

SECTION 504

PARENT/STUDENT RIGHTS HANDBOOK

Arlington Independent School District
Offices of Elementary and Secondary Special Populations
Revised : April 2009

Compliance Statement

The Arlington Independent School District shall comply fully with the nondiscrimination provisions of all federal and state laws, rules and regulations by assuring that no person shall be excluded from consideration for recruitment, selection, appointment, training, promotion, retention, or any other personnel action, or be denied any benefits or participation in any educational programs or activities which it operates on the grounds of race, religion, color, national origin, sex, disability, age, or veteran status (except where age, sex, or disability constitutes a bona fide occupational qualification necessary to proper and efficient administration). The Arlington Independent School District is an Equal Opportunity employer.

Parental Validation of Handicapping Condition

Parents are required to produce validation of a child's handicapping condition when the condition is beyond the parameters of assessments/evaluation that can be legally performed by public school personnel (i.e. medical evaluation(s), psychological, etc.) Code of Federal Regulations) C.F.R.) 34 CFR 104.35; Arlington Independent School District (AISD) Parents/Students Rights Handbook.

Section 504/ADA Policy Notice of Non Discrimination

The Arlington Independent School District does not discriminate on the basis of disability with regard to admission, access to services, treatment, or employment in its programs or activities.

Section 504 is an Act, which prohibits discrimination against persons with a disability in any program receiving Federal financial assistance. The Act defines a person with a disability as anyone who:

1. Has a mental or physical impairment which substantially limits one or more major life activity (major life activities include activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working);

Hidden Disabilities

Hidden disabilities are physical or mental impairments that are not readily apparent to others. They include such conditions and diseases as specific learning disabilities, diabetes, epilepsy, cancer, kidney disease, liver disease, arthritis, tuberculosis, and allergy.

2. Has a record of such impairment; or
3. Is regarded as having such an impairment
(Social economical status and cultural environment are not a determiner.)

The District will evaluate, identify, and provide free appropriate education to all students who are individuals with disabilities under Section 504 or the ADA. Parents of these students are entitled to procedural safeguards, including individual notice and an impartial hearing.

Parents are required to produce validation of a child's handicapping condition when the condition is beyond the parameters of assessments/evaluation that can be legally performed by public school personnel (i.e. medical evaluation(s), psychological, etc.) Code of Federal Regulations) C.F.R.) 34 CFR 104.35; Arlington Independent School District (AISD) Parents/Students Rights Handbook.

Each of the programs of the District will be readily accessible to individuals with disabilities when viewed in its entirety.

The District will provide reasonable accommodations and services to students in accordance with the students written 504 Plan developed on his/her home campus.

The District has a grievance procedure for disability discrimination complaints. For a description of this procedure, or any further relevant information, including the District's updated self-evaluation, contact the Section 504/ADA Coordinator:

**Amy Harsha, Elementary Special Populations Coordinator
682-867-7495**

**Linda Rodgers, Secondary Special Populations Coordinator
682-867-7384**

ADMINISTRATIVE GUIDELINES FOR DISABLED STUDENTS UNDER SECTION 504, REHABILITATION ACT OF 1973

PURPOSE OF SECTION

The purpose of the act and these procedures is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to non-disabled students.

ELIGIBILITY

An eligible student is a person who: (A) is of mandatory school age and resides within the boundaries of Arlington Independent School District, or is above the mandatory school age, but is within permissible school age and is enrolled, and attending classes. (B) who has, has a record of having, or is regarded as having, a physical or mental impairment which substantially limits a major life activity such as learning, self care, walking, seeing, hearing, speaking, breathing, working, and performing manual tasks.

EDUCATIONAL NEED

A substantial limitation on learning must be demonstrated by an educational need, i.e., serious academic deficit and/or serious behavior problems resulting from the student's disability and not from other causes.

DEFINITION OF IMPAIREMENT

“Physical or mental impairment” means (A) any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genitourinary; hemic and lymphatic; skin; and endocrine; or (B) any mental or psychological disorder, such as mental illness, and specific learning disabilities.

