



Homewood-Flossmoor High School
999 Kedzie, Flossmoor · 708-799-3000 · hfhighschool.org



NOTICE OF PROCEDURAL SAFEGUARDS

Notice of Parent/Student Rights in Identification, Evaluation, and Placement of Individuals with Disabilities

In compliance with the procedural requirements of Section 504 of the Rehabilitation Act of 1973, hereinafter Section 504, the following Notice of Parent/Student Rights in Identification, Evaluation, and Placement shall be utilized in the Homewood-Flossmoor Community High School District 233.

This document is provided to ensure that you are aware of the regulations regarding the identification, evaluation or placement under Section 504 that may pertain to your child. Should you have any questions, contact the Section 504 coordinator:

Jennifer Rudan
999 Kedzie Avenue
Flossmoor IL 60422
O: (708) 335-5604
F: (708) 335-5007
Email: jrudan@hf233.org

As the parents/guardians, you may also meet with the superintendent or a designee and/or the local school board to resolve any objections to the evaluation or educational placement of your child.

- I. Section 504 is enforced by the U. S. Department of Education, Office for Civil Rights (OCR). If you need information about Section 504, the contact information is as follows:

Office for Civil Rights, Chicago Office (Region V)
U. S. Department of Education
500 W. Madison Street Suite 1475
Chicago, Illinois 60661
(312) 730-1560
FAX: (312) 730-1576
TDD: (312) 730-1609
Email: OCR.Chicago@ed.gov

SECTION 504 RIGHTS AND PROCEDURES

Section 504 of the Rehabilitation Act of 1973 and its implementing regulations prohibit discrimination on the basis of disability by any program or activity that receives or benefits from federal funding. Section 504 requires that disabled students be provided with a free appropriate public education including education with non-disabled peers to the maximum extent appropriate.

The following procedures apply regarding the evaluation, identification, and provision of services to students under Section 504:

I. Definition Of Qualified Individual With A Disability Under Section 504

A person has a disability within the meaning of Section 504 of the *Rehabilitation Act of 1973* if he or she has a mental or physical impairment, has a record of such impairment, or is regarded as having such an impairment, which substantially limits one or more major life activities. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures (except for ordinary eyeglasses or contact lenses).

Major life activities include, but are not limited to, functions such as caring for one's self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Major life activities also includes the operation of a major bodily function, including but not limited to functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

II. Prohibition Against Discrimination

No qualified individual with a disability under Section 504 shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination in any program or activity.

It is the intent of the Homewood Flossmoor High School District 233 to ensure that students who are disabled within the definition of Section 504 are identified, evaluated and provided with appropriate education aids and services to meet their needs.

III. Designation Of Responsibility

It is the responsibility of the School District to provide a free appropriate public education to each qualified student with a disability who is a resident of the District regardless of the nature or severity of the student's disability.

IV. 504 Evaluation

Referrals for consideration for Section 504 eligibility may be made at any time. A referral must be made in writing and dated at the time the request is made, including the reason for the referral.

Referrals may be made by individuals with knowledge of the student's needs and/or educational programming, including teachers, other staff members, parents, etc. Referrals should be directed to Jennifer Rudan, the designated Section 504 Coordinator. She may be contacted at 999 Kedzie Avenue, Flossmoor, IL 60422 or by phone at 708-335-5604.

An assessment or evaluation team, consisting of persons knowledgeable about the student, will conduct an individual evaluation of a student initially referred for a Section 504 evaluation. The designated team will review all submitted documentation, current teacher reports, past records and tests. Additional evaluation tests will be conducted by the School District if deemed necessary. Parental consent will be obtained prior to the initial evaluation completed by the District. If a parent refuses consent for an initial evaluation, the school district may (but is not required to) use hearing procedures to seek to override the parents' denial of consent.

The 504 evaluation procedures shall be:

1. necessary and appropriate to determine the nature and extent of a disabling condition or a suspected disabling condition;
2. tailored to evaluate the specific areas of educational need and not merely those designed to provide a single intelligence quotient;
3. validated for the specific purpose(s) for which they are used and administered by trained personnel in conformance with instructions provided by their author/publisher;
4. free of racial, cultural, language or sex bias;
5. appropriate for the age and stage of development of each student to whom they are administered;
6. selected and administered so as best to ensure that the test results accurately reflect the student's aptitude or achievement or other factor being measured rather than reflect the student's disability, except where those are the factors being measured; and
7. administered in the student's familiar language or conducted in the mode of communication most familiar to the person being assessed, unless it is clearly not feasible to do so.

No single procedure shall be used by the District to evaluate whether or not a student has a disability under Section 504.

V. Determination Of Eligibility

The designated team will convene a Section 504 eligibility conference for a student whose evaluation has been completed, within 60 school days of the referral.

The eligibility conference will involve a group of persons knowledgeable about the student, including the student's parents/guardians. The participants may include the student's teacher, member(s) of the assessment team, Section 504 Coordinator, School Psychologist, and the School Nurse (collectively called the "504 Team").

