher, principal, or other administrative staff, school nurse, school psychologist, school social worker, or guidance counselor.	written request Parent Principal	Section 504 Referral Form (FORM A) and Section 504 Notice to Parents with 504 Procedural Safeguards (FORM B)
	If the parent requests a 504 evaluation, then the staff member must immediately inform the parent that the parent must fill out a Referral Form and that, upon completion, the form must be given directly to the principal.		
	If the parent requires assistance in writing the referral, the staff member shall assist the parent when filling out the referral form whether or not the staff member agrees with the grounds for the referral.		

	Referrals from third parties When a third party submits a written referral for a Section 504 Evaluation, the child's parent/legal guardian must be notified of the referral. If the referral is given to the teacher, then that teacher must immediately forward the form to the principal or designee for action.		
2	Post Referral	Principal	
	The principal signs and dates the referral. Three copies of the referral are made and within a reasonable time, the principal gives a copy of the referral to the • Parent • School Psychologist • District Section 504 Compliance Officer The original form is placed in the student's permanent educational file.		
3	Initial Determination of Suspicion An initial determination is made with deference given to the parent, psychologist, and nurse (if applicable), whether the school suspects 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.	Principal	Section 504 Notice to Parents with 504 Procedural Safeguards (FORM B)
	The principal, upon consultation with the parent, teacher, school psychologist, 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 substantial limits a major life activity.		
	If the child has gone through the IDEIA referral and evaluation Process and is deemed ineligible under IDEIA, the child does not need to start over at the referral stage for 504. Current evaluation data can assist in the determination of 504 eligibility.		

	If the school team does not suspect that the child has a disability that substantially limits a major life activity, then the team is not obligated to move forward with a full Section 504 evaluation. The school team should provide the parent with procedural safeguards. Evaluation and Eligibility Determination If the school team does suspect that the child may be qualified under Section 504, the team must move forward with a full Section 504 evaluation within sixty (60) days of receipt of parental consent to conduct the evaluation. 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. Parent/legal guardian shall be notified in writing of the Section 504 team meeting to determine eligibility under Section 504. If the student is found to be eligible, the school team should determine if the development of a Section 504 plan is necessary at this time. If the student is found to be not	Principal and Section 504 School Team	Section 504 Notice to Parents with 504 Procedural Safeguards (FORM B)
	eligible, the school team should provide parent with procedural safeguards.		
4	Section 504 Plan Consent of parent/legal guardian is obtained for implementation of the plan.	Principal	Section 504 Evaluation and Plan (FORM D).
5	After the Section 504 evaluation meeting, the principal shall make four (4) copies of the Section 504 Evaluation and Plan and give a copy to: • parent • the child's general education teacher(s) • school psychologist and/or nurse (if applicable) • Section 504 Compliance Officer, Legal Services Dept.	Principal	

	 student's permanent educational file 		
	(original)		
6	Section 504 plan is implemented with periodic	General Education	Section 504 Evaluation
	review, at least annually.	Teacher and designated	and Plan (FORM D)
		team members	

SECTION 504 - REFERRAL FOR ASSISTANCE					
Student Name: School:	0.1	of Birth:			
Parent Name(s)		_			
Address:					
Communications:					
A. Statement of Suspected Section 504 Disabili	ity:				
Please complete this form if you suspect that the more major life activities. (See below).	is student may have a physical or mental im	pairment that substantially limits one or			
B. Nature of Concern (attach additional sheets	if necessary).				
Check suspected physical /mental impairment	nt and attach data sources supporting the dia	agnosis.			
☐ Asthma	□ Dyslexia	☐ Muscular Dystrophy			
☐ Attention Deficit Disorder/ADHD	☐ Emergent Allergy	☐ Orthopedic Impairment			
☐ Brain Injury	☐ Emotional Illness	☐ Recovering Chemically Dependent			
☐ Cancer	□ Epilepsy	☐ Seizures			
☐ Cerebral Palsy	☐ Hearing	☐ Speech Impairment			
☐ Developmental Aphasia	☐ Heart Disease	☐ Visual Impairment			
□ Diabetes	☐ Minimal Brain Dysfunction	☐ Other:			
	☐ Multiple Sclerosis	MAKE * \$250 PM - 252 PM - 2019 PM - 252 PM - 2519 PM - 252 PM - 25			
2. Check any major life activity(ies) that are sul	ostantially limited. (This list is not exhaustive)			
☐ Bending	☐ Reading				
☐ Breathing	☐ Seeing				
☐ Caring for one's self	☐ Sleeping				
☐ Communicating	☐ Speaking				
☐ Concentrating	☐ Standing				
□ Eating	☐ Thinking				
☐ Hearing	☐ Walking				
☐ Learning	□ Working				
☐ Lifting	□ Other:				

