

COLDWATER EXEMPTED VILLAGE SCHOOLS

SECTION 504 DISTRICT PLAN



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PROCEDURES FOR SECTION 504 of the REHABILITATION ACT

It is the policy of the Board of Education (the “Board”) that no qualified handicapped/disabled person shall, on the basis of handicap/disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment or under any program or activity sponsored by this Board. The Board shall comply with Section 504 of the Rehabilitation Act of 1973 (“Section 504”) and the American with Disabilities Act of 1990 (“the ADA”). The Board shall also comply with the Individuals with Disabilities Education Act through the implementation of Policy IGBA.

Definitions

“504 Team” – means a team consisting of district employees and/or administrators which is responsible for reviewing, approving, and implementing Section 504 accommodations for pupils, employees and other qualified persons. The 504 Team shall consist of different people at each school and/or grade level, depending on the student and the specific accommodation request. The individuals who comprise the 504 Team may include, in addition to the student’s parent(s)/guardian(s), any of the following: nurse, guidance counselor, general/special education teacher, administrator, and school psychologist. The Team shall report to the 504 Compliance Officer. While the 504 Team is separate and distinct from the Intervention Assistance Team (IAT), some individuals may serve on both.

“504 Compliance Officer” – means the district official responsible for the coordination of all activities relating to compliance with Section 504 and implementation of Board Policy IGBA and this Regulation.

“Handicapped/Disabled Person” – means any person who: (1) has a physical or mental impairment that substantially limits one or more of a person’s major life activities and includes specific learning disabilities; (2) has a record of such impairment; or (3) is regarded as having such an impairment. 34 C.F.R. §104.3(j).

“Disability” – means a pupil with an intellectual disability, hearing impairments including deafness, speech or language impairments, visual impairments including blindness, emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments or specific learning disabilities and who by reason thereof, needs special education and related services pursuant to 20 U.S.C. §1401.602(A), or an individual who has a physical or mental impairment that substantially limits one or more major life activities of such individual. 42 U.S.C. §1201.3.

“Physical or Mental Impairment” – means: (1) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; muscular-skeletal, special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine; or (2) any mental or psychological disorder, such as an intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities. 34 C.F.R §104.3(j)(2)(i).

“Major Life Activities” – means functions such as caring for one’s self, performing manual tasks, walking seeing, hearing, speaking, breathing, learning, and working. 34 C.F.R. §104.3(j)(2)(ii). Has a record of such impairment – means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities. 34 C.F.R./ §104.3(j)(2)(iii). Is regarded as having an impairment – means: (1) 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; (2) 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 (3) has none of the impairments defined above, but is treated by a recipient as having such an impairment. 34 C.F.R. §104.3(j)(2)(iv).

“Recipient” – means any state or its political subdivision, including the Board of Education. (34 C.F.R. §104.3(f)).

“Qualified Handicapped/Disabled Person” – means:

1. With respect to employment, a handicapped/disabled person who, with reasonable accommodation, can perform the essential functions of the job in question;
2. With respect to public preschool, elementary, secondary, or adult educational services, a handicapped/disabled person (1) of an age during which non-handicapped/nondisabled persons are provided such services, (2) of any age during which it is mandatory under state or federal law to provide such services to handicapped/disabled persons, or (3) to whom a state is required to provide a free appropriate public education under the Individual with Disabilities Education Act;
3. With respect to post-secondary and vocational educational services, a handicapped/disabled person who meets the academic and technical standards requisite to admission or participation in the school district’s education program or activity; and
4. With respect to other services, a handicapped/disabled person who meets the essential eligibility requirements for the receipt of such services. 34 C.F.R. §104.3(k)(1-4).

“Handicap” – means any condition or characteristic that renders a person handicapped/disabled.

“Disability” – means any condition or characteristic that renders a person disabled.

“Aids, Benefits, and Services” – means aids, benefits and services to be equally effective, are not required to produce the identical result or level of achievement for handicapped/disabled and non-handicapped/nondisabled persons, but must afford handicapped/disabled persons equal opportunity to obtain the same result, gain the same benefit, or reach the level of achievement, in the most integrated setting appropriate to the person’s needs. 34 C.F.R. §104.4(b)(2).

“Act” – means the Rehabilitation Act of 1973, Public Law 93-112, as amended by the Rehabilitation Act Amendments of 1974 Public Law 93-516, 29 U.S.C. 794, the Americans with Disabilities Act of 42 U.S.C. §1201 et seq., and the Individuals with Disabilities Act 20 U.S. 1400 et seq.

“Aggrieved individual” – means a qualified handicapped/disabled person who alleges a grievance or the representative of such qualified handicapped/disabled person.

“Board” – means the Board of Education of the Coldwater Exempted Village School District.

“Complainant” – means a parent(s) or legal guardian(s) of a qualified handicapped/disabled pupil or qualified handicapped/disabled person who files a grievance in accordance with the grievance procedure.

“Day” – means either calendar or working day as specified.

“Grievance” – means an unresolved problem concerning the interpretation or application by an officer or employee of this school district of law and regulations regarding discrimination by reason of handicap/disability.