Notice of Parent and Student Rights Under Section 504

The Rehabilitation Act of 1973 commonly referred to as “§504,” is a nondiscrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to non-disabled students.

An eligible student under §504 is a student who (a) has, (b) has a record of having, or (c) is regarded as having, a physical or mental impairment which substantially limits a major life activity such as learning, self-care, walking, seeing, hearing, speaking, breathing, working, and performing manual tasks.

Dual Eligibility: Many students will be eligible for educational services under both §504 and the Individuals with Disabilities Education Act (IDEA). Students who are eligible under the IDEA have many specific rights that are not available to students who are eligible solely under §504. A Parents Rights Handbook prepared by the Texas Education Agency is available through the school district’s Special Education Department and sets out the rights assured by the IDEA. It is the purpose of this Notice from to set out the rights assured by §504 to those disabled students who do not qualify under the IDEA.

The enabling regulations for §504 as set out in 34 CFR Part 104 provide parents and/or students with the following rights:

1. You have a right to be informed by the school district of your rights under §504. (The purpose of this Notice form is to advise of those rights.) 34 CFR 104.32.
2. Your child has the right to an appropriate education designed to meet his/her individual educational needs as adequately as the needs of non-disabled students are met. 34 CFR 104.33.
3. Your child has the right to free educational services except for those fees that are imposed on non-disabled students or their parents. Insurers and similar third parties are not relieved from an otherwise valid obligation to provide or pay for services provided to a disabled student. 34 CFR 104.33.
4. Your child has a right to placement in the least restrictive environment. 34 CFR 104.34.
5. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. 34 CFR 104.34.
6. Your child has a right to an evaluation prior to an initial §504 placement and any subsequent significant change in placement. 34 CFR 104.35.

7. Testing and other evaluation procedures must conform with the requirements of 34 CFR 104.35 as to validation, administration, areas of evaluation, etc. The district shall consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations, anecdotal reports, and TEAMS/TAKS scores. 34 CFR 104.35.
8. Placement decisions must be made by a group of persons (i.e., the §504 Committee), including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. 34 CFR 104.35.
9. If eligible under §504, your child has a right to periodic reevaluations, generally every three years. 34 CFR 104.35.
10. You have the right to notice prior to any action by the district in regard to the identification, evaluation, or placement of your child. 34 CFR 104.36.
11. You have the right to examine relevant records, 34 CFR 104.36.
12. You have the right to an impartial hearing with respect to the district's actions regarding your child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney. 34 CFR 104.36.
13. If you wish to challenge the actions of the district's §504 Committee in regard to your child's identification, evaluation, or educational placement, you should file a written Notice of Appeal with the district's §504 Coordinator Malcolm E. Turner, phone number (682) 867-7326 located at 1203 W. Pioneer Parkway Arlington, Texas 76013 within 15 calendar days from the time you received written notice of the §504 Committee's action(s). A hearing will be scheduled before an impartial hearing officer and you will be notified in writing of the date, time, and place for the hearing.
14. If you disagree with the decision of the impartial hearing officer, you have a right to a review of that decision by a court of competent jurisdiction. 34 CFR 104.36.
15. On §504 matters other than your child's identification, evaluation, and placement, you have a right to file a complaint with the district's §504 Coordinator (or designee), who will investigate the allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution.

16. You also have a right to file a complaint with the Office of Civil Rights. The address of the Regional Office which covers Texas is:

Office of Civil Rights, Region VI
1999 Bryan Street, Suite 1620
Dallas, Texas 75201-6810
www.ed.gov

17. The Coordinators for Section 504 are:
Amy Harsha, Elementary Special Populations Coordinator
Linda Rodgers, Secondary Special Populations Coordinator
1203 W. Pioneer Parkway
Arlington, TX 76013

**Arlington Independent School District
School Board Policy
Parental/Student Rights
Under Section 504**

**SECTION 504 STUDENTS
WITH DISABILITIES**

No qualified student with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any District service, program, or activity. 42 U.S.C. 12132; 29 U.S.C. 794; 34 CFR 104.4 (a)

