

TrekNorth High School  
INDEPENDENT SCHOOL DISTRICT 4106  
Bemidji, Minnesota

Title: Section 504 Process for Students

1. Persons who have questions, comments, or complaints should contact Alison Drietz regarding grievances or hearing requests regarding disability issues. This person is the school district's ADA/504 Coordinator.
2. The purpose of this policy for District 4106 is to protect disabled students from discrimination on the basis of disability and to identify and evaluate learners who, within the intent of Section 504 of the Rehabilitation Act of 1973, need special services, accommodations, or programs in order that such learners may receive a free appropriate public education.
3. Definitions
  - 3.1 All learners in the district of any age are students. The responsible authority for students in the district is the Executive Director.
  - 3.2 Students may be considered to be disabled under Section 504 even though they do not require services pursuant to the Individuals with Disabilities Education Act (IDEA). All students who are disabled under the IDEA are also considered to be protected under Section 504 of the Rehabilitation Act of 1973.
  - 3.3 A person with a disabling condition is: 1) with a physical or mental impairment that substantially limits one or more major life activities (an activity that an average person can perform with little or no difficulty; functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working), or 2) with a record of such an impairment or 3) regarded as having such an impairment.
    - 3.3.1 Physical impairment is any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; muscular-skeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hermic and lymphatic; skin, and endocrine.
    - 3.3.2 Mental impairment is any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

- 3.4 The 504 team is the students Executive Director or designee, the Assessment and Review Team, and/or person who has knowledge of the student, as determined by the Executive Director or the ADA/504 Coordinator.
  - 3.5 Review is considered to consist of a drawing on information from a variety of sources in the area of concern.
4. The intent of the rights granted in Section 504 of the Rehabilitation Act of 1973 is to keep parents/guardians and students fully informed about decisions concerning the student, and to inform parents/guardians and students of their rights if they disagree with any of these decisions. As a parent/guardian of a student with a disabling condition, you have a right to:
- 4.1 Have the student take part in, and receive benefits from, public education programs without discrimination because of the students disabling condition;
  - 4.2 Have District 4106 advise you of your rights under federal law;
  - 4.3 Be notified about identification, review or placement of the student;
  - 4.4 Have the student receive a free appropriate public education, including:
    - 4.4.1 The right to be educated with students without disabling conditions to the maximum extent appropriate, and
    - 4.4.2 The right to have the district be able to make reasonable accommodation to allow the student an equal opportunity to participate in school and school related activities;
  - 4.5 Have the student receive special education and related services if he or she is found to be eligible under the Individuals with Disabilities Education Act (Public Law 101-476) or receive reasonable accommodation if he or she is found to be eligible under Section 504 of the Rehabilitation Act;
  - 4.6 Have review, educational and placement decisions made based upon a variety of information and sources of people who know the student, the review data and the placement options;
  - 4.7 Parents/guardians and students have the right to examine all relevant records relating to decisions regarding the student's identification, review, educational program and placement, and to request amendment of the student's educational records if there is reasonable

cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of the student. If the district refuses a request for amendment, it will notify the parents/guardians and/or students within a reasonable time and advise the parents/guardians and/or students of the right to a hearing.

- 4.8 File a grievance and request an impartial due process hearing (pursuant to the procedures set forth in sections 8 and 9 below) relating to decisions or actions regarding the student's identification, review, educational program or placement and to take part in the hearing with or without the assistance of an attorney hired by the parent/guardian and/or student.
5. Identification Process
    - 5.1 A request for review for a student who may be eligible for accommodation under Section 504 may be made by the student's parent/guardian, the student and/or the Executive Director and/or advisor by completing the district Request for Section 504 Review, and submitting it to the district's ADA/504 Coordinator. The Executive Director or the ADA/504 Coordinator will notify the student's parent/guardian and student in writing when such a request is received if the request came from someone other than the student's parent/guardian or student.
    - 5.2 After receiving a written request for Section 504 review from the student's parent/guardian or the student and written permission for Section 504 review from the student's parent/guardian or student the district will review the student's needs.
      - 5.2.1 The review will be sufficient to accurately and completely assess the nature and extent of the disability, and how it affects the student's education.
      - 5.2.2 Review data will be gathered by the 504 team. The data may include, but is not limited to the following informal and formal data:
        - 5.2.2.1 Informal data such as health information/records, observations, anecdotal records, attendance records, parent information, medical records, records of classroom interventions, discipline records, grades, achievement tests and cumulative record information, and/or

5.2.2.2 Formal data such as valid, nondiscriminatory psycho educational assessment, adaptive behavior instruments and intelligence testing.