“Pupil” – means an individual enrolled in any formal educational program provided by the school district.

“School district” – means the Coldwater Exempted Village School District.

504 Compliance Officer

At the reorganization meeting, the Board will annually appoint a District Official as the 504 Compliance Officer to coordinate its efforts to comply with the Rehabilitation Act and the Americans with Disabilities Act and Title IX. The 504 Compliance Officer shall designate and implement procedures to coordinate the district’s efforts to comply with the Acts and this Regulation for pupils, employees, and other qualified persons. In conjunction with 504 Team, the 504 Compliance Officer shall be responsible for the initial review of all allegations, provision of reasonable accommodations, if required, and re-assessment of accommodations. The 504 Compliance Officer shall comply with the mediation and due process requirements pursuant to applicable laws and regulations where applicable in cases arising from Section 504.

Criteria for Determining 504 Eligibility

A student qualifies for Section 504 protection if he/she is determined to be an individual with a disability as defined by the statute. Specifically, the student must have a physical or mental impairment that substantially limits one or more major life activities, or have a record of such an impairment, or be regarded as having such an impairment. Only those students with an actual impairment, however, are entitled to accommodations/modifications/interventions pursuant to Section 504. Those students with a record of an impairment or who are regarded as having an impairment are entitled to protection from discrimination based upon disability. However, he/she may or may not require services (i.e. a plan).

Section 504 does not specifically define the term “substantially limits”. The basis for evaluating this criterion is on the impact a disability has on one or more of a student’s major life activities. It is vital to understand that for a student to qualify the impairment must impose an important and

material limitation to one or more major life activities at the current time. The 504 Team will consider the nature and severity of the disability, as well as how long the disability is expected to last. The team may consider the manner, conditions, and duration in which a student performs the task in comparison to how non-disabled students perform the same task. Simply having a condition or disability does not automatically qualify a student for Section 504 protection. The condition must present a barrier to the student's ability to access the same educational opportunities as that afforded a non-disabled student or a substantial limitation does not exist. The 504 Team may also consider what factors have been taken to mitigate the impairment (e.g. medication) and its actual impact on the student on a day-by-day basis. However, the school district must evaluate whether the disability would be substantially limiting without considering the beneficial effects (amelioration) of medication or other measures.

Major life activities include, but are not limited to, functions such as (a) caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating, learning, and (b) the operation of major bodily functions including but not limited to the functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

504 Team

The 504 Team, under the guidance of the 504 Compliance Officer, shall be responsible for the review, assessment, approval and implementation of all 504 accommodations for pupils. At each school, the responsibility for ensuring 504 compliance rests with the building principal or principal's designee. The 504 Team shall annually review all Section 504 Plans, along with supporting documents, to determine whether the plan is appropriate and necessary for meeting student needs. The original 504 Plans and supporting documentation shall be maintained in the Office of Student Services. Copies of these documents shall also be maintained by the individual building where the student attends school.

Notice

The Board shall notify members of the community, applicants, including those with impaired vision or hearing, and unions/associations within the school district, that the Board of Education does not discriminate on the basis of handicap/disability in violation of Section 504 or the Americans with Disabilities Act. This notice may include any of the following methods: the posting of notices, publication in local newspapers and magazines and/or distribution of memoranda or other written communication. The policy and regulation may be reprinted in part or in full and distributed to serve as adequate notice.

State or Local Law

The obligation to comply with the Rehabilitation Act and the American with Disabilities Act is not obviated or alleviated by the existence of any State or local law or other requirement that, on the basis of handicap/disability, imposes prohibitions or limits upon the eligibility of qualified

handicapped/disabled persons to receive services or to practice any occupation or profession, or because employment opportunities in any occupation or profession are or may be more limited for a handicapped/disabled persons than non-handicapped/nondisabled persons.

Educational Program

The Board of Education will not, on the basis of handicap/disability, exclude the qualified handicapped/disabled persons from the program or activity and will take into account the needs of such persons in determining the aid, benefits, or services to be provided under the program or activity.

Pupils not otherwise eligible for special education programs and/or related services pursuant to applicable laws and regulations may be referred to the 504 Compliance Officer by the parent(s) or legal guardian(s), staff member and/or a request directly from the pupil.

The Board will provide a reasonable accommodation(s) to otherwise qualified pupils notwithstanding any program and/or related services required pursuant to applicable laws and regulations. Timelines for re-assessments of pupils receiving a reasonable accommodation(s) will be established by the 504 Compliance Officer. A re-assessment may be requested by the parent(s) or legal guardian(s) and/or the pupil at any time upon written request to the District Compliance Officer.

Location and Notification

The administration will undertake to identify and locate every qualified handicapped/disabled person residing within the school district who is not receiving a public school education and will take steps to notify such handicapped/disabled persons and their parent(s) or legal guardian(s) of the school district's duty under the policy and Rehabilitation Act. Pupils not otherwise eligible for program and/or related services pursuant to IDEA regulations, may be referred to the 504 Compliance Officer by the parent(s) or legal guardian(s), staff member and/or a request directly from the pupil.

