

3.43 POLICY STATEMENT FOR SECTION 504 OF THE REHABILITATION ACT OF 1973

It is the policy of the Merrillville Community School Corporation to provide a free and appropriate public education to each student with a disability within its jurisdiction, regardless of the nature or severity of the disability.

It is the intent of the school corporation to ensure that students who have a disability within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated and provided with appropriate services. Students may be disabled under this policy even though they do not require services pursuant to the Individuals with Disabilities Education Act (IDEA).

Due process rights of the students with disabilities and their parents under Section 504 will be enforced. Dr. Danny Lackey is the coordinator of Section 504 activities. Dr. Danny Lackey, 504 Coordinator can be reached at 219-650-5300 or 6701 Delaware Street, Merrillville, IN 46410 or dlackey@mvschools.org.

For this policy, a student who may need special services or programs within the intent of Section 504 is one who:

- Has a physical or mental impairment that substantially limits one or more major life activity; or
- Has a record of such impairment; or
- Is regarded as having such impairment.

1. Compliance Plan for Section 504 of the Rehabilitation Act of 1973

The Compliance Plan serves students, parents, employees, applicants for employment and programs within the Merrillville Community School Corporation.

1. Merrillville Community School Corporation assures students, parents, applicants for employment, and employees that it will not discriminate against any individual.
2. The Superintendent or designee is the Section 504 compliance coordinator.
3. Parents are provided procedural safeguards which are included in the *Notice of Parental Rights*.
4. An impartial hearing and appeal are provided upon request. Procedures are detailed in the *Notice of Parental Rights*.
5. Notice to students, parents, employees, and general public of non-discrimination assurances and parent/student rights and identification, evaluation and placement will be disseminated annually in the following manner:
 - a. Public Service announcement in local newspapers;
 - b. Announcement in local school system; and
 - c. Posted notice in each public school building

Additionally, the notice will be included in the Merrillville Community School Corporation professional handbook and disseminated to each principal. Notice of non-discrimination assurances in accordance with Section 504 shall be included in student/parent handbooks.

6. Merrillville Community School Corporation will conduct an extensive annual “child find” campaign with the goal to locate and identify all Section 504 qualified individuals with disabilities (ages 0 to 21) who reside within the participating school district boundaries.
 7. Merrillville Community School Corporation will inform all students with disabilities or some other limitation and their parents or guardian of the district’s responsibilities and procedural safeguards under Section 504, as well as those under Indiana Special Education Regulations (Article 7) and the Individuals with Disabilities Education Act (IDEA).
2. Grievance Procedure for Section 504 of the Rehabilitation Act of 1973

Merrillville Community School Corporation has established the following local grievance procedure to resolve complaints of discrimination arising under Section 504:

1. An alleged grievance under Section 504 must be filed in writing setting out the circumstances giving rise to such grievance.
2. Such claims must be made in writing and filed with the Superintendent or designee.
Merrillville Community School Corporation
6701 Delaware Street, Merrillville, IN 46410
PH: 219-650-5300 FX: 219-650-5320
Email: superintendent@mvsc.k12.in.us
3. A hearing will be conducted according to the procedures outlined in the regulations based upon the Family Educational Rights and Privacy Act (FERPA) and due process rights that are afforded to the student and family who filed the grievance.
4. The Coordinator will appoint an impartial hearing officer who will conduct the hearing within a reasonable time after the request was received.
5. The coordinator shall give the parent, student, or employee reasonable advance notice of the date, time, and place of the hearing.
6. The hearing must be conducted by any impartial individual who is knowledgeable about Section 504 and who does not have a direct interest in the outcome of the hearing.
7. Merrillville Community School Corporation shall give the parent, student or employee full and fair opportunity to present evidence relevant to the issues raised. The parent, student, or employee may, at their own expense, be assisted or represented by individuals of their choice, including an attorney.
8. The impartial individual shall make his/her decision in writing within fifteen (15) days after the hearing.
9. The decision must be based solely on the evidence presented at the hearing and shall include a summary of the evidence and reasons for the decision.