☐ Performing manual tasks

DATE:	STUDENT'S NAME:		STUDENT'S DATE OF BIRTH:
3. Check any major bo	odily functions that are limited. (1	his list is not exhaustive)	
☐ Bladder		☐ Respiratory System	m
☐ Bowel		☐ Reproduction	
☐ Brain		☐ Immune System	
☐ Circulatory/Card	liovascular System	☐ Neurological Syste	em
☐ Digestive System	n 2 (885)	☐ Normal Cell Grow	th
☐ Endocrine Syste	em	□ Other:	
		terventions or special provisions have bee	
Signature of Person N	laking Referral	Relationship to Student	Date
	504/ADA PROCEDURAL INFO	HIS REFERRAL DOCUMENTS THAT A C PRMATION AND RIGHTS HAVE BEEN G	
Principal's Signature		Date Received	
	7 6 - 140	For Office Use Only	The second secon
Copies to:	☐ Case Manager	☐ Principal	
	☐ Parent(s)	☐ File	Other

If the school team finds it necessary to obtain relevant information regarding the student from outside providers, please complete a Authorization to Release/Share Confidential Information (FORM G) and secure parent/legal guardian signature.

Website:

SECTION 504 WRITTEN NOTICE TO PARENTS

Da	te:
De	ear:
St	udent Name: Date of Birth:
Th	is is to notify you of the district's action regarding your child's 504 Plan.
1.	Description of the action:
	Refusal to initiate an evaluation
	☐ Reevaluation
	☐ Changes regarding the identification, evaluation or educational placement of the child
	☐ 504 issues/meetings where the parent(s) disagree with the district
	☐ Other
2.	A description of the action proposed or refused by the school district and the reasons for taking the action:
3.	A description of each evaluation procedure, assessment, record or report the school district used as a basis for the proposed or refused action:
4.	A description of other factors that are relevant to the school district's proposal or refusal:
5.	Written notice and procedural safeguards provided by:
Na	me: Title: Date:
Fo	r further information please contact:
Di	strict 504 Compliance Officer at

Website:

SECTION 504 PARENT/CHILD RIGHTS AND PROCEDURAL SAFEGUARDS

- 1. Your child has a right to take part in and receive benefits from public education programs without discrimination based on a disability.
- 2. You have the right to receive written notice prior to any action by the district in regard to the identification, evaluation, or placement of your child.
- 3. Your child has a right to an evaluation prior to the development of an initial § 504 plan and any subsequent significant change in placement. Your child is eligible under § 504 of The Rehabilitation Act of 1973 if the § 504 Team determines that your child (1) has a physical or mental impairment that substantially limits one of the major life activities; (2) has a record of such impairment; or (3) is regarded as having such an impairment. Major life activities include caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, reading, thinking, concentrating, communicating and learning. Your child will be eligible for a § 504 plan if he/she has a condition that substantially limits his/her ability to engage in any major life activity **and** requires special accommodations to access educational programs.
- 4. The district shall consider information from a variety of sources, including (as appropriate) but not limited to aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, adaptive behavior, medical reports, student grades, progress reports, parent observations, anecdotal reports, and test scores when making eligibility, educational, and placement decisions under § 504.
- 5. Eligibility decisions must be made by a group of persons knowledgeable about your child and/or your child's disability.
- 6. If qualified as disabled under § 504, your child has a right to periodic reevaluations, generally every three years.
- 7. Your child has the right to a free appropriate public education ("FAPE"), except for those fees that are imposed on non-disabled students or their parents. Insurers and similar third parties are <u>not</u> relieved from their obligation to provide for services to a disabled student.
- 8. Your child has a right to access facilities, services, and activities that are comparable to those provided for non-disabled students.
- 9. You have the right to examine educational records of your child and obtain copies at a reasonable cost.
- 10. You have a right to request an amendment to your child's educational record if there is reasonable cause to believe that it is inaccurate, misleading, or otherwise in violation of the privacy rights of your child.
- 11. You have the right to an impartial hearing with respect to the district's actions regarding your child's eligibility, accommodations or provision of a FAPE under § 504, with opportunity for parental participation in the hearing and representation by an attorney at your cost.
- 12. If you wish to challenge the actions of the district's § 504 Team in regard to your child's eligibility, accommodations or provision of a FAPE, you should file a written grievance with the District's § 504 Compliance Officer at Cleveland Municipal School District, 1111 Superior Avenue E, Cleveland, Ohio, 44114 within 10 calendar days from the time you received written notice of the § 504 Team's action(s). A hearing will be scheduled before an impartial hearing officer selected and appointed by the district 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 appointed by the district, 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 (OCR) at any point in the process.