Pupil Accommodation Request Procedures

In order to request a 504 Accommodation(s) for a pupil, the pupil's parent(s)/guardian(s), or other referring individual must submit a formal request through the Board-approved Section 504 Accommodation Request/Referral Procedure as follows:

1. The requesting individual must complete the Section 504 Request/Referral form detailing the nature of the alleged disability and the accommodation sought. It is the requesting individual's responsibility to provide sufficient, valid medical and/or educational data for the 504 Team's review. Form 504-1 (Appendix A)
2. In the event the pupil has not undergone an evaluation to determine his/her eligibility for special education services under IDEA, the 504 Team may, at its discretion, make a referral

for such an evaluation, prior to considering the pupil's eligibility for accommodations under Section 504.

3. In the event it is strictly a medical condition for which the accommodation request is being made, the parent(s)/guardian(s) must complete the Section 504 Release of Information and Records forms to permit the pupil's health care provider to exchange and disclose any necessary confidential health information to the 504 Team which is relevant to the request, including completion of the Section 504 Physician Questionnaire. Form 504-2, 504-3, 504-4 (Appendices B-D)
4. The completed Section 504 Request/Referral form and any additional relevant documentation, must be sent to the 504 Compliance Officer for consideration.
5. Upon receiving the above, the 504 Compliance Officer will establish a 504 Team. The 504 Team shall review all of the pertinent materials and decide whether the pupil qualifies as disabled and whether or not an accommodation is appropriate and/or necessary for the pupil. Other information may be considered by the 504 Team to aid in the determination process. This may include, but not be limited to, grades, attendance reports, behavior plans, review requests, cumulative file information, psychological evaluations, medical information, observations, and standardized testing information. The eligibility team may administer and use other formal and informal measures as deemed necessary. Form 504-6 (Appendix F) Section 504 Eligibility Determination will be completed by the 504 Team.
6. As part of the request/referral procedure, the 504 Team must determine whether the accommodation would impose an undue hardship on the operations of the District pursuant to applicable laws and regulations.
7. If requested, counsel for the Board may review the request/referral and the 504 Team's response to ensure legal compliance.
8. If the request, or an alternate accommodation, is approved by the 504 Team and/or Board Counsel, the 504 Team shall then implement the accommodation.

Accommodation

In interpreting data and in making pupil accommodation decisions, the school district will:

1. Draw upon information from a variety of sources;
2. Establish procedures to ensure that the information obtained from all such sources is documented and carefully considered;

3. Ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data and the placement options; and
4. Ensure that the accommodation decision is made in conformity with this regulation and the Rehabilitation Act of 1973.

At a minimum, 504 Plans shall be reviewed annually. A re-assessment may be requested by the parent(s) or legal guardian(s) and/or the pupil at any time upon written request to the 504 Compliance Officer. Any time a re-evaluation is conducted the 504 Team will complete Form 504-6 (Appendix F), Section 504 Eligibility Determination.

Section 504 Accommodation Plan

The Section 504 Compliance Officer, based on the assessment of the pupil eligible for services, under Section 504 and a finding of eligibility, shall prepare the initial Section 504 Accommodation Plan, in cooperation with the relevant 504 Team members, (Form 504-5 (Appendix E)) which contains the following elements as related to the pupil:

1. Identifying Information.
2. Identified Physical and/or Mental Impairment
3. Diagnosis/es
4. Background Information
5. Substantially Limited Major Life Activities
6. How Disability Affects a Major Life Activity/Educational Impact
7. Accommodation(s)
8. Initiation Date, Date of Review
9. A listing of individuals participating in the development of the plan, along with their titles and the date(s) of their participation
10. A certification by the parent(s) or legal guardian(s) of the pupil that they have participated in the development of the plan and give their consent to its implementation

Discipline of a 504 Student

Discipline practices for a student with a disability should be determined on a case-by-case basis. Under each circumstance, it is important that students with disabilities not be denied services based solely on their disabilities. Students should not be discriminated against or punished for behavior that was caused by or was a “manifestation” of their disability.

When a student who is eligible for Section 504 commits a violation (or violations) of the Code of Student Conduct which results in ten (10) cumulative days of suspension or when expulsion is being considered, a manifestation determination must be conducted.

The 504 Team will meet to determine if the student’s misconduct was a manifestation of his/her disability. The student’s records will be reviewed along with any additional pertinent data. The 504 Team decision is documented on the Section 504 Manifestation Determination Review form (Form 504-7 (Appendix G)).

If it is determined that the misconduct is caused by the disability, the 504 Team may rescind some, or all, remaining days of suspension as appropriate. Also, the 504 Team may need to modify accommodations and consider additional behavioral support in the form of a formal behavioral plan. A Functional Behavior Assessment (FBA) may be appropriate in this endeavor. An alternative education placement may also be considered. Prior to any significant change in placement a re-evaluation may be completed.