Notice to attend the eligibility conference shall be sent to all 504 Team members, including the student's parents/guardians, at least ten (10) calendar days prior to the conference.

The 504 Team will determine eligibility under Section 504 and determine what services and/or accommodations are needed to meet the student's needs as they relate to the educational setting, if any. The Team will base its determination on a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior.

In order to determine that a student who has been evaluated is a student with a disability under Section 504, the Team must conclude, that:

1. the student has a physical or mental condition (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, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine or any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disability);
2. the presence of such a physical or mental impairment substantially limits one or more of the student's major life activities; and
3. because of the identified disabling condition, the student is in need of accommodations/adaptations to the regular education environment or support services.

In interpreting evaluation data and in making placement decisions, the School District shall use relevant information from a variety of sources, establish procedures to ensure information is documented and carefully considered, ensure that the placement decision is made by a knowledgeable team, and ensure the LRE mandate is met.

If the 504 team concludes that the student has a mental or physical impairment that substantially limits a major life activity, reasonable accommodations and services shall be recommended in order to provide the student with a free appropriate public education. The evaluation findings, eligibility, and the educational services/accommodations to be provided shall be recorded on the "Section 504 Plan." This Plan shall be generated by the 504 Team and sent to each of the student's teachers. Parents shall receive a copy of this Plan as notice of the student's eligibility and services.

The Plan shall include the following:

- 1) A description of the identified disability that substantially limits a major life activity;
- 2) A description of how the identified disability needs to be addressed in relation to school, the education setting, and extracurricular activities;
- 3) A list of the recommendations/accommodations designed to address the needs; and
- 4) The names of the people responsible for ensuring that the accommodations/modifications are put into effect.

The services and reasonable accommodations described in the Section 504 Plan shall be based on a composite understanding of the student's characteristics and how the physical or mental condition substantially limits one or more major life activities.

If it is determined that the student will not be receiving any special services or accommodations, a written notice of the findings shall be provided to the parents along with a notice of their right to appeal the determination.

VI. Educational Services

The District shall provide an appropriate program of regular and/or special education and related aids and services that are designed to meet individual educational needs of students with disabilities under Section 504. These students shall be educated with students who do not have disabilities to the maximum extent appropriate to meet the identified educational needs of the student with disabilities. The student will be placed in the regular education environment unless it is demonstrated that the education of the student with disabilities in the regular education environment with the use of supplementary aids and services cannot be achieved satisfactorily.

Students shall be afforded the opportunity to participate with individuals who do not have disabilities in nonacademic and extracurricular activities to the extent appropriate to the needs of the students with disabilities.

VII. 504 Re-evaluation

Periodically, or before any significant change in placement occurs, a group of persons knowledgeable about the student shall re-evaluate the Section 504 Plan for each eligible student to determine continued eligibility and services. This group need not be the same group of persons who determined initial eligibility. A "significant change in placement" includes an exclusion from the educational program of more than ten (10) school days (i.e. due to an expulsion or pattern of suspensions), the transferring of a student from one type of program to another, or terminating or significantly reducing a related service. A notice will be sent to the parents informing them of the intent to conduct a Section 504 Re-evaluation. Parental consent shall be obtained before any additional evaluation tests are conducted as part of the Re-evaluation.

VIII. Procedural Safeguards

1. The parent/guardian of a qualified disabled student shall be notified of all District actions concerning the identification, evaluation, or educational placement of the student made under Section 504.
2. The parent/guardian has a right to review the student's records.
3. The parent/guardian has a right to file a grievance under the District's Uniform Grievance Procedure regarding any complaints that allege action prohibited by Section 504.
4. The parent/guardian has a right to an impartial hearing and representation at the hearing if he/she is unable to resolve disagreements with the District relative to the identification, evaluation, or educational placement of their child.

5. The parent/guardian may seek review of the Impartial Hearing Officer's decision by a court of competent jurisdiction.
6. Complaints regarding Section 504 may also be filed with the U.S. Department of Education Office for Civil Rights, Illinois Regional Office, Citigroup Center, 500 West Madison Street, Suite 1475, Chicago, IL 60661.

IX. Impartial Hearing Procedures

If parents/guardians disagree with the district relative to their child's identification, evaluation, or educational placement, including any special services, or change or termination of services, under Section 504, they should notify the District's 504 Coordinator and attempt to resolve their differences informally. If informal procedures fail, the parents/guardians may request a hearing before an impartial hearing officer. The due process review procedures set forth in the IDEA and in Article 14 of the Illinois School Code shall not be employed unless the parents are contesting or asserting a right to special education services under Article 14 or IDEA. The parents' request for a hearing shall be submitted in writing to the Superintendent within ten (10) days of the date of the decision to be reviewed. The Superintendent shall then appoint the impartial hearing officer.