Website:

SECTION 504 – Meeting Notice and Invitation

Date:

Dear :

The meeting will be held on at .

The School District has invited the following persons to attend the meeting:

Conference Participants (Name and Title):

Name/Title Name/Title

You are encouraged to attend this meeting and participate in the decision-making process. You have the right to bring other individuals, at your discretion, to this conference. If the meeting date or time is not convenient for you, please contact at at your earliest convenience and we will attempt to make other arrangements.

Enclosure: Parents Rights In Brief

Website:

SECTION 504 –	Meeting Notice	e and Invitation		
Student Name:	ID: 2	Date of Birth:		
Date of Notice:				
Date/Time of Meeting:				
ı	Parent Response			
Your participation in this meeting is very important. Pleas Building Facilitator at your school	Your participation in this meeting is very important. Please check one of the statements below. Return the entire form to the 504 Building Facilitator at your school			
☐ I will attend the meeting scheduled above.				
☐ I will NOT be able to attend the meeting schedu are possibilities for me:		schedule another meeting. The following dates/times		
☐ I am unable to attend the meeting, however I will ()	be available by tele	phone. Please call me at the stated meeting time at		
☐ I am unable to attend the meeting, but understan summary of the meeting and assessment reports, where the state of the	-	ducational program will be discussed and that a written be sent to me.		
Parent/Guardian Signature	Date			

Website:

SECTION 504 – Evaluation				
Student Name:	ID: 2	Date of Birth:		
Serving School:		Grade:		
Parent/Guardian:		Relationship:		
Home Phone:		Email:		
Address: ,				
Parent/Guardian:		Relationship:		
Address: ,				
Home Phone:		Email:		
Section 504 Eligibility Meeting Date: Purpose of Meeting:	Follow-up Eligibility Meeting Date			
PARENT CONTACT Method of Contact	Ву		Date	
Method of Contact	Бу		Date	
Meeting Participants Team members should include persons known				
Name/Title	Signa	iture	Date	
Sources Of Evaluation Information academic records (grades/progress report achievement test(s) adaptive functioning assessment(s) attendance records behavior rating scales cognitive assessment(s) discipline records	orts/test scores) ☐ functional behaviorts/test scores ☐ functional behavioral medical reports/h ☐ motor assessment ☐ parent input ☐ social development ☐ speech/language ☐ teacher/other state	ealth information nt(s) ental study assessment(s)		
Summary of Evaluation Information:				
Based on the evaluation information re	viewed:			
Does the student have a physical or is source if not excluded under Section		SM-V or other res	spected □Yes□No	
2. Without the mitigating effects of corredoes the impairment substantially lin	`	asses and correct	tive lenses), □Yes□No	
3. Does the student need accommodation team may consider the ameliorative e		naking this detern	nination, the □Yes □No	
4. Does the student need modifications	to any policies, practices or procedures	6?	□Yes□No	
(If the answers to Questions 3 and 4 above	are both "no", a 504 Plan is not required.)			
Eligibility Determination: Student is eligible under Section 504 Student is not eligible under Section 504 The student is eligible under 504, but do		me.		

Cleveland Municipal School District 1111 Superior Avenue E Cleveland, Ohio 44114

Phone: 216-838-0000 Website:

Section 504 - Plan				
Student Name: Serving School:	ID:	2		Date of Birth: Grade:
Section 504 Meeting Plan Effective Dates:				
Purpose of Meeting:				
PARENT CONTACT				
Method of	f Contact	В	у	Date
MEETING PARTICIPA	NTS			
	Name/Title			Signature
				opportunity to participate in school ed to the substantial limitation caused by the
a. Physical or Menta	ıl Impairment:			
b. Substantial Limita	ation of 1 or More Major	Life Activities:		
c. Identified Student	Needs:			
(Note: Academic acco	mmodations will be provi	ded by classroom	teachers)	
	student is entitled to rece and designed to provide			and/or accommodations and modifications if Education.
School/Classroom Accommodations Position Responsible Location				
Additional Comment	s:			
Accessibility on dist	STRICT WIDE TESTING rict and statewide tests ate in district wide and state	ate wide assessme	ents	
with accommodations		ILC WING ASSESSION	ents □Yes □No	
	ed in the child's grade, ch ons" is chosen for any su			mmodations for each subject in the right
	-	• •	differences in allowa	able accommodations that may be test
AREA	ASSESSMENT TITLE		DETAIL OF A	ACCOMMODATIONS
□ ELA				
☐ Mathematics				
☐ Science				
☐ Social Studies ☐ Other				
2. STATEWIDE TEST	-	be taking and any	differences in allowa	able accommodations that may be test
AREA	ASSESSMENT TITLE		DETAIL OF A	ACCOMMODATIONS
□ ELA				
☐ Mathematics				

☐ Science				
☐ Social Studies				
☐ Other				
Any questions regardir	ng the implementation and	d review of the 504 Accom	modation Plan should be c	irected to at .
	Conse	nt to Implement Sec	ction 504 Plan	
Plan was developed. B Section 504 Plan, you	efore a school district ma informed written consent	y provide the accommoda	tions and/or aids and servi is voluntary and you may	d services and a Section 504 ces described in your child's revoke your consent at any and before it was revoked.
CHECK ONE: □I give consent	504 Plan. The proposed		aids and services have bee	cribed in my child's Section en fully explained to me and are
	I understand that my consent is voluntary. I understand that my consent is not required for continued Section 504 accommodations and/or aids and services or for a change in the accommodations and/or aids and services. At least annually, I will be given an opportunity to meet with my child's Section 504 team to review and provide input into my child's Section 504 Plan.			
		accommodations and/or a		504 Plan, but not more than ovided to my child in
□I do not give consen	t For the accommodation	s and/or aids and services	described in the Section	504 Plan.
		strict will not be in violation ble for my child if I refuse to		vailable a free appropriate
□I have received	☐ Section 504 Eligibilit☐ Copy of the Section☐ Copy of the Parents¹☐ Other	504 Plan		
PARENT/GUARDIAN S	SIGNATURE:		I	DATE:

Cleveland Municipal School District 1111 Superior Avenue E Cleveland, Ohio 44114

Phone: 216-838-0000 Website:							
SECTION	SECTION 504 – Manifestation Determination Review						
Student Name:	ID : 2	Date of Birth:					
Serving School:		Grade:					
Parent/Guardian:		Relationship:					
Home Phone:		Email:					
Address: ,							
Parent/Guardian:		Relationship:					
Address: ,							
Home Phone:		Email:					
Date of MDR:		Date of Current Section	504 Plan:				
Parent Contact							
Method of Contact	Ву	Date					
Meeting Participants							
Name/Title	Si	gnature	Date				
Considerations For Review: In carrying out a manifestation determination review, the 504 Team shall: 1. Describe the behavior or incident that is subject to discipline related to this incident. 2. Review and summarize relevant information in student's file related to this incident.							
2. Review and Sammanze relevant miles	mation in student 5 me related to tills						

- 3. Review and summarize relevant information in student's Section 504 plan related to this incident.
- 4. Review and summarize relevant teacher observations of the student related to this incident.
- 5. Review and summarize relevant information provided by the parent related to this incident.
- 6. Review of the behavior intervention plan as part of the student's 504 plan related to this incident.

(if no, the building team will initiate a meeting to consider conducting a Functional Behavioral Assessment (FBA, with parent consent) a behavior analysis and, when the FBA behavior analysis is complete, will convene a Section 504 meeting to develop a Behavior Intervention Plan to address the behavior, if appropriate.)

Manifestation Determination:

In determining if the misconduct was a manifestation of {.his,her} disability, the Section 504 team must determine the following:

Was the conduct in question caused by or did it have a direct and substantial relationship to the student's disability?

Yes \(\substact \) Note that the conduct in question caused by or did it have a direct and substantial relationship to the student's disability?