If it is determined that the misconduct is not caused by the disability, the school may proceed with normal disciplinary procedures. The team may need to modify accommodations, consider an FBA and additional behavioral support in the form of a formal behavioral plan. An alternative education placement may also be considered. Prior to any significant change in placement a re-evaluation may be completed.

*Please note Parents must be given a copy of the Notice of Section 504/ADA Procedural Information and Rights and the signed Section 504 Manifestation Determination Review form and any other forms as appropriate.

Terminating a 504 Plan

The first step in terminating a student’s Section 504 Plan is for the 504 Team to review current student need and determine that the plan is no longer needed to provide the student equal access. Once this is determined the team should complete a Section 504 Eligibility Determination form (Form 504-6 (Appendix F)). Like active plans, a terminated plan should be kept in the student cumulative file. Like other educational documents, terminated plans are maintained in the student cumulative file to support the future efforts of staff that might need to consider some type of intervention for the student.

Procedural Safeguards

The school district will establish and implement, with respect to actions regarding the identification, assessment, or provision of accommodations for persons who, because of handicap/disability, need or are believed to need accommodations, a system of procedural safeguards that includes notice, an opportunity for the parent(s) or legal guardian(s) of the person

to examine relevant records, an impartial hearing with opportunity for participation by the person's parent(s) or legal guardian(s) and representation by counsel, and a review procedure. Notice of Section 504/ADA Procedural Information and Rights, Form 504-8 (Appendix H).

Grievance Procedure – Pupils

This grievance procedure shall apply to qualified handicapped/disabled persons who are pupils with alleged discriminatory act(s) under the provisions of § 504 of the Rehabilitation Act of 1973 and/or the Americans with Disabilities Act.

1. The parent(s) or legal guardian(s) of a qualified handicapped/disabled pupil or adult qualified handicapped/disabled pupil who believe the pupil has a valid basis for a grievance under § 504, or the Americans with Disabilities Act shall file an informal complaint in writing, stating the specific facts of his/her grievance and the alleged discriminatory act, with the 504 Compliance Officer.
2. The 504 Compliance Officer shall make all reasonable efforts to resolve the matter informally by reviewing the grievance with appropriate staff.
3. The 504 Compliance Officer will investigate and document the complaint including dates of meetings, dispositions and date of dispositions. The 504 Compliance Officer will provide a written reply to the aggrieved individual within ten working days.
4. If the complainant is not satisfied with the 504 Compliance Officer's written reply, the complainant must file a formal complaint in writing, setting out the circumstances that give rise to the alleged grievance. This written complaint must be filed with the Superintendent within ten working days.
5. The Superintendent will conduct a hearing within ten working days. The Superintendent will give the parent(s) or legal guardian(s), pupil or adult pupil a full and fair opportunity to present evidence relevant to the issues raised under the grievance. The parent(s) or legal guardian(s), pupil or adult pupil may, at their own expense, be assisted or represented by individuals of their choice, including legal counsel. The Superintendent will present a written decision to the 504 Compliance Officer and aggrieved individual within ten working days of the hearing.
6. The complainant may submit a written appeal to the Board if not satisfied with the Superintendent's decision. The Board will provide a written disposition of the alleged grievance.
7. The complainant may file a complaint in accordance with the Office of Civil Rights complaint process if unsatisfied with the written decision of the Board.

Nonacademic Services

The Board will provide non-academic and extracurricular services and activities in such manner as is necessary to afford handicapped/disabled students an equal opportunity for participation in such services and activities. These services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or school clubs, referrals to agencies which provide assistance to handicapped/disabled persons, and employment to students, including both employment by the school district and assistance in making available outside employment.

The Board and administration will ensure that qualified handicapped/disabled students are not counseled toward more restrictive career objectives than are non-handicapped/nondisabled students with similar interests and abilities. The Board will provide to qualified handicapped/disabled student an equal opportunity for participation in physical education courses, athletics, and similar programs and activities. The school district may offer separate physical education and athletic activities to handicapped/disabled students only if separate or differentiation is consistent with the requirements of the Rehabilitation Act and no qualified handicapped/disabled person is denied the opportunity to compete for teams or to participate in courses that are not separate or different.

Miscellaneous

Provisions Applicable to All Grievance Procedures

1. If the same or substantially the same grievance is made by more than one individual, a single individual may process the grievance through the grievance procedure on behalf of all aggrieved individuals. The names of all aggrieved individuals shall appear on all documents related to the settlement of the grievance.
2. An aggrieved individual may be represented or accompanied at any time by a person chosen by the individual.
3. A grievance that arises late in the school term will be submitted to an expedited process in order that the grievance may be resolved as soon after the school term as possible.
4. There will be no reprisal of any kind taken against any aggrieved individual for participation in a grievance.
5. All documents, communications, and records regarding the processing of a grievance will be filed in a separate file and will not be kept in the pupil file.

COLDWATER EXEMPTED VILLAGE SCHOOLS
Section 504 Request/Referral

Print Pupil Name

Grade

Referring Individual's Name

Relationship to Pupil

Pupil's Core Instructors: _____

Please list any reported mental health and /or medical diagnoses:

Does the district have verification of the above diagnosis/es from a mental and/or medical health provider?

