

Muscatine Community School District

# Section 504: Parent / Student Rights Handbook

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# Parent Permission for Initial Evaluation

Muscatine Community School District  
Receipt for Section 504 Parent and Student Rights Booklet

Student Name: \_\_\_\_\_ DOB: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_

I understand my child has been referred for evaluation for Section 504 Eligibility.

This is to verify that I have received a copy of Section 504 Parent and Student Rights which informs me of my rights throughout the 504 Referral Process.

I understand that my rights include the right to receive:

- (1) this and all other written notices in the language I understand, English or, if needed, a translator of such orally, in sign language, or Braille as appropriate, and
- (2) answers from school personnel to additional questions I may have.

My signature below indicates that I received the booklet for my review and clarification.

\_\_\_\_\_  
Signature of Parent, Guardian, or Adult Student

\_\_\_\_\_  
Date

My signature below indicates that I give consent for Muscatine Schools to proceed with an initial evaluation to determine eligibility. The records used to make the determination will be shared with me.

\_\_\_\_\_  
Signature of Parent, Guardian, or Adult Student

\_\_\_\_\_  
Date

\_\_\_\_\_  
Building 504 Coordinator

\_\_\_\_\_  
Date

This will be kept in the 504 file at the MCSD Administration Center.

## **MCS D Responsibilities**

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.
- 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 student's written 504 Plan developed in his/her attendance center.
- The District has a grievance procedure for disability discrimination complaints. For a description of this procedure, or any further relevant information, contact the Section 504/ADA Coordinator or MCS D Equity Coordinator.

**Jill Bourquin, Director of Human Resources (Equity Coordinator)**

**Mike McGrory, Assistant Superintendent (504 Coordinator)**

**563-263-7223**

## Notice of Parent and Student Rights Under Section 504

The Rehabilitation Act of 1973 commonly referred to as 'Section 504' or '§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 has a physical or mental impairment that results in a substantial limitation in one or more one or more major life activities/bodily functions.**

- **PHYSICAL OR MENTAL IMPAIRMENT** includes (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 retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities
- **SUBSTANTIAL LIMITATION** is a restriction as to the condition, manner, or duration under which an individual can perform a major life activity as compared to an average person in the general population. These restrictions must be a result of the student's disability and not from other causes.
- **MAJOR LIFE ACTIVITIES** include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
- **MAJOR BODILY FUNCTIONS** include but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
- **A TEMPORARY IMPAIRMENT** is generally not considered a disability unless it is a substantial impairment, taking into account both the expected duration and the degree to which it actually limits a major life activity. A transitory impairment is impairment with an actual or expected duration of 6 months or less.
- **AN EPISODIC IMPAIRMENT OR IMPAIRMENT IN REMISSION** may be a disability if it substantially limits a major life activity when active.

**It is the purpose of this Notice to set out the rights assured to parents and/or students deemed eligible for §504 services.**

1. The parent has a right to be informed by the school district of your rights under §504.
2. The student 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.
3. The student 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.
4. The student has a right to placement in the least restrictive environment. 34 CFR 104.34.
5. The student has a right to facilities, services, and activities that are comparable to those provided for non-disabled students.
6. The student has a right to an evaluation prior to an initial §504 placement and any subsequent significant change in placement.
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 and anecdotal reports.
8. Placement decisions must be made by a group of persons (i.e., the §504 Committee), including persons knowledgeable about the student, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities.
9. An eligible student has a right to periodic reevaluations, generally every three years.
10. Parents 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. Parents have the right to examine relevant records.

12. Parents have the right to an impartial hearing with respect to the district's actions regarding the child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney at their expense.
13. If parents disagree with the actions of the district's §504 Committee in regard to the student's identification, evaluation, or educational placement, they should file a written Notice of Appeal with the district's §504 Coordinator within 15 calendar days from the time they 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. GRIEVANCE PROCESS
14. If parents disagree with the decision of the impartial hearing officer, they have a right to a review of that decision by a court of competent jurisdiction.
15. On §504 matters other than the child's identification, evaluation, and placement, parents 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. See 'Procedures for Filing a Complaint' within this document.
16. Parents have a right to file a complaint with the Office of Civil Rights. The address of the Regional Office which covers Iowa is:

U.S. Department of Education  
Citigroup Center  
500 W. Madison Street,  
Suite 1475  
Chicago, IL 60661  
Telephone: (312) 730-1560  
Facsimile: (312) 730-1576  
Email: OCR.Chicago@ed.gov

## **Discipline of Student Eligible under Section 504**

When considering any removal of a Section 504 handicapped student from his regular education program, for ten days (cumulative) for disciplinary reasons, a Manifestation Determination meeting must be conducted.

- The Manifestation Determination Team will consist, at a minimum, of the District 504 Coordinator (or designee), a district employee with knowledge of the student, and a district employee with knowledge of the situation and behavior of concern. Parents will be encouraged to be a part of the team, as well as the student if appropriate.
- The Manifestation Determination is considered a re-evaluation. The 504 Team must take into account recent evaluation data that provides an understanding of the student's behavior.
- The Manifestation Determination will determine if the student's behavior is related to his Section 504 handicapping condition.

If it is determined that the handicapped student's behavior IS related to his handicapping condition, the 504 Team will review the student's current educational placement and current 504 Plan to determine if it is appropriate and make changes as appropriate. The student may not be expelled for conduct related to his handicapping condition.

If the student's misconduct is NOT related to his handicapping condition, the school may impose normal disciplinary procedures, including suspension or expulsion. In the case of expulsion, educational services may not be terminated completely. The student must be provided educational services calculated to prevent significant regression.

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.



## **Procedures for Filing a Complaint**

The following process is to be used if a student and/or parent have a concern or complaint on §504 matters other than the child's identification, evaluation, and placement. The student may be represented by an adult at any level of the complaint. For purposes of these procedures "days" shall mean school days. Decisions may be made in the student's/parent'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.

### **INITIAL CONCERNS:**

It is hoped that initial concerns and complaints are discussed on an informal level with the teacher and/or building administrators to resolve the problem.

### **LEVEL ONE:**

- A student/parent who has a complaint shall request in writing a conference with the principal within ten days of the time the student or parent became aware of the event or series of events, causing the complaint.
- The principal shall schedule and hold a conference with the student/parent 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 satisfaction, within ten days of receipt of the decision at Level One, the student/parent may request in writing a conference with the District 504 Coordinator or designee.
- The District 504 Coordinator shall schedule and hold a conference within fifteen days of receipt of the request.
- Before the conference, the student/parent shall submit a written complaint that includes:
  - a statement of the complaint
  - any evidence in its support
  - the solution sought
  - the date of the conference with the principal
  - the student's/parent's signature

- Before the conference, the principal or other appropriate school official will submit any pertinent information to the District 504 Coordinator. This information will be made available to the student/parent prior to the meeting.
- Within seven days after the meeting, the District 504 Coordinator provide a written decision to the student/parent and appropriate school officials.

**LEVEL THREE:**

- If the outcome of the conference with the District 504 Coordinator is not to the student's/parent's satisfaction, the student/parent may submit to the Superintendent a written request to place the matter on the agenda of a regularly scheduled School Board meeting.
- 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 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, Board procedures related to employee concerns shall be followed.