The Section 504 team has determined that the behavior subject to discipline:

☐ Is not a manifestation of the student's disability (school personnel may apply relevant disciplinary procedures applicable to all students)

☐ Is a manifestation of the student's disability

If the team determines that the misconduct was a manifestation of the child's disability:

(a) The team must consider a FBA behavior analysis and implement a BIP behavior plan if this has not already been done prior to the current misconduct;

(b) If a BIP behavior has already been developed, review and modify it, as need (c) The team must review the student's current Section 504 plan and education the team believes that a significant change in placement may be necessare the student.	nal placement to determine if they remain appropriate. If
Signature of Section 504 Coordinator or Designee	 Date
PARENT/GUARDIAN SIGNATURE	
☐ I have received the Notice of Procedural Safeguards under Section 504.	
☐ I agree with the determination above. ☐ I disagree with the determination above and understand that I have the right written request for a hearing with the Section 504 Coordinator.	nt to request an impartial due process hearing by filing a
Signature of Parent/Guardian	

COMPLAINT PROCEDURES

Complaint Filing Form

General Statement

The 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). The purpose of the Complaint Filing Form is to address complaints of disability discrimination under Section 504 and Title II. All complaints will be received and investigated in a fair and expeditious manner. The District will take affirmative steps to address and correct any substantiated finding of discrimination.

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

Steps to Resolution

Step 1: Principal or Immediate Supervisor (Informal and optional--may be bypassed by complaining 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, or if the complainant does not wish to use the informal procedures set forth in Step 1, the complaining party may file a written complaint (FORM F) stating: 1) the nature of the complaint; and 2) the remedy requested. The complaining party must sign and date the complaint. The written complaint must be filed with the building's Section 504 coordinator within thirty (30) days of the event or incident, or from the date the complaining party could reasonably become aware of such occurrence.

Responsibility of the Section 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 complaint and the 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 complaint.
- The Section 504 Compliance Officer's determination as to whether the allegations in the complaint are meritorious.

The Section 504 Compliance Officer will complete the investigation and issue a final decision and report within forty-five (45) days after receipt of the written complaint. The District will take appropriate corrective action to address any substantiated finding(s) of discrimination noted in the final decision and report of the Section 504 Compliance Officer. The Section 504 Compliance Officer will send a copy of the final decision and report to the complaining party within the forty-five (45) day period. If the Section 504 Compliance Officer believes the complaint is valid, the final decision and report issued by the Section 504 Compliance Officer will include recommendations for appropriate corrective actions to be taken by the District.

Other Options of the Complaining Party

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

Section 504 Complaint Filing Form

Child's Name	D.C	O.B/
Address	Sch	hool
Parent's Name (print)		
		Work
Telephone Number	Email _	
of Section 504. Please also ident	ify any person(s) you b	or action you believe may be in violation believe may be responsible.)
Please provide your proposed rer	nedy to this alleged vio	olation:
Signature of Complaining Party		/
Signature of Person Receiving C	omplaint	
/		
Date	Location	
THIS FORM SHOULD BE FOR VIOLATION OF THE PROCED		THIRTY (30) DAYS OF THE ALLEGED OS TO:
Section 504 Compliance Officer:	Section 504 Comp Cleveland Metropoli	olitan School District nue East, Suite 1800

Phone: (216) 838-0070

 $E\text{-}mail: \ Title IX_EEO @ clevel and metroschools.org$

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 Section 504 Plan, 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 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 an 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 permanent educational file.

Due Process Procedures

The 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.

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 or representative
- 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 Chief Executive Officer (or designee).
- 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/legal guardian within forty-five (45) days from the date of the hearing.

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

Website:

REQUEST FOR CONSENT TO EVALUATE TO DETERMINE ELIGIBILITY UNDER SECTION 504

does not discriminate in its educational programs and activities on the basis of student's disability. We will be convening a team of individuals to determine whether your child qualifies as a student with a disability under Section 504. The definition of an individual with a disability under Section 504 is:

•			
An individual ma	ay have a disability under Section 504 if h	e/she:	
	ysical or mental impairment that substant cover students primarily disadvantaged b	-	• •
	Major Life Activities under Se	ection 504 include, but are not limited to:	
	Caring for oneself	Performing manual tasks	
	Walking	Seeing	
	Hearing	Speaking	
	Breathing	Learning	
	Reading	Communicating	
	Thinking	Concentrating	
	Working		
2. Has a red	ord or history of such an impairment.		
3. Is regarde	ed as having such an impairment.		
nput from teach nformation, we do not require w	process will look at all areas of suspected ners, and relevant medical information. In will need your consent. (Note: observation tritten consent.) Please provide your conselow), and returning this form to:	order to complete individual standardizens, record review and collection of data	ed assessments and/or obtain medical reflecting your child's progress in school
Princi	pal	Building	Phone Number
You may reque	st a copy of this form for your records.		
	F	PARENT CONSENT	
Student's Name	e:		Date:
☐ I have receiv	ved a written copy of the Section 504 Pare	ent/Child Rights and Procedural Safeguar	rds.
AND Check	one of the two options below:		
whether he/ in the schoo	,		medical information) to determine ine whether accommodations are needed
OR			
☐ No, I do not	consent to having my child evaluated thr	ough the use of individual standardized a	assessments and/or medical information.
PARENT/G	UARDIAN SIGNATURE		DATE

