

Dubuque Community School District

**Section 504
and
Americans
with Disabilities
Act
Desk Reference
For
Parents/Guardians/Administrators/
504 Liaisons**

www.dbqschools.org

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This information is also available on DCSD website (www.dbqschools.org). Please email (mhingtgen@dbqschools.org), Fax (563-552-3102), or telephone (563-552-3105) if you have any comments, concerns and/or questions.

Thank you for your time and consideration.

**DUBUQUE COMMUNITY SCHOOL DISTRICT
2016-2017 504 LIAISON**

SCHOOL	504 LIAISON(S)	TELEPHONE (ALL WITH 552-)
Audubon	<i>Jackie Leibold, Counselor</i>	3349
Bryant	<i>Monica Redmond, Nurse</i>	3407
	<i>Chad Hamilton, Instr Coach</i>	3434
Carver	<i>Stef Weber, Counselor</i>	4506
Eisenhower	<i>Debbie Klein, Counselor</i>	3556
Fulton	<i>Tammy Stueck, Nurse</i>	3632
	<i>Joe Streit, Counselor</i>	3656
Hoover	<i>Janet Friederick, Nurse</i>	3708
Irving	<i>Janet El Khatib, Nurse</i>	3808
	<i>Megan Richardson, Instr. Coach</i>	3816
Kennedy	<i>Nick Hess, Sp Ed coach</i>	3924
Lincoln	<i>Jim Luksetich, Counselor</i>	4073
	<i>Rhonda Ramler, Nurse</i>	4058
Marshall	<i>Mary Jane Meade, Instr. Coach</i>	4113
	<i>Marc Zugenbuehler, Nurse</i>	4108
Prescott	<i>Monica Redmond, Nurse</i>	4208
Sageville	<i>Tammy Stueck, Nurse</i>	4308
	<i>Casie Kaiser, Counselor</i>	4306
Table Mound	<i>Marc Zugenbuehler, Nurse</i>	4408
	<i>Sarah Weber, Instr Coach</i>	4452
Jefferson	<i>Lisa Schroeder, Counselor</i>	4706
Roosevelt	<i>Jeff Johl, Principal</i>	5003
	<i>Angela Haller, Counselor</i>	5008
Washington	<i>Ashley Fure, Counselor</i>	4808
	<i>Brenda Maro, Asst Principal</i>	4812
Senior	<i>Pete Ross, Counselor</i>	5513
Hempstead	<i>Sandra Beisker, Asst Principal</i>	5215
ALC	<i>Dan Powers, Counselor</i>	5827

Dubuque Community School District

Public Notice: Section 504 of the Rehabilitation Act of 1973/Title II of the Americans with Disabilities Act (ADA) of 1990

Both Section 504 and the ADA prohibit covered entities from discriminating against persons with disabilities in the provision of benefits or services or the conduct of programs or activities on the basis of their disability. The Dubuque Community School District is committed to its obligations under Section 504 and the ADA.

Title II of the Americans with Disabilities Act (ADA) of 1990, covers all of the services, programs, and activities conducted by public entities (state and local governments, departments, agencies, etc), including licensing.

Section 504 of the Rehabilitation Act of 1973 is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal assistance. For individuals to be eligible for services, a student must be determined "as a result of an evaluation" to:

1. Have a "**physical or mental impairment**" that "**substantially limits**" one or more "**major life activities**" (including, but not limited to, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, breathing, thinking, or caring for one's self);
2. Have a **record** of such impairment; or
3. Be **regarded** as having such an impairment

In order to fulfill obligations under Section 504 and ADA, the Dubuque Community School District has the responsibility to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person with a disability should knowingly be permitted in any program and/or practices of the school system.

A parent or guardian may request to initiate a referral for an evaluation of any student to determine if eligible under Section 504 for accommodations needed to afford access to appropriate educational services. It is recommended that the request be in writing (see forms), but is not required to initiate an evaluation.

If a parent or guardian disagrees with the determination made by the professional staff of the school district in regards to a students' eligibility for 504 Accommodation Plan, he/she has the right to initiate the Section 504 Grievance Response as outlined in this Desk Reference.