Yes No

Please describe the pupil's disability and how it affects his/her ability to benefit from the education program:

Has this pupil undergone an evaluation to determine his/her eligibility for special education services?

Yes No

Do you have a suggestion on an accommodation? Yes No

If yes, please describe:

Please describe how the pupil will benefit from it:

Referring Individual Comments:

Attachments Yes No

If yes, please describe:

Attach any relevant documentation or additional information which you believe may be of assistance in the accommodation review process.

If you have any questions regarding my request, please contact me at: () -

Referring Individual's Signature

Date

To be completed by the Supervisor of Student Services

Identified 504 Team members met on _____ and made the following recommendation:

_____ Student determined Section 504 eligible based on current ETR results
(Complete Section 504 Eligibility Determination form; Complete Section 504 Plan document)

_____ Refer for Comprehensive Evaluation under IDEA
(Complete necessary initial evaluation paperwork/contact school psychologist)

_____ Screen/evaluate/request more information to determine Section 504 eligibility
(Specify: _____)

_____ Other, Specify: _____

Signature

Date

SECTION 504 RELEASE OF INFORMATION AND RECORDS

In order to ensure your child is provided with equal access (both physical and academic) to services, programs, and activities offered by our school, a mutual exchange of information and records is required for your child.

Name of Student: _____ Date: _____
School: _____ Grade: _____

The requested exchange is between the Coldwater Exempted Village School District and the following:

Hospital, Clinic, Institution, Association, or School		
Address	City, State	Zip
Name of contact person		Phone number

Records that may be exchanged include the following (check all that apply):

- Release all information.
- Release the checked information:
 - General identifying data (name, address, birth date, grade level completed, grades, class standing, attendance record)
 - Standardized achievement and aptitude scores
 - Personality and interest scores
 - Teacher ratings
 - Record of extra-curricular activities
 - Individualized Education Programs
 - Psychological reports
 - Medical reports
 - Psychiatric report
 - Other: _____

CONSENT OF PARENT/GUARDIAN FOR RELEASE OF INFORMATION

I authorize Coldwater Exempted Village School District and the above named individual/organization/agency to exchange information and records as indicated. Except as limited above, this authorization encompasses all information pertaining to the minor, including protected health information (PHI) as defined in the Health Insurance Portability and Accountability Act (HIPAA) and its implementing regulations, and education records as defined in the Family Educational Rights and Privacy Act (FERPA) and R.C. 3319.231.

We expressly waive all provisions of law (including, but not limited to, the privacy provisions of HIPAA, FERPA, and R.C. 3319.321), forbidding any physician or other person who has or may hereafter treat, attend, or examine the minor, or any educational agency, from disclosing any knowledge or information, including PHI, which they may have thereby acquired.

Pursuant to HIPAA, the following are specified as part of this authorization:

- A. The purpose of disclosure is for assisting the school district in offering the student a free appropriate public education pursuant to Section 504 of the Rehabilitation Act of 1973.
- B. This authorization expires one (1) year after the date it is signed.
- C. The parents signing this permission form understand that they may revoke this authorization at any time by providing written notification to the district Compliance Officer, the building principal, or the individual/organization/agency listed above, except to the extent that this authorization has already relied upon.
- D. The parents signing this form have been informed that the individual/organization/agency listed above may not condition treatment, payment, enrollment, or eligibility for benefits on whether the parents sign this authorization.
- E. The parents signing this form have been informed of the potential for information disclosed pursuant to this authorization to be subject to re-disclosure by the recipient and to be no longer protected by HIPAA. The parents signing this form are also aware that any information disclosed to the school district is subject to other state and federal privacy laws.

_____ Parent/Guardian signature	_____ Relationship to student	_____ Date
_____ Address	_____ City, state	_____ Phone

Please send released information/records to:

_____ Principal/Designee
_____ School
_____ Address

SECTION 504 PHYSICIAN QUESTIONNAIRE

Name of Student: _____ Date of Birth: _____

Address: _____

Phone: _____ School: _____ Grade: _____

A referral had been initiated for the above named student under Section 504 of the Rehabilitation Act of 1973, as amended. In order for a student to qualify for protection under Section 504, he/she must have a physical or mental impairment that substantially limits one or more major life activities (e.g. caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working, and the operation of major bodily functions such as the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions, etc.). Because the referral is related to medical concerns, we are requesting information from you. The parent/guardian signed the attached Section 504 Release of Information and Records.

Please complete this form and attach any reports pertinent to the medical and/or educational needs of this child. We are NOT requesting evaluation, testing, or services be performed, but reports of diagnostic work performed in the past.

1. What physical and/or mental impairments have been identified that may qualify this student under Section 504?
2. What major life activity(ies) may be substantially limited as a result of the impairment?
3. Detail available medical background, including a written diagnostic statement and copies of any/all reports.
4. What treatments or medications are recommended for this impairment?
5. What precautions or accommodations are recommended for consideration by the school?