SECTION 504 PARENT/CHILD RIGHTS AND PROCEDURAL SAFEGUARDS

- 1. Your child has a right to take part in and receive benefits from public education programs without discrimination based on a disability.
- 2. You have the right to receive written notice prior to any action by the district in regard to the identification, evaluation, or placement of your child.
- 3. Your child has a right to an evaluation prior to the development of an initial § 504 plan and any subsequent significant change in placement. Your child is eligible under § 504 of The Rehabilitation Act of 1973 if the § 504 Team determines that your child (1) has a physical or mental impairment that substantially limits one of the major life activities; (2) has a record of such impairment; or (3) is regarded as having such an impairment. Major life activities include caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, reading, thinking, concentrating, communicating and learning. Your child will be eligible for a § 504 plan if he/she has a condition that substantially limits his/her ability to engage in any major life activity **and** requires special accommodations to access educational programs.
- 4. The district shall consider information from a variety of sources, including (as appropriate) but not limited to aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, adaptive behavior, medical reports, student grades, progress reports, parent observations, anecdotal reports, and test scores when making eligibility, educational, and placement decisions under § 504.
- 5. Eligibility decisions must be made by a group of persons knowledgeable about your child and/or your child's disability.
- 6. If qualified as disabled under § 504, your child has a right to periodic reevaluations, generally every three years.
- 7. Your child has the right to a free appropriate public education ("FAPE"), except for those fees that are imposed on non-disabled students or their parents. Insurers and similar third parties are <u>not</u> relieved from their obligation to provide for services to a disabled student.
- 8. Your child has a right to access facilities, services, and activities that are comparable to those provided for non-disabled students.
- 9. You have the right to examine educational records of your child and obtain copies at a reasonable cost.
- 10. You have a right to request an amendment to your child's educational record if there is reasonable cause to believe that it is inaccurate, misleading, or otherwise in violation of the privacy rights of your child.
- 11. You have the right to an impartial hearing with respect to the district's actions regarding your child's eligibility, accommodations or provision of a FAPE under § 504, with opportunity for parental participation in the hearing and representation by an attorney at your cost.
- 12. If you wish to challenge the actions of the district's § 504 Team in regard to your child's eligibility, accommodations or provision of a FAPE, you should file a written grievance with the District's § 504 Compliance Officer at within 10 calendar days from the time you received written notice of the § 504 Team's action(s). A hearing will be scheduled before an impartial hearing officer selected and appointed by the district 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 appointed by the district, 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 (OCR) at any point in the process. OCR may be contacted at 750 Bank One Center, 600 Superior Avenue E, Cleveland, Ohio 44114-2611.

AUTHORIZATION TO RELEASE/SHARE CONFIDENTIAL INFORMATION

INFURMATION		
I, (Name of Parent)		
i, (ivalic of f archit)		
hereby authorize (Name of School District)	I understand that information provided between the above-named parties will be used solely for the purpose of making educational decisions on behalf of my child.	
and (Name of Provider)	I further understand that I can revoke this authorization at any time by providing a written request to (title)	
to release and share educational		
records/information related to my child, (D.O.B.)	(address and phone number) Otherwise, this authorization is valid for 180 days from the date of my signature below.	
This Authorization permits the sharing of	I understand that I have a right to receive a copy of this Authorization, and that any modification or revocation of this	
personally identifiable information between		
the above-named parties. The records	Authorization must be in writing.	
authorized to be disclosed include:		
☐ Attendance records	Signature:	
☐ Standardized/group testing	Date:	
 □ Classroom observations □ Evaluation Team Reports (ETRs) □ Classroom testing & work samples 	Relationship to Child:	
☐ Individualized Education Programs (IEPs) ☐ Course history reports ☐ Expulsion notices ☐ Grade reports/Transcripts ☐ Office referrals ☐ Interim progress reports ☐ Suspension notices	cc: Student permanent education file Parent/Guardian	
 □ Section 504 plans □ School health records □ Other necessary information below □ Immunizations records 		