Family Educational Rights and Privacy Act Notice

In addition to the Section 504 and the ADA, the Family Educational Rights and Privacy Act (FERPA) specifies parent/guardian rights related to educational records. This Act gives the parent/guardian the right to:

1. inspect and review your child's educational records;
2. make copies of these records;
3. receive a list of all individuals having access to those records;
4. ask for an explanation of any item in the records;
5. ask for an amendment of any report on the grounds that it is inaccurate, misleading, or violates the child's rights; and
6. a hearing on the issue if the school refuses to make the amendment

If any questions, please feel free to contact the Dubuque Community School District Section 504 Coordinator/Compliance Officer:

Mae Hingtgen
Learning Supports and Equity Liaison
Section 504 Coordinator/Compliance Officer
2300 Chaney Road Dubuque, IA 52001
563-552-3105
mhingtgen@dbqschools.org

Responsibilities

Administrator/504 Liaison Responsibilities

- Facilitate staff development
- Facilitate appropriate/inclusive 504 teams
- Determine eligibility through assessment
- Complete and maintain 504 forms/plans (signed/copy to student file)
- Maintain school database
- Copy active 504 plans (Page 5 of 11) to DCSD Section 504 Compliance Officer
- Monitor and assess plan accommodations
- Revisit plans with appropriate/inclusive 504 teams on a yearly basis
- Communicate inactive 504 plans to DCSD Section 504 Compliance Officer

Section 504 Compliance Officer Responsibilities

- Facilitate staff development for Administrators/504 Liaisons
- Maintain DCSD (in)active database
- Maintain DCSD active 504 plans (Page 5 of 11)
- Publish 504 information and forms

Findings

The Office of Civil Rights (OCR), a component of the U.S. Department of Education, enforces Section 504 of the Rehabilitation Act of 1973, as amended, (Section 504) a civil rights statute which prohibits discrimination against individuals with disabilities. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), which extends this prohibition against discrimination to the full range of state and local government services, programs, and activities (including public schools) regardless of whether they receive any Federal financial assistance. The Americans with Disabilities Act Amendments Act of 2008 (Amendments Act), effective January 1, 2009, amended the Americans with Disabilities Act of 1990 (ADA) and included a conforming amendment to the Rehabilitation Act of 1973 (Rehabilitation Act) that affects the meaning of disability in Section 504. The standards adopted by the ADA were designed not to restrict the rights or remedies available under Section 504. The Title II regulations applicable to free appropriate public education issues do not provide greater protection than applicable Section 504 regulations. This guidance focuses primarily on Section 504.

Section 504 prohibits discrimination on the basis of disability in programs or activities that receive Federal financial assistance from the U.S. Department of Education. Title II prohibits discrimination on the basis of disability by state and local governments. The Office of Special Education and Rehabilitative Services (OSERS), also a component of the U.S. Department of Education, administers the Individuals with Disabilities Education Act (IDEA), a statute which funds special education programs. Each state educational agency is responsible for administering IDEA within the state and distributing the funds for special education programs. IDEA is a grant statute and attaches many specific conditions to the receipt of Federal IDEA funds. Section 504 and the ADA are antidiscrimination laws and do not provide any type of funding.

-- "ED.gov U.S. Department of Education" November 2010

Additional information on OCR's interpretation of Section 504 and Title II is available on OCR's website, at <http://www.ed.gov/policy/rights/guid/ocr/disability.html>.

GUIDELINES FOR 504 EVALUATION TEAMS

- To be eligible for services, a student needs to be determined as the "result of an evaluation" by team members to have a "**physical or mental impairment**" that "**substantially limits**" one or more "**major life activities**". A student must meet all three of these components to be eligible for the protections available under Section 504. A medical diagnosis alone does not necessarily qualify a student for services nor does not having a medical diagnosis disqualify a student for services. The current revisions to this law state "the definition of disability in this Act shall be construed in favor of broad coverage of individuals under this Act, to the maximum extent permitted by the terms of this Act".
 - All students with Individualized Education Programs (IEP) are covered automatically under Section 504. Even if the accommodations needed are not due to the reason the student qualifies for an IEP, they are written in the IEP.
- If a student has an Individual Health Plan, this demonstrates reason to suspect that the student may qualify for related aids and services and should be considered for an evaluation. A health plan
 - A "**physical or mental impairment**" is
 - 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; 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, and specific learning disabilities.