The parents/guardians shall be provided with written notice of the hearing, which shall include the time, date, and location of the hearing and the identity of the hearing officer. Generally, the notice shall be sent at least five business days in advance of the hearing. The notice shall inform the parents/guardians that they have the right to review any relevant records before the hearing. The parents/guardians shall have the right to be represented by counsel at the hearing and shall have the opportunity to participate in the hearing. The decision of the impartial hearing officer shall be in writing and shall be rendered within ten (10) days of the hearing.

Either party may seek review of the Hearing Officer's decision by a court of competent jurisdiction.

- II. The following is a description of some of the rights granted by this federal law pertaining to students with disabilities who are subject to identification, evaluation or placement under Section 504. (See 34 C.F.R. § 104 for a full compilation of regulations.)
 - A. Your child is entitled to take part in and receive benefits from public education programs or activities without discrimination because of his or her disability. 34 C.F.R. §104.21
 - B. Your child is entitled to receive a free appropriate public education regardless of the nature or severity of his or her disability. 34 C.F.R. § 104.33(a)
 - C. Your child is entitled to receive regular or special education and related aids and services that are designed to meet his or her individual educational needs as adequately as the needs of students without disabilities. 34 C.F.R. § 104.33(b)
 - D. Your child is entitled to receive free educational services except for those fees that are imposed on students without disabilities or their parents. 34 C.F.R. § 104.33(c)
 - E. Your child is entitled to be educated with students without disabilities to the maximum extent appropriate to the needs of your child. 34 C.F.R. § 104.34(a)
 - F. Your child is entitled to be educated in facilities and receive services and activities comparable to those provided to students without disabilities. 34 C.F.R. § 104.34(b)(c)

- G. Your child is entitled to an evaluation prior to an initial placement and any subsequent significant change in placement. 34 C.F.R. § 104.35(a)
- H. Your child is entitled to be evaluated and tested with procedures in accordance with regulations pertaining to evaluation procedures. 34 C.F.R. §104.34(b)
- I. Your child is entitled to have evaluation data and placement decisions based upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. 34 C.F.R. § 104.35(c)(1)
- J. Your child is entitled to have interpretation of data and placement decisions based on evaluation procedures that ensure information is obtained from a variety of documented and carefully considered sources. 34 C.F.R. § 104.35(b)(c)(2)
- K. Your child is entitled to have placement decisions made by persons knowledgeable about your child, the meaning of evaluation data, and placement options. 34 C.F.R. § 104.35 (c)(3)
- L. Your child is entitled to periodic evaluations. 34 C.F.R. § 104.35(d)
- M. Your child is entitled to an equal opportunity to participate in nonacademic and extracurricular activities offered by the school district. 34 C.F.R. § 104.37
- N. You are entitled to notice prior to any action by the district pertaining to the identification, evaluation, or placement of your child. 34 C.F.R. § 104.36
- O. You are entitled to examine relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement. 34 C.F.R. § 104.36
- P. You are entitled to request an impartial hearing and an appeal of any decisions or actions taken by the school district regarding your child's identification, evaluation, educational program, or placement. The school district will bear the costs for these due process procedures. You and your child may take part in these proceedings and have an attorney represent you. The following details the procedures:
 - i. If you disagree with the identification, evaluation, educational placement, or with the provisions of a free appropriate public education for your child, you may make a request for a hearing to the superintendent or the Section 504 coordinator, indicating the specific reason(s) for the request. Upon receipt of the request, the superintendent shall appoint the hearing officer.
 - ii. The school district may initiate a hearing regarding the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student. The school district shall notify you of the specific reason(s) for the request.
 - iii. The school district shall conduct hearings within twenty (20) instructional days after it receives the request, unless the hearing officer grants an extension, and at a time and place reasonably convenient to you.
- Q. You are entitled to request a review (appeal) of the hearing, should you not prevail.

The following details the procedure:

- i. You or any party to the hearing may petition to review (appeal) the decision of the hearing officer. The request must specify the objections and be filed with the superintendent and the opposing party within twenty (20) instructional days of the date the hearing officer's decision is received. The school district must appoint an

independent appeals officer to conduct an impartial review of the record as a whole. The officer may, at his/her election, conduct the review with or without oral argument. Such review shall be conducted within twenty (20) instructional days of the receipt of the petition to review, unless either party requests an extension of time.

- ii. The appeals officer shall ensure that a transcript of the review is prepared and made available to any party upon request.
- iii. Any party disagreeing with the decision of the appeals officer may appeal to a civil court with jurisdiction.
- iv. A parent/guardian represented by legal counsel during the proceedings of a due process hearing, appeal, or civil action may be entitled to reimbursement of legal fees if the parent ultimately prevails.

This procedure does not deny the right of the grievant to file a formal complaint in federal court or with the U.S. Department of Education. Changes in the law, including timelines for filing a complaint, may affect your rights.

The person in this school district who is responsible for assuring that the school district is in compliance with Section 504 is the Section 504 Coordinator. This document is not to be a substitute for legal advice. It contains portions of the Section 504 regulations. For a complete compilation of the law, see 34 C.F.R. Part 104.