

PLAINFIELD PUBLIC SCHOOLS

SECTION 504

PROCEDURAL SAFEGUARDS AND GRIEVANCE PROCEDURE

PURPOSE: Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance. In order to ensure that the Plainfield Public Schools does not discriminate in providing equal access to programs and services on the basis of handicap, the following definitions, requirements and procedures are provided.

DEFINITIONS:

Handicapped Person means any person who has a physical or mental impairment which substantially limits one or more major life activity, has a record of such an impairment, or is regarded as having such an impairment.

Physical or Mental Impairment means any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more body system; or any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities.

Major Life Activity means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Appropriate Education means the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of handicapped persons as adequately as the needs of the non-handicapped persons. Implementation of an individualized education plan developed in accordance with the Individuals With Disabilities Education Act is one means of meeting this standard.

Committee of Knowledgeable People means persons knowledgeable about the child, the meaning of evaluation data, and programming options. (A properly constituted Child Study Team would meet this definition.)

REQUIREMENTS: Plainfield Public Schools are required to:

- 1) annually locate and identify qualified persons with handicaps residing in the district who are not receiving a public education.
- 2) notify parents of the Section 504 procedural safeguards.
- 3) provide free and appropriate educational services for individuals with handicaps in a setting with persons who are not handicapped, to the maximum extent appropriate to the needs of the handicapped person. The school system shall place a handicapped person in the regular education environment unless it is demonstrated that the education of the person in the regular environment with the use of supplementary aids and services, cannot be achieved satisfactorily.
- 4) provide an appropriate evaluation consistent with that required under IDEA.

- 5) ensure that placement decisions are carefully considered by a group of persons knowledgeable about the child, the meaning of the evaluation data, and program options.
- 6) provide periodic re-evaluation of students found eligible for services.
- 7) ensure equal access to nonacademic and extracurricular services and activities in such a manner as to afford handicapped students an equal opportunity for participation in such services and activities.
- 8) provide parents/guardian of the student an opportunity to examine relevant educational records.
- 9) provide all information in the parent's/guardian's native language and primary mode of communication.

PERSON RESPONSIBLE: The Section 504 Coordinator will be the Director of Pupil Personnel Services.

PROCEDURES:

- 1) Identification and Notification Pupil Personnel Services will annually conduct Child Find activities to identify any person between the ages of 0-21 who is, or may be in need of special services. Notification is accomplished by communication through the media, direct mailing to social services agencies, and dissemination to staff and students.
- 2) Least Restrictive Environment Each committee of knowledgeable people (Child Study Team, PPT, or other appropriate group) is aware of their obligation to ensure students are educated with their non-handicapped peers to the greatest extent possible. All programs are developed following this requirement.
- 3) Evaluation Referrals for evaluation are made by the building Child Study Team. All statutory requirements for evaluation are adhered to closely. These requirements are delineated in the Pupil Personnel "Policies and Procedures" manual. The evaluation period will be the same as for referrals under IDEA (45 school days).
- 4) Placement/Program Development A Section 504 Team will convene at the conclusion of the evaluation to consider evaluation results, determine eligibility, and develop appropriate programming. A written services plan will be developed and maintained by the primary service provider (case manager). The plan is reviewed and/or updated throughout the school year as the child's needs warrant. All students who have been evaluated for special education and not found eligible under IDEA are automatically considered for eligibility under Section 504. Discussions of eligibility must be recorded including clearly delineated recommendations.
- 5) Periodic Re-evaluation All students receiving services under Section 504 are re-evaluated at least every three years following procedures promulgated under IDEA.
- 6) Procedural Safeguards A copy of these Procedural Safeguards are provided to the parent at the time of referral, with every Section 504 meeting notice, and when a mutual agreement cannot be reached.

GRIEVANCE PROCEDURES

Parents or guardians have the right to an impartial due process hearing in order to settle disputes regarding the provision of a free appropriate public education to an eligible child or a child alleged to be eligible.

The school will make every effort with the parents or guardians to reach a mutual agreement on the procedures, placement or accommodation plan of the student. If a mutual agreement cannot be reached between the school and parents or guardians, a written copy of the "Procedural Safeguards and Grievance Procedure" will be provided to the parents or guardians. The Section 504 coordinator will be informed of their disagreement.

DUE PROCESS HEARING PROCEDURES

- 1) Parents or guardians who wish to challenge a decision of the Section 504 Team shall file a written notice of appeal with the Section 504 coordinator.
- 2) The district will schedule a hearing before an impartial hearing officer. The hearing shall occur no less than fifteen (15) days and no more than thirty (30) days from the receipt of request for a hearing from the parents or guardians.
- 3) Parents or guardians will be provided a written notice of the hearing that states the date, time, place, and reason for the hearing.
- 4) Parents or guardians will be advised of their right to participate and to be accompanied and advised by an attorney and by persons with special knowledge of the child's problems.
- 5) Upon good cause shown and at the discretion of the hearing officer, either party may receive a continuance of the scheduled hearing date.
- 6) The hearing officer will render a written decision at the conclusion of the hearing no later than forty-five (45) days after the receipt of a request for a hearing unless an extension is requested by either party and approved by the hearing officer. Written findings of fact and conclusions of law shall be required of the hearing officer.

After the hearing:

- 1) parents and guardians may receive, upon request, a written record or tape recording of all that was said at the hearing;
- 2) a copy of the written decision will be given to both the school system and the parents;
- 3) the decision made is final; however, the parents or the school system may appeal the decision to appropriate state or federal court.