

504 PROCEDURES

1. Students may be referred by a parent or by members of the District's certified or support staff (specifically school nurse or school-based social worker). The District will accept verbal or written referrals.

Parent Referrals: Parent referrals will be processed using time-lines from state regulations implementing IDEA. Time-lines shall be tolled for the same reasons permitted under IDEA (school breaks for summer or holidays, student illness, etc.)

2. Within 30 days of a parent/guardian referral, the District will obtain information from the parent to complete a Referral Form" and the District will administratively decide whether there is reason to suspect that the student may have a 504/Title II disability.
3. If the District administratively determines that there is no reason to suspect that the student may have a 504/Title II disability and that an initial/preplacement evaluation is not warranted, the District will provide the parent/legal guardian with a Notice of Action refusing the requested evaluation and provide a copy of the Procedural Safeguards.
4. If the District administratively determines that there is reason to suspect that the student may have a 504/Title II disability and that an initial/preplacement evaluation is warranted the District shall proceed with the Initial Evaluation process.
5. If the District administratively determines that there is reason to suspect that the student may have an IDEA disability, the School Guidance Counselor will provide the relevant information to the District's Special Education Process Coordinator. The District will provide the parent/guardian with a Notice of Action refusing the requested 504/Title II evaluation and explaining the decision to refer for an IDEA evaluation.

Staff Referrals: Staff referrals will be processed and completed within the same timeline as parent referrals.

6. If a District certified or support staff (including school nurse or school-based social worker) is the referring party, the District will complete the Referral form and administratively determine whether there is reason to suspect that the student may have a 504/Title II disability.
7. If the District administratively determines that there is no reason to suspect that the student may have a 504/Title II disability, the District will document that decision and inform the staff member of that decision, but no further action will be necessary. The District may utilize general education interventions to address any needs that the student may have.
8. If the District administratively determines that there is reason to suspect that the student may have a 504/Title II disability and that an initial/preplacement evaluation is warranted, the

District will notify the student's parent/guardian by and then proceed with the initial evaluation process. If the District administratively determines that an IDEA evaluation may be necessary, the District will process the IDEA referral and procedures for the IDEA process will be followed.

Post-Referral Procedures When Disability is Suspected: Initial Evaluation (Time-lines shall be tolled for the same reasons permitted under IDEA).

9. If a parent or staff referral results in an administrative determination that there is reason to suspect a 504/Title II disability, the parent will be provided a Notice of Action for Initial Evaluation and Procedural Safeguards. The date of the Notice of Action shall not be more than 30 days from the date of Referral. Consent will be obtained in connection to the Notice of Action. Once consent is obtained, the Initial Evaluation shall be completed within 60 days of Consent. District will convene a group of knowledgeable persons to conduct a Review of Existing Data. The knowledgeable group should be comprised of persons knowledgeable about the student and the existing data such as building 504 Coordinator, the student's teacher(s), the school nurse, the building principal and/or others. The parents are not mandatory participants, but should be invited to the meeting.
10. At this meeting, the knowledgeable group should review all existing relevant data and information, including data and information provided by the parent, and determine whether the existing data is sufficient to support the existence of a 504/Title II disability and/or whether further data and information, including formal assessment, is needed. The group should document the review of existing data process and the group's conclusions.
11. If the knowledgeable group determines that existing data alone is sufficient to support the existence of a 504/Title II disability and to make relevant service and programming decisions, the group should complete the Eligibility Determination Form and a copy should be provided to the parent within 20 days of the completion of the meeting. The District also should provide the parent or guardian with a Notice of Action describing the group's decisions. This can be combined with a Notice of Action for services and placement if the Individual Section 504 Plan/Meeting occurs directly following the eligibility meeting.
12. If, after the review of existing data, the group determines that the existing data demonstrates that the student (1) does not have a 504/Title II disability or (2) is suspected of having an IDEA disability, the District should provide the parent or guardian with a Notice of Action . A copy of the Eligibility Determination should be provided to the parents within a reasonable time after the meeting, but in no event more than 20 days after the meeting.
13. If the group determines that additional information including, but not limited to, formal assessment or observation is necessary to determine whether the student has a 504/Title II disability or appropriate services or programming, the group should identify what additional information or assessments are needed for the student's initial/preplacement evaluation and

develop an Evaluation Plan. A Notice of Action describing the additional assessments is to be provided to the parent.