This definition is not exhaustive nor does it define specific diseases, such as epilepsy. The Section 504 statute explicitly excludes a variety of "sexual disorders", compulsive gambling, kleptomania, pyromania, as well as, psychoactive substance use disorder resulting from current illegal use of drugs.

Section 504 regulations do not define the word "**substantially**". This determination is different from school district to school district. The OCR has said that the term has been interpreted to require an important and material limitation and that school districts must decide whether a particular impairment substantially limits a major life activity.

"Major life activities" is defined as "functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working." While the list is not exhaustive, as indicated by the "such as" language, there is virtually no guidance concerning establishing principled limitations in the education arena. The recent revisions to this law have added several examples of major life activities that reflect the narrow interpretation of a major life activity set forth by the U.S. Supreme Court. Note that an impairment that substantially limits one major life activity need not limit other major life activities to be considered a disability.

When determining a student's limitations due to the disability, do not take into account any mitigating measures, such medication for ADHD and asthma, or other services that would be provided in an Individual Health Plan (IHP).

A district "**regards**" a student as having an impairment when:

- The student has a physical or mental impairment that does not substantially limit major life activities, but the district treats him on the basis of the impairment being so limiting.
- The student's physical or mental impairment would not substantially limit major life activities but for the attitudes of others toward the impairment.
- The student does not have an impairment at all, but is treated as if he has an impairment that substantially limits a major life activity.

The awareness of the condition is not the same thing as a belief that the condition is substantially impairing.

PROCESS

Referral

It is recommended that a referral be made in writing to the school principal or site supervisor (remember that it is not “required” to be in writing according to the Office of Civil Rights). This is the Section 504 Referral Form, page 1 of 11 of the referral process included in the Desk Reference. Students, parents, teachers, nurses, counselors or other school personnel can make a referral if they suspect that a student has a disability. If parents require assistance with a written referral or if refuses to do a written referral, school staff will assist with the referral or write up the referral.

504 Team

Once a signed referral form is received by the principal or site supervisor, a meeting will be scheduled and a Section 504 Meeting Notice, page 2 of 11, will be sent to the team members. Team members will vary based on area of disability. The 504 Team will convene to review and consider all data concerning the student. All evaluations will be non-discriminatory. Parents and others with knowledge of the student can be invited to attend. After reviewing and considering the data, the 504 Team completes pages 3 and 4 of 11 identifying eligibility of the student for 504 accommodations and sign. Parents/guardians are given a copy. If eligible, an accommodation plan is initiated.

Accommodations

The 504 Team will meet to complete the 504 Accommodation Plan, page 5 of 11.

Grievance Process

If parent/guardian believes that discrimination has occurred against a student/staff based on disability, a grievance and due process is initiated. The process is outlined below:

- Level One – Principal or Immediate Supervisor. Contacting the school principal or immediate supervisor may resolve the grievance. If not, the parent/guardian is to fill out Appendix D, Section 504 Grievance Form and send to school principal or immediate supervisor. The principal or immediate supervisor completes the Section 504 Grievance Response – Level One Form. He/she will respond in ten (10) working days. One copy goes to the complainant, one copy to the 504 Compliance Officer.
- Level Two – If grievance is not resolved at Level One, the parent/guardian completes the Section 504 Grievance Response Level Two Form, Appendix E and within fifteen (15) working days, sends to the Section 504/ADA Compliance Officer. The Compliance Officer will respond on this form within seven (7) working days.
- Level Three – If grievance is not resolved at Level Two, the parent/guardian completes the Section 504 Grievance Response Level Three Form, Appendix F and sends it to the Superintendent within ten (10) working days. The Superintendent will respond on this form within ten (10) working days.
- Level Four – If grievance is not resolved at Level Three, the parent/guardian will file a written request, Section 504 Level Four Request for Impartial Hearing Form, Appendix G with the 504 Compliance Officer within ten (10) working days of receipt of the Level Three decision. The Compliance Officer

will arrange for an impartial hearing officer within fifteen (15) working days of receipt of the request.

When it is decided by all parties that the student no longer qualifies or needs the accommodations, the Section 504 Termination of 504 Status Form (page 6 of 11) needs to be completed and sent to the 504 Coordinator at the Forum.

If any questions, please feel free to contact the Dubuque Community School District Section 504 Coordinator/Compliance Officer:

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