### 5.3 Decision

5.3.1 As a result of the review, the 504 Assessment and Review Team will come to one of the following three conclusions:

5.3.1.1 The student is not eligible for accommodations under Section 504, and the parent, guardian or adult student is informed of their rights to appeal the decision;

5.3.1.2 The student is eligible for accommodation under Section 504 where the team proceeds to develop an accommodation plan, as described in section 6 below, or

5.3.1.3 Referral of the student is recommended to the IDEA process.

## 6. Accommodation Plan Procedures

6.1 If the student is found to have a disabling condition under Section 504, the district will develop and implement a plan for reasonable accommodation with a Section 504 Accommodation Plan.

6.1.1 The determination of what reasonable accommodations are needed will be made by the 504 Team knowledgeable about the student's needs, and the parent/guardian and student based upon a variety of information which may include but is not limited to medical reports, teacher observations, daily performance in class, formal and informal assessment data, and parent information.

6.1.2 The 504 Team, with the parent/guardian and student will consider the nature of the disabling condition, how it affects the student's education and the nature of the accommodations needed.

6.2 The accommodation plan will be written and a copy will be given to the parent/guardian and student for review and permission to implement. With the written permission of the student's parent/guardian, or the adult student, the plan will be implemented.

7. Record-keeping
  - 7.1 The decisions about Section 504 eligibility and accommodation will be documented in the student's cumulative file and reviewed annually.
  - 7.2 When a student moves leaves District 4106, the Executive Director or Records Secretary will inform the student's new school that there are records in the student's cumulative file about the student's 504 eligibility and accommodation.
8. A parent/guardian of a student may use the following process to grieve a decision to deny 504 review or deny accommodation, to grieve the accommodation offered or to grieve any other complaints alleging a violation of this regulation of Section 504.
  - 8.1 The grievant may submit a grievance, in writing, to the Executive Director or ADA/504 Coordinator within a reasonable amount of time after the alleged violation has occurred. The grievant must fully state the facts of the alleged violation and the remedy that is sought.
  - 8.2 The ADA/504 Coordinator will take the following actions:
    - 8.2.1 Discuss the grievance with the parent/guardian and student and with appropriate school and/or district employees;
    - 8.2.2 Prepare a written report of his or her findings of fact and conclusions within 10 days of receiving the grievance, and
    - 8.2.3 Notify the grievant in writing of the decision by sending the grievant a copy of the written report.
  - 8.3 If the grievant is not satisfied with the resolution of the grievance, the grievant may appeal the report of the Executive Director, in writing, within five school days of receipt of the report.
  - 8.4 After investigation and within 10 school days of receipt of the appeal, the Executive Director shall affirm, reverse or modify the report of the ADA/504 Coordinator, and notify the grievant in writing of his or her decision.

9. This decision does not deny the right of any individual to pursue other avenues of recourse, which may include the following:

9.1 Requesting a local due process hearing, or

9.2 Appealing to the  
Office of Civil Rights, Region V  
U.S. Department of Education,  
111 N. Canal St., Suite 1053,  
Chicago, IL 60606-7204  
Telephone number (312) 886-8434.