Physician's Signature

Date

Please send released information/records to:

Principal/Designee

School

Address

Section 504 Plan

Coldwater Exempted Village Schools

CHILD'S NAME: _____ ID NUMBER: _____ DATE OF BIRTH: _____

The student covered under this plan is a student with a disability. The accommodations/modifications/interventions listed on this plan comply with the ADA Amendments Act of 2008 and the Rehabilitation Act of 1973 (Section 504).

CHILD'S INFORMATION

NAME: _____ ID NUMBER: _____
 STREET: _____
 CITY: _____ STATE: __ ZIP: _____
 GENDER: Male Female GRADE: ____
 DATE OF BIRTH: _____
 DISTRICT OF RESIDENCE: _____ COUNTY OF RESIDENCE: _____

 DISTRICT OF SERVICE: _____

PARENTS'/GUARDIAN INFORMATION

NAME: _____
 STREET: _____
 CITY: _____ STATE: __ ZIP: _____
 HOME PHONE: _____ WORK PHONE: _____
 CELL PHONE: _____ EMAIL: _____

NAME: _____
 STREET: _____
 CITY: _____ STATE: __ ZIP: _____
 HOME PHONE: _____ WORK PHONE: _____
 CELL PHONE: _____ EMAIL: _____

ADDITIONAL INFORMATION

Attachments: Yes No
 If yes, list documents attached:

MEETING INFORMATION

MEETING DATE: _____
 MEETING TYPE:
 INITIAL 504 PLAN
 REVIEW/CONTINUING 504 PLAN

SECTION 504 TIMELINES

LAST EVALUATION: _____
 NEXT EVALUATION: _____

SECTION 504 EFFECTIVE DATES

START: _____
 END: _____
 NEXT REVIEW: _____

504 FORM STATUS

- (Check when complete)
- 1. IMPAIRMENT
 - 2. ACCOMMODATIONS, MODIFICATIONS, INTERVENTIONS, SERVICES, AIDS
 - 3. STATEWIDE AND DISTRICTWIDE TESTING
 - 4. SIGNATURES

Section 504 Plan

Coldwater Exempted Village Schools

CHILD'S NAME: _____ ID NUMBER: _____ DATE OF BIRTH: _____

SECTION 1. IMPAIRMENT

Describe the nature of the disability (physical or mental impairment):

Describe the basis for the disability:

Describe how the disability affects one or more major life activities:

Describe the impact of the disability:

Section 504 Plan**Coldwater Exempted Village Schools**

CHILD'S NAME: _____ ID NUMBER: _____ DATE OF BIRTH: _____

SECTION 2. ACCOMMODATIONS, MODIFICATIONS, INTERVENTIONS, SERVICES, AIDS

Substantial Limitation (i.e. concern or problem to be addressed)	Accommodation/ Modification/ Intervention/ Services/ Aids	Person(s) Responsible	Location	Begin Date

Additional information (eg. comments, evaluation procedures):

How will teachers and staff be made aware of this plan?

How will this plan be monitored?

Person responsible for monitoring plan: _____

Section 504 PlanColdwater Exempted Village Schools

CHILD'S NAME: _____ ID NUMBER: _____ DATE OF BIRTH: _____

SECTION 3. STATEWIDE AND DISTRICTWIDE TESTINGWill the child participate in classroom, district wide and state wide assessments with accommodations? Yes No*If yes, complete the table:*

AREA	GRADE	CHILD WILL BE TESTED WITH ACCOMMODATIONS	DETAIL OF ACCOMMODATIONS
READING		<input type="radio"/> Yes <input type="radio"/> No	
WRITING		<input type="radio"/> Yes <input type="radio"/> No	
MATH		<input type="radio"/> Yes <input type="radio"/> No	
SCIENCE		<input type="radio"/> Yes <input type="radio"/> No	
SOCIAL STUDIES		<input type="radio"/> Yes <input type="radio"/> No	
OTHER		<input type="radio"/> Yes <input type="radio"/> No	

Section 504 Plan

Coldwater Exempted Village Schools

CHILD'S NAME: _____ ID NUMBER: _____ DATE OF BIRTH: _____

SECTION 4. SIGNATURES

NAME	TITLE	SIGNATURE	DATE

** Plans that require expenditure of funds beyond the school's budget must be approved in advance by the Superintendent or Central Office designee.

Superintendent or Designee Date

PARENT SIGNATURES

I received a copy of Section 504 Procedural Safeguards (Notification of Parent/Student Rights).

Parent Signature Date

Required for Initial 504 Plan

- I give permission for this Section 504 plan to be implemented for my child.
- I do not give permission for this Section 504 plan to be implemented for my child.

Parent Signature Date

Coldwater Exempted Village Schools
Section 504 Eligibility Determination

<u>Initial Eligibility Determination</u>
<input type="checkbox"/> No, the student is <u>not eligible</u> .
<input type="checkbox"/> Yes, the student is Section 504 <u>eligible</u> , but does not require a <u>Section 504 Plan</u> because there is no evidence of a substantial limitation to a major life activity or the impairment is in remission.
<input type="checkbox"/> Yes, the student is Section 504 <u>eligible</u> and requires a <u>Section 504 Plan</u> in order for his/her educational needs to be met adequately as those of non-disabled peers.