A “student with a disability” is one who has, or who has a record of having, or who is regarded as having a physical or mental impairment that substantially limits one or more major life activities, such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. A student with a disability is “qualified” if he or she is between the ages of three and 21, inclusive. 28 CFR 35.104; 34 CFR 104.3 (j)(k)

SECTION 504 COORDINATOR

The District designates the following employees to coordinate its efforts to comply with Section 504 of the Rehabilitation Act of 1973 as amended:

Name: Amy Harsha
Linda Rodgers

Position: Elementary Special Populations Coordinator
Secondary Special Populations Coordinator

Address: 1203 W. Pioneer Parkway
Arlington, TX 76013

Telephone: (682) 867-7495 – Elementary
(682) 867-7384 – Secondary

The Section 504 Coordinator and at least one member of the Section 504/RAP committee shall receive training in the procedures and requirements for identifying and providing educational and related services to those students who are disabled, but who are not in need of special education in accordance with the Individuals with Disabilities Education Act (IDEA). [See EHBA]

REFERRALS	Students may be referred by parents, teachers, counselors, administrators, or any other District employees for evaluation to determine if they are disabled and in need of special instruction or services.
ELIGIBILITY	An eligible student is a student who (a) has, (b) has a record of having, or (c) is regarded as having, a physical or mental impairment which substantially limits a major life activity such as learning.
EDUCATIONAL NEED	A substantial limitation on learning must be demonstrated by an educational need, i.e., a serious academic deficit and/or serious behavior problems resulting from the student's disability and not from other causes.
AGE	Eligible disabled students between the ages of 3 and 21 who have not graduated are covered by the Act.
EVALUATION	The District shall conduct an evaluation of any student who, because of a disability, needs or is believed to need special education or related services before taking any action regarding the initial placement of the student in a regular or special education program and before any subsequent significant change in placement. The test and other evaluation materials shall meet the standards established by 34 CFR 104.35(b). 34 CFR 140.35 (a) (b)
PLACEMENT	<p>In interpreting evaluation information and making placement decisions, the District shall:</p> <ol style="list-style-type: none"> 1. Draw upon information from a variety of sources, including aptitude and achievement test, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. 2. Establish procedures to ensure that such information is documented and carefully considered. 3. Ensure that placement decisions are made by a group of persons, including those knowledgeable about the student, the meaning of evaluation data, and placement options. 34 CFR 104.35 (c)

PARENT RIGHTS

This policy is explained in detail in the District's Notice of Students Rights under Section 504. This notice is available to any student or parent upon request to the school principal.

RAP COMMITTEE

The Realizing Academic Potential (RAP) committee will serve as a Section 504 committee in the District. The committee shall be composed of at least two persons, including persons knowledgeable about the student, the meaning of the evaluation date, the placement options, and the legal requirements regarding least restrictive environment and comparable facilities for students with disabilities.

PROCEDURAL SAFEGUARDS

The District shall establish procedural safeguards for students and parents with concerns about District actions regarding the identification, evaluation, or educational placement of a student with a disability. Those safeguards shall include notice, an opportunity for the student's parent or guardian to examine relevant records, an impartial hearing with the opportunity for participation by the student's parents or guardian and representation by counsel, and a review procedure. 34 CFR 104.36 [See FB (LOCAL)]

DISCIPLINE

When considering any removal of a Section 504 handicapped student from his regular education program, for disciplinary reasons, the following must be observed:

1. Reevaluate the student before excluding him from his current educational placement for more than ten consecutive school days.
2. When reevaluation the student, determine through the use of appropriate evaluation procedures whether the student's behavior is related to his Section 504 handicapping condition.

3. If it is determined that the handicapped student's behavior is related to his handicapping condition, review the student's current educational placement to determine if it is appropriate and make changes as appropriate. The student may not be expelled for conduct related to his handicapping condition.
4. If the student's misconduct is not related to his handicapping condition, the student may be expelled. However, educational services may not be terminated completely. The student must be provided educational services calculated to prevent significant regression.

DRUG OR ALCOHOL

An exception to the foregoing disciplinary procedures exists for 504 students who violate the AISD drug and alcohol policy. If a handicapped student violates a school disciplinary rule pertaining to the use, possession or distribution of drugs or alcohol, the student may be disciplined for the violation as if he were not handicapped.