Provision of FAPE Procedures:

14. If the student is determined to have a 504/Title II disability and to have a need for special education or related services, within 30 days of that decision, the District will 3 2019 convene a group of knowledgeable persons to prepare an individualized 504/Title II FAPE Plan for the student. (Delays beyond this time may be permitted for just causes – school breaks for summer or holidays, student illness, etc. – and documented in the student’s records.) The knowledgeable group for a particular student should be comprised of persons knowledgeable about the student, the evaluation data and the placement options. The group may include such persons as building 504 coordinator, the student’s teacher(s), the school nurse, the building principal and/or others. The parents are not mandatory participants, but should be invited to the meeting. If appropriate, the student may also be invited. Notification of 504/Title II Meeting form should be used to invite the parent and other participants.
15. At a group meeting for an initial 504/Title II FAPE Plan, the group should determine what programs, aids, services, supports, interventions, or accommodations the student needs to receive a FAPE. For a particular student, the group may also need to consider whether the student requires related services to receive FAPE. If so, those related services, including the frequency and duration, should also be documented in the Plan. The group should determine which District employee is responsible for monitoring implementation of the Plan. When determining whether a student has a 504/Title II disability and the nature of that disability, the knowledgeable group should consider whether the impairment that is substantially limiting has a direct and substantial impact on a student’s behavior and, if so, the knowledgeable group may consider conducting a functional behavioral assessment as part of the student’s evaluation. IF the knowledgeable group concludes that the substantially limiting impairment has direct and substantial relationship to the student’s behavior, the team should address that related behavior in the 504/Title II Plan and should consider whether a behavior plan is necessary for the student to receive FAPE. Transportation may need to be considered, particularly if the group places the student in a program not operated by the District. In those situations, the District must ensure that adequate transportation to and from those services is provided at no greater cost than would be incurred by parents or guardian if the student was placed in the District’s programs.
16. If the parent/guardian makes a request from the knowledgeable group that the group or District refuses with respect to the provision of FAPE, the District should provide the parent/guardian with a Notice of Action refusing the request and providing the reason for that refusal. The District should provide any relevant Notices of Action proposed or refused resulting from the 504/Title II Plan meeting to the parent/guardian within a reasonable time..

17. Copies of or access to the completed 504/Title II FAPE Plan should be provided to all teachers and/or staff with implementation responsibilities. The District should also provide a copy of the plan to the parent within a reasonable time, but in no event more than 20 days after the meeting. The case manager is responsible for informing each staff member of his or her implementation responsibilities.
18. In general, the knowledgeable group should anticipate at least an annual review of each individual student's 504/Title II FAPE plan although an annual review is not 4 2019 required. The knowledgeable group can convene more frequently if necessary, to review and, if necessary, revise the Plan. The designated case manager is responsible for convening the group when necessary and/or appropriate and for responding to staff or parent requests to convene.
19. Each 504 student will have a designated case manager who will have the responsibility to ensure the completion of all necessary paperwork and who will serve as the primary contact person with the parent and student. The case manager also will be responsible to convene the group whenever necessary, to extend invitations to the parent to attend such meetings, and to determine when a reevaluation is necessary.
20. Students with disabilities are entitled to an equal opportunity to participate in nonacademic and extracurricular services. However, such opportunities are not included within the definition of FAPE but instead are included with the law's discrimination prohibition. Since the 504/Title II FAPE Plan is written to address FAPE issues, the group is not required to include within the Plan any accommodations that the student may need for an equal opportunity to participate. Parents and eligible students should be informed that those nondiscrimination issues may be addressed with the District's Section 504 Coordinator.