OR

<u>Re-evaluation Eligibility Determination</u>
<input type="checkbox"/> Yes, the student continues to be Section 504 <u>eligible</u> but does not require a <u>Section 504 Plan</u> .
<input type="checkbox"/> Yes, the student continues to be Section 504 <u>eligible</u> but now requires a <u>Section 504 Plan</u> in order for his/her educational needs to be met as adequately as those of non-disabled peers.
<input type="checkbox"/> Yes, the student remains eligible under Section 504 and will receive an updated 504 Plan which governs the provision of Section 504 accommodations to the student.
<input type="checkbox"/> The student is <u>no longer eligible</u> for Section 504. The student will now receive regular education without Section 504 accommodations.

Note: Section 504 does not guarantee equal outcome but provides equal opportunity, so that if appropriate effort is applied, a student will benefit the same as non-disabled peers.

If you disagree with the Section 504 Team’s decision, please contact Sandy Hartings, Supervisor of Student Services, at (419) 678-2611 extension 5316, or consult your *Notice of Section 504/ADA Procedural Information and Rights*.

Procedural Safeguards:

- Verify that a copy of this completed Section 504 Team Eligibility Report and copy of the *Notice of Section 504/ADA Procedural Information and Rights* was provided to the parent (by mail in person).

Team/Meeting Participants and Signatures	Principal/Designee	Section 504 Chairperson
	School Counselor	School Psychologist
Meeting Date	Teacher	Other
	Parent/Guardian	Student

Coldwater Exempted Village Schools
Section 504 Manifestation Determination Review

Student Name: _____ DOB: _____
School: _____ Grade: _____ Date: _____

BEHAVIOR DEFINITION:

Objectively define the student's disruptive behavior:

ITEMS REVIEWED: (check all information reviewed)

<input type="checkbox"/> Current Section 504 Eligibility Determination	<input type="checkbox"/> Discipline file
<input type="checkbox"/> Current Section 504 Plan	<input type="checkbox"/> Student conferences
<input type="checkbox"/> Other: _____	

BEHAVIOR HISTORY REVIEW: (check all previously exhibited behaviors)

<input type="checkbox"/> Excessive unexcused tardies	<input type="checkbox"/> Alcohol and drug violation
<input type="checkbox"/> Smoking on the campus	<input type="checkbox"/> Insubordination
<input type="checkbox"/> Physical assault/battery on school personnel	<input type="checkbox"/> Weapons possession
<input type="checkbox"/> Leaving campus without authorization	<input type="checkbox"/> Physical assault on peers
<input type="checkbox"/> Threatening school personnel	<input type="checkbox"/> Verbal aggression
<input type="checkbox"/> Behavior problems on bus	<input type="checkbox"/> Habitual minor infractions
<input type="checkbox"/> Class disruption	<input type="checkbox"/> Arrest for a felony at school
<input type="checkbox"/> Arrest for a felony outside the school's jurisdiction	
<input type="checkbox"/> Other(s): _____	

SUMMARY OF CURRENT SECTION 504 ACCOMMODATIONS AND/OR MODIFICATIONS:

Academic: _____

Behavior: _____

504 IMPLEMENTATION ANALYSES:

Was the conduct in question a direct result of the local educational agency's failure to implement the Section 504 Plan?

Yes Modify and implement 504 before any exclusion intervention
 No Proceed with manifestation determination activities

Comment (if needed): _____

MANIFESTATION DETERMINATION:

Was the conduct in question caused by, or had a direct and substantial relationship to, the student's disability?

Yes Manifestation of disability
 No If no, discipline the student using procedures applicable to non-disabled peers

RECOMMENDATIONS OF 504 TEAM:

PARTICIPANTS:

_____ Principal/Designee	_____ Section 504 Chairperson	_____ Parent/Guardian
_____ School Counselor	_____ School Psychologist	_____ Student
_____ Teacher	_____ Teacher	_____ Teacher

NOTICE OF SECTION 504/ADA PROCEDURAL INFORMATION AND RIGHTS

WHAT IS SECTION 504?

Section 504 of the Rehabilitation Act of 1973, as amended by the ADA Amendments Act of 2008 (hereinafter “Section 504”), is Congress’ directive to schools receiving any Federal funding to eliminate discrimination based on disability from all aspects of their school operations. It states: “No otherwise qualified individual with a disability shall solely by reason of his/her 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.” Since the School District is a recipient of Federal dollars, its administrators and staff are required to provide eligible students with equal access (both physical and academic) to services, programs, and activities offered by its schools. Section 504 is a civil rights statute and not a special education statute.

HOW CAN I REFER MY CHILD TO DETERMINE 504 ELIGIBILITY?

If you suspect that your child is “disabled” under Section 504/ADA, contact your child’s teacher, school counselor, or building principal to consent to the release of records from your physician(s) (if applicable). You will be asked to complete a referral form, and possibly grant consent for an evaluation of your child. After all necessary documents are received, a meeting will be scheduled to determine if your child has a “disability.” You have the right to meaningfully participate in the process and provide input, even if you cannot attend the meeting in person.