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References: - Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794  
- Public Law 101-476, Individuals with Disabilities Education Act

INDEPENDENT SCHOOL DISTRICT 4106  
Bemidji, Minnesota

Title: Request for Section 504 Review

Date \_\_\_\_\_

Dear \_\_\_\_\_ (Executive Director or ADA/504  
Coordinator)

I, \_\_\_\_\_ (circle one: parent - guardian - adult  
student - student teacher), request that the following student, \_\_\_\_\_,  
(name of student), in grade \_\_\_\_\_ at TrekNorth High School be reviewed for eligibility to  
receive accommodation in accordance with Section 504 of the Rehabilitation Act of 1  
1973. I believe the student in question is disabled in accordance with Section 504\*  
because of the following reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

This student does not presently have access to a free appropriate education because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you for your consideration of this request.

Sincerely,

\_\_\_\_\_  
(circle one)

Parent/guardian

Adult student

Student's teacher

>>>Over >>>

Note: if this request is from a parent/guardian or adult student, please also complete the section on the next page entitled "Response to Request for Section 504 Review."

Thank you.

\*A person with a disability condition, as defined under Section 504 is any person: 1) with a physical or mental impairment that substantially limits one or more major life activities (an activity that an average person can perform with little or no difficulty - functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working; 2) with a record of such an impairment, or 3) regarded as having such an impairment. Physical impairment is defined as any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; muscular-skeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hermic and lymphatic; skin, and endocrine. Mental impairment is defined as any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

INDEPENDENT SCHOOL DISTRICT 4106  
Bemidji, Minnesota

Title: Notification of Request for Section 504 Review

Dear Parent, Guardian or Adult Student,

On (date) \_\_\_\_\_, I received a request for \_\_\_\_\_

\_\_\_\_\_ (name of student) to be reviewed for eligibility to receive accommodation in accordance with Section 504 of the Rehabilitation Act of 1973. A copy of that request is enclosed for your information. Also enclosed is information about Section 504 of the Rehabilitation Act of 1973.

Please indicate your willingness to have this student reviewed in accordance with Section 504 by checking one of the responses below and returning the completed form.

Thank you.

Sincerely,

\_\_\_\_\_  
(signature 504 Coordinator)

\_\_\_\_\_  
(date)

Enclosure: Information Regarding Section 504 of the Rehabilitation Act of 1973  
Request for Section 504 Review

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**RESPONSE TO REQUEST FOR SECTION 504 REVIEW**

\_\_\_\_\_ I give District 4106 my permission to review the student named above for eligibility to receive accommodation in accordance with Section 504 of the Rehabilitation Act of 1973.

\_\_\_\_\_ I do not give District 4106 permission to review the student named above for eligibility to receive accommodation in accordance with Section 504 of the Rehabilitation Act of 1973.

\_\_\_\_\_ I would like more information about the process before making this decision.

Parent/Guardian/Adult Student Signature

Date

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### Information Regarding Section 504 of the Rehabilitation Act of 1973

Section 504 is an act, which prohibits discrimination against persons with a disabling condition in any program receiving federal financial assistance. The act defines a person with a disabling condition as anyone who:

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

In order to fulfill its obligation under Section 504, District 4106 recognizes responsibility to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person with a disabling condition will knowingly be permitted in any of the programs and practices in the school system.

The district has specific responsibilities under the act, which include the responsibility to identify, review and, if the child is determined to be eligible under Section 504, to afford access to appropriate educational accommodation.

If the parent/guardian or adult student disagrees with the determination made by the district staff, he or she may submit a grievance, in writing, to the Executive Director within a reasonable period of time after the alleged violation occurred. The grievant must fully state the facts of the alleged violation and the remedy that is sought.

The Family Education Rights and Privacy Act (FERPA) also specifies rights related to educational records. This act gives the parent/guardian or adult student the right to: 1) Inspect and review the student's educational records; 2) Make copies of these records; 3) Receive a list of all individuals having access to these records; 4) Ask for an explanation of any item in the record; 5) Ask for an amendment to any report on the grounds that is inaccurate, misleading or violates the student's rights, and 6) A hearing on the issue if the school refuses to make the amendment.

If there are questions, please feel free to contact TrekNorth 504 Coordinator Alison Drietz or Special Education Consultant Bob Bernstrom at 218-444-1888.