Revised and Presented: 02/07/2017

Adopted: 02/21/2017

**NOTICE OF PARENTAL RIGHTS
REHABILITATION ACT OF 1973**

The following rights are those afforded to the parent/guardian of a student who is believed to be disabled under Section 504 of the Rehabilitation Act of 1973:

1. Your child will be evaluated before any decision is made regarding the initial placement or a subsequent significant change in placement in a regular or special education program. You have the right to an independent evaluation at your expense.
2. Any placement decision will be made by a group of persons who are knowledgeable about your child, the meaning of the evaluation data, and the placement options within the school corporation.
3. In addition to any evaluation data, the group will consider such other information as aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior when making any placement decision.
4. Any placement of the student will be with persons who are not disabled to the maximum extent appropriate to the needs of your student.
5. You have the right to examine your child's education records and to exercise all other rights granted to you in the Family Educational Rights and Privacy Act (FERPA). Your child will not be suspended or expelled for more than ten (10) days unless a group of persons knowledgeable about your child and meaning of evaluation data meet to determine that the behavior is not a manifestation of your child's disability.
6. You have the right to request a hearing regarding any decision made by the school corporation with respect to the identified disability, evaluation, or educational placement of your child.
7. Upon receipt of a request for a hearing, the school corporation will appoint an impartial hearing officer (one who is knowledgeable about Section 504 and who does not have a direct interest in the outcome of the hearing). The hearing officer will advise you within a reasonable period of time of the date, time, and place for the hearing. You have the right to be represented by legal counsel or any other representative at this hearing at your expense.

A copy of the Section 504 regulations will be given to you along with this notice. Any questions regarding your rights should be directed to the Superintendent or 504 Coordinator of this school corporation:

Merrillville Community School Corporation
Dr. Danny Lackey, 504 Coordinator
6701 Delaware Street, Merrillville, IN 46410
PH: 219-650-5300 FX: 219-650-5320
Email: dlackey@mjsc.k12.in.us

SECTION 504 OF THE REHABILITATION ACT OF 1973

Before a Section 504 placement can be considered, the student must be evaluated. A full evaluation is not required when neither the school corporation nor the parents believe that the child is in need of special education or related services.

In interpreting evaluation data and making placement decisions, the school corporation must draw upon information from a variety of sources; assure that all information is documented and considered; ensure that the placement decision is made by a group of persons including those who are knowledgeable about the child, the meaning of the evaluation data and placement options; ensure that the student is educated with his/her non-disabled peers to the maximum extent appropriate.

SECTION 504 REFERRAL PROCEDURES

1. General education interventions should be the first alternative for students suspected of having academic or behavioral difficulties. A referral should be made to the Teacher Assistance Team and the General Education Intervention Plan followed. If general education interventions are not effective, the team will determine whether additional evaluations should be pursued.
2. An evaluation referral is to be completed and submitted to the building principal. The principal will ensure that an evaluation is completed and if necessary involve the Northwest Indiana Special Education Cooperative diagnostic team.
3. The parent will sign permission for an evaluation. The parent's rights will be explained at that time.
4. A team or persons who have knowledge of the child's physical and/or mental condition will participate in the evaluation of the student. The team will determine the extent of testing that needs to be completed in order to establish eligibility for services.
5. After completing the evaluation, the team will establish:

- a. Whether the physical or mental impairment substantially limits one of the major life activities, such as:

Caring for oneself
Performing
manual tasks
Seeing
Hearing
Eating
Sleeping

Walking
Standing
Lifting
Bending
Speaking
Breathing
Learning

Reading
Concentrating
Thinking
Communicating
Working

The list of major bodily functions that are now considered major life activities includes, but is not limited to: functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

- b. If there is a history of such an impairment; or
- c. If the child is regarded as having such an impairment.