DUE PROCESS RIGHTS

In the event of a disagreement between the parents or guardian and the school district in regard to the identification, evaluation, or educational placement of a disabled student, the parents or guardian have the right to an impartial hearing, with the opportunity to participate and be represented by an individual of their choice, including an attorney at their expense.

GRIEVANCE PROCESS

Parents shall be given written notice of their due process right to an impartial hearing if they have a concern or complaint about the District's actions regarding the identification, evaluation, or educational placement of a student with a disability. The impartial hearing shall be conducted by a person who is knowledgeable about the issues involved in Section 504 and who is not employed by the District or related to a member of the Board in a degree that would be prohibited under the nepotism statute [see DBE]. The impartial hearing officer is not required to be an attorney.

DISCRIMINATION ALLEGATIONS

Parent or student complaints alleging discrimination against a student in a District program or activity in violation of Title IX and/or Section 504 provision, other than allegations of sexual harassment or the identification, evaluation, or educational placement of students who are disabled, shall be heard through the procedure set out in FNB (LOCAL)

SECTION 504 STUDENT
COMPLAINT PROCEDURES

FB
(LOCAL)

SECTION 504
COMPLAINTS

Students and/or parents may file formal complaints with the school District to address concerns about whether a student is receiving the proper service and attention under Section 504 guidelines.

GENERAL PROVISIONS

Initially, complaints shall be heard in informal administrative conferences with administrators. If a complaint involves a problem with a teacher, the student or parent, in most circumstances, shall be expected to discuss the matter with the teacher before requesting a conference with the principal at Level One.

The student may be represented by an adult at any level of the complaint.

For purposes of this policy, “days” shall mean business days. Decisions may be made in the student’s/parent’s or adult representative’s presence. If so, the decision will be put into writing and the basis for the decision [i.e.: supporting documentation] shall be provided to the student/ parent or adult representative in seven days.

LEVEL ONE

A student/parent or adult representative who has a complaint shall request in writing a conference with the principal within ten days of the time the student or parent knew, or should have known, of the event or series of events, causing the complaint. The principal shall schedule and hold a conference with the student/parent or adult representative within seven days of receiving the written request. At this level, the complaint may be presented orally or in writing. The principal’s decision shall be communicated in writing to the student/parent or adult representative within seven days of the conference.

LEVEL TWO

If the outcome of the conference with the principal is not to the student’s/parent’s or adult representative’s satisfaction, within ten days of receipt of the decision at Level One, the student/parent or adult representative may request in writing a conference with the Superintendent or designee, who shall schedule and hold a conference within fifteen days of receipt of the request. Prior to the time of the conference with the Superintendent, the student/parent or adult representative shall submit a written complaint that includes a statement of the

complaint, any evidence in its support, the solution sought, the student's/parent's or adult representative's signature, and the date of the conference with the principal. The principal or other appropriate school official will submit any pertinent information to the Superintendent or designee. This information will be made available to the student/parent or adult representative prior to the meeting.

Within seven days after the meeting, the Superintendent will put his or her decision in writing and provide it to the student/parent or adult representative and appropriate school officials.

LEVEL THREE

If the outcome of the conference with the Superintendent or designee is not the student's/parent's or adult representative's satisfaction, the student/parent or adult representative may submit to the Superintendent a written request to place the matter on the agenda of a regularly scheduled Board meeting for a conference before the Board.

The Superintendent shall inform the student/parent or adult representative in writing of the date, time, and place of the meeting.

The presiding officer shall establish a reasonable time limit for complaint presentations. The District shall make an audiotape record of the Level Three proceeding before the Board. The student/parent or adult representative will be advised of the availability of the audiotape. The Board shall hear the complaint and take whatever action it deems appropriate. The lack of official action by the Board shall uphold the administrative decision at Level Two.

If the complaint involves concerns or charges regarding an employee, it shall be heard by the Board in closed meeting unless (1) the employee to whom the complaint pertains requests that it be public, or (2) the student/parent or adult representative requests that it be public.