WHAT CRITERIA ARE USED TO DETERMINE 504 ELIGIBILITY?

A student qualifies for Section 504 protection if s/he is determined to be an individual with a disability as defined by the statute. Specifically, the student must have a physical or mental impairment that substantially limits one or more major life activities, or have a record of such an impairment, or be regarded as having such an impairment. Only those students with an actual impairment, however, are entitled to accommodations/modifications/interventions pursuant to Section 504. Those students with a record of an impairment or who are regarded as having an impairment are entitled to protection from discrimination based upon disability. However, he/she may or may not require services (i.e. a plan).

Major life activities include, but are not limited to, functions such as (a) caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating, learning, and (b) the operation of major bodily functions including but not limited to the functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

WHAT IS THE DIFFERENCE BETWEEN SECTION 504 AND IDEA?

Section 504 prohibits discrimination against students with disabilities and requires school districts to provide students with disabilities regular or special education and related aids and services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of nondisabled students are met. Any necessary accommodations/modifications/interventions must be delineated in a Section 504 plan.

IDEA (Individuals with Disabilities Education Act) requires districts to provide disabled students (ages 3 through 21) with special education and related services and supplementary aids and services designed to meet their unique needs and prepare them for further education, employment, and independent living. The special education and related services must be delineated in an Individual Education Program (IEP).

PROCEDURAL INFORMATION AND RIGHTS

Below is a description of the rights granted by Federal law to individuals with disabilities. It is the intent of the District, pursuant to Section 504, to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of those decisions.

You have the right to:

- A. have your child take part in, and receive benefits from public education programs without discrimination because of his/her disability;
- B. have the School District advise you of your rights under Federal law;
- C. receive written notice of any decision regarding the identification, evaluation, or educational placement of your child;
- D. have your child receive a free appropriate public education (FAPE);

This includes the right to be educated with students who are not disabled to the maximum extent appropriate (i.e. the student's education will be provided in the regular education classroom unless it is demonstrated that education in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily) and to receive regular or special education and related aids and services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of non-disabled students are met.

- E. have your child educated in facilities and receive services comparable to those provided students without disabilities;
- F. have evaluation and educational placement decisions made based upon a variety of information sources, and by persons who know your child and are knowledgeable about the evaluation data and placement options;
- G. have your child transported in a non-discriminatory manner;

If the District refers a student for aids, benefits or services outside the District, adequate transportation will be provided at no greater cost to you than if the aids, benefits, or services were provided within the District.

- H. place your child in a private school or alternative educational program;

However, if the District makes a FAPE available to your child and nevertheless you choose to place your child elsewhere, the District is not required to pay your child's education at the private school or alternative educational program, including any costs associated with related transportation.

- I. have your child be given an equal opportunity to participate in nonacademic and extra-curricular activities offered by the District;
- J. examine all relevant education records, including, but not limited to, those documents related to decisions regarding your child's identification, evaluation, educational program, and placement;
- K. obtain, at your own expense, an independent educational evaluation of your child;

- L. obtain copies of education records at a reasonable cost unless the fee would effectively deny you access to the records;
- M. a response from the School District to reasonable requests for explanations and interpretations of your child's education records;
- N. periodic re-evaluations and an evaluation before any significant change in program/service modifications;
- O. request amendment for your child's education 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 School District refuses to amend the record(s), you have a right to request a hearing and/or to attach to the record(s) a statement of why you disagree with the information it contains.

- P. request mediation or an impartial due process hearing related to decisions or actions concerning your child's identification, evaluation, and/or educational program or placement;

You and your child may take part in the hearing and have an attorney represent you. Hearing requests must be made to the 504 Compliance Officer.

- Q. receive all information in your native language and mode of communication;
- R. file an internal complaint;
- S. file a complaint with the U.S. Department of Education's Office for Civil Rights;
- T. be represented at any point in the process by an attorney;
- U. recover reasonable attorney fees as authorized by law (i.e. if you are successful on your due process claim);
- V. be notified of your Section 504 rights (1) when evaluations are conducted, (2) when consent for an evaluation is withheld, (3) when eligibility is determined, (4) when a Section 504 Plan is developed, and (5) before there is significant change in the Plan.

Complaints, including complaints of disability-based harassment and requests for due process hearings, must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint or requests for a hearing, and offer possible solutions to the dispute. Complaints must be filled with the District Section 504/ADA Compliance Officer. The Board of Education has designated Amy Mescher as the District Section 504/ADA Compliance Officer(s). The District Compliance Officer(s) can be reached at the following address/phone number/email: Mescher.Amy@coldwatercavs.org, phone number 419-678-4821 x 5316.

Coldwater Schools
310 North Second Street
Coldwater, Ohio 45828

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
600 Superior Avenue East, Suite 750
Cleveland, OH 44114-2611
Telephone: (216) 522-4970
Facsimile: (216) 522-2573
TDD: (216) 522-4944

12/13/2023