6. The parents will be notified and a Section 504 committee conference will be held to review the evaluation results and discuss possible programming options.
 - a. If the child qualifies for IDEA services under Indiana Article 7, a placement in special education will be discussed and procedures for placement in special education programs will be followed.
 - b. If the child does not qualify for IDEA services, the conference committee will determine if the child qualifies for services under Section 504 of the Rehabilitation Act of 1973.
 - i. The Section 504 committee will outline the intervention plan on the form provided, listing the strategies, the chief implementors, and showing the monitoring dates.
 - ii. The Section 504 Parents' Rights will be explained and a copy given to the parents.
7. Each case for students eligible for services under Section 504 should be reviewed annually to ensure implementation and needs for alternation. Students should be re-evaluated every three (3) years or if there is any significant change in placement (i.e. suspension for more than 10 days or expulsion).
8. Students reentering school after having been temporarily placed in a private setting (medical facility, rehabilitation center, clinic) will have a referral initiated for Section 504 eligibility.

**MERRILLVILLE COMMUNITY SCHOOL CORPORATION
SECTION 504 NOTICE OF CONFERENCE**

Initial Conference **Annual Review** **Causal Relationship**

This is to confirm the 504 Conference Committee meeting. The meeting was mutually agreed by the school and parents to be held on:

_____ Date: _____
Name _____
Time: _____
Location: _____

- A. The purpose of this meeting:
- | | |
|--|--|
| <input type="checkbox"/> Discuss results of evaluation | <input type="checkbox"/> Misconduct/infraction of school rules as it relates to handicap |
| <input type="checkbox"/> Instructional progress | <input type="checkbox"/> Other (specify) _____ |
| <input type="checkbox"/> Review of placement | _____ |

- B. The following people will be included in the meeting:
1. School Principal _____
 2. Guidance Counselor _____
 3. Evaluation Specialist(s) _____
 4. Other Specialist(s) _____
 5. General Education Teacher(s) _____
 6. School Nurse _____
 7. Parent(s) _____
 8. Student _____
 9. Interpreter _____

Please complete this page and return in the enclosed envelope by:

Date: _____ To: _____

1. I will attend the 504 Conference Committee meeting.
 I will **not** attend the 504 Conference Committee meeting.
2. I would like my child to attend the 504 Conference Committee meeting.
 I do **not** want my child to attend the 504 Conference Committee meeting.
 I do **not** want to access or continue 504 accommodations/recommendations for my child.
3. Please indicate if there are additional school personnel you would like to attend the 504 Conference Committee meeting.

4. You may also bring any additional persons to the 504 Conference Committee meeting.

Parent/Guardian Signature

Date

504 CONFERENCE COMMITTEE REPORT

Student's Name _____ Birth Date _____

Sex _____ Grade _____ Home School _____

Home School Corporation _____

Parent Name _____ Parent Address _____

Parent City _____ State _____ Zip _____

Phone: Home _____ Work _____ Emergency _____

School _____ Teacher _____

504 Conference was convened for above mentioned student on _____

Initial Conference _____ Case Reviews _____ Retest Conference _____

The following data was presented _____

Options Discussed _____

Were options accepted? If no, describe reasons options were rejected _____

Alternative educational opportunities available on a temporary or permanent basis _____

Other factors relevant to options/decisions _____

Recommendations:

On the basis of the data presented, the following decision was made:

_____ Student is "a student with a disability under Section 504" and qualifies for services (refer to regular education intervention plan).

_____ Student does not qualify as a student with a disability under Section 504.

Program recommended _____

Student _____

Date of Implementation _____ Termination _____

Conference Participation

A. Parents/Guardians

- _____ 1. I have been given the opportunity to participate in the development of the “regular” education intervention plan.
- _____ 2. I understand the contents and reasons for the program recommended and have received in writing an explanation.
- _____ 3. I have been informed verbally of my rights under Section 504 options by:

Staff

Date

- _____ 4. Permission for the program to begin is: granted _____ denied _____

Parent/Guardian’s Signature

Comments _____

B. Other Participants

Building Principal

Guidance Counselor

Regular Class Teacher

Other

Regular Class Teacher

Other

Other

Other

**MERRILLVILLE COMMUNITY SCHOOL CORPORATION
INTERVENTION STRATEGY SHEET – SECTION 504**

Student: _____

School: _____ Grade: _____

Dates of Implementation: _____

Termination: _____ Review: _____

Statement of Student's Difficulties: _____

INTERVENTION / STRATEGY	IMPLEMENTORS		MONITORING DATE
	CHIEF	OTHER	