Transfer Procedures:

21. **Out-of-District transfers:** Students with an existing 504/Title II plan who transfer to the Diamond R-IV School District from another school district. Within 2 days of enrollment, the District will request records from the sending school district, including copies of any 504/Title II evaluations, eligibility determinations and 504/Title II plans. The building 504 coordinator, upon receipt of such records, will determine whether to accept the evaluation, eligibility determination and 504/Title II plan. If the building 504 coordinator determines that the eligibility determination might be incorrect, the coordinator will convene a 504/Title II knowledgeable group of persons to discuss a reevaluation of the student. If the building 504 coordinator determines that the 504/Title II plan needs to be reviewed, the coordinator also will reconvene a 504/Title II knowledgeable group for that student. The parents will be invited to attend any such meetings, but are not required participants.
22. **Building-to-Building Transfers:** Before the end of each school year, each building 504 coordinator is responsible to contact the 504 building coordinators of other buildings and to

discuss those students with 504/Title II disabilities who will be transferring within the District and to determine whether a reevaluation is necessary and/ or whether the student's 504/Title II Plan needs to be revised to address the changing educational environment. If so, the student's knowledgeable group should be convened to address reevaluation and/or a revised Plan. The parents will be invited to any such meetings, but are not required participants.

Removal of Eligibility:

23. When a student's knowledgeable group suspects that a 504/Title II disabled student may no longer have a mental or physical impairment that substantially limits a major life activity, the case manager is responsible for convening the group to discuss a 5 2019 review of existing data/reevaluation to determine if the student continues to be disabled and entitled to FAPE. The parent will be invited to such meetings but is not a required participant. If the group concludes, after a review of existing data or reevaluation with assessment, that the student no longer is disabled, the group will prepare an evaluation and eligibility report that reflects that decision and will provide the parent with a properly completed Notice of Action (Form D) and a copy of the 504/Title II procedural safeguards.

Reevaluation Procedures:

24. Section 504 requires "periodic reevaluations" of students and also requires a reevaluation prior to any significant change of placement. A significant change of placement is a significant change in the type or amount of regular or special education or related aids or services provided to a student with a disability and may include the addition or elimination of a program or service, or a substantial increase or decrease in the amount of time a program or service is provided. A significant change of placement also may occur when a student receives a long-term suspension or removal, or when a student is subject to a series of short-term suspensions that, together, create a pattern of exclusion or when removal of a student's status as disabled is being proposed.
25. When a reevaluation is necessary, the knowledgeable group will convene to discuss and complete the Review of Existing Data/Evaluation Plan form.
26. Parent written consent is not required for periodic or other reevaluations unless additional assessments are proposed.

Discipline Procedures:

27. In general, most 504/Title II students should be expected to follow the District's disciplinary policies, rules, regulations and procedures and this should be noted by the knowledgeable group, when applicable, in the student's 504/Title II FAPE Plan.

28. For suspensions of greater than 10 consecutive days or those cumulative short-term suspensions or removals that constitute a pattern of exclusion the knowledgeable group will convene to conduct a manifestation determination within 10 school days of the date of the decision to significantly change the student's placement through a disciplinary removal. The parent will be invited to participate but is not a required participant.
29. If the knowledgeable group determines that there is no relationship between the disability and the behavior, the student will be treated the same as nonstudents with disabilities and can be removed, suspended or expelled according to the District's Code of Conduct and the level of the offense. No services will be required or provided in this situation unless the District provides such services to its students without disabilities in the same or similar circumstances.
30. If the knowledgeable group determines that there is a relationship between the disability and the behavior, the student can be suspended for up through 10 consecutive days with no educational services or for any days that are less than a pattern of exclusion. If deemed necessary, the knowledgeable group may need to convene to determine if a change of educational placement may be needed or if the student should be referred under IDEA.
31. A student who is otherwise eligible under 504/Title II but is currently engaged in the illegal use of drugs and who is being disciplined for such use will lose his or her protection as an eligible student and will not be entitled to a manifestation determination and will be disciplined as if he or she were a nondisabled student. Due to the loss of eligibility, the parent should be provided a Notice of Action. A student who is otherwise eligible under 504/Title II but is currently engaged in the use of alcohol and who is being disciplined for such use will lose his or her protection from discipline and will not be entitled to a manifestation determination and will be disciplined as if he or she were a student who was nondisabled.