

## **DEARBORN HEIGHTS SCHOOL DISTRICT NO. 7**

### **SECTION 504 EVALUATION**

*It is the policy of Dearborn Heights School District No. 7 that no otherwise qualified person shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity sponsored by this School District or Board of Education.*

*It is the responsibility of Dearborn Heights School District No. 7 to identify and evaluate students who, within the intent of Section 504 of the Rehabilitation Act of 1973, need specialized services or programs in order that each student receive a free, appropriate, public education. For the purposes of these procedures, a student who may need specialized programs or services within the intent of Section 504 is one who:*

- has a physical or mental impairment that substantially limits one or more major life activities, including learning; or*
- has a record of such an impairment; or*
- is regarded as having such an impairment.*

*Students may be eligible for services under the provisions of Section 504 even though they do not require special education programs/services pursuant to the Individuals with Disabilities Education Act (IDEA).*

*These 504 Administrative Procedures do not address students who are identified as having, or who are suspected of having, a disability according to IDEA. Students who are suspected of having a disability as defined in IDEA or the Michigan Administrative Rules for Special Education, or who may be in need of programs/services as defined in those state and federal special education rules and regulations. The rights of such students under Section 504 shall be addressed through the procedural safeguards of IDEA as set forth in the Michigan Administrative Rules for Special Education.*

*The intent of these Section 504 Administrative Procedures is to assure that each qualified person within the Dearborn Heights School District No. 7 who is eligible to receive regular or special education or related aids or services, regardless of the nature or severity of the condition necessitating such programs or services, shall receive a free, appropriate, public education. The person designated by the Dearborn Heights School District No. 7 to implement Section 504 as it relates to students in K-12 educational programs is the Director of Special Education.*

*Being identified as an individual with a disability may be considered more restrictive than not having a label. Therefore, whenever possible, necessary, reasonable accommodations should be provided to students as the need is observed in the regular classroom setting, and identification as a person with a disability should only occur when a free, appropriate public education cannot be provided a) through existing general education strategies, services, and/or programs; and/or b) without labeling the students as having a disability.*

### **I. REFERRAL PROCEDURES**

*A. Students who are believed to be in need of services under Section 504 may be referred by any parent, teacher, or other certified school employee, or community agency.*

*B. Parent referrals, or referrals from community agencies, should be directed in writing.*

*C. Teachers or other certified school employees should direct 504 referrals to the Building Administrator/Designee. The building designees are the building counselors.*

*D. The building counselors will receive the referral pursuant to items I-B and I-C above shall appoint a 504 Evaluation Team. The team shall be composed of persons knowledgeable about the student's individual needs, the meaning of evaluation data, and placement options.*

*E. The 504 Team will consider the referral and, based upon a review of the student's existing records, including academic, behavioral, and social records, make a decision as to whether an evaluation under this procedure is necessary. If a request for evaluation is denied, the 504 shall inform the parent/guardian in writing of its decision and of procedural safeguards available under Section 504.*

### **II. EVALUATION AND IDENTIFICATION**

*A. The parent/guardian shall be notified in writing prior to a 504 evaluation being conducted by the District. Such notice shall be accompanied by a copy of the procedural safeguards available under Section 504. Informed written parental consent shall be obtained for evaluations.*

*B. The timeline from receipt of 504 referral to parent notification of the District's intent to conduct, or refusal to conduct, an evaluation should not exceed 15 school days. The timeline from parent consent and notification of intent to conduct an evaluation to development of a 504 Accommodation Plan should not exceed 45 school days, unless the timeline is extended by agreement of both the parent/guardian and the District.*

*C. The 504 Team shall evaluate the nature of the student's disability and the impact of the disability upon the student's education. The evaluation shall include the consideration of any behaviors and interfere with regular participation of a student who otherwise meets the criteria (such as age) for participation in the educational program/activities.*

*D. It is the responsibility of the 504 Team to determine, on an individual basis, what types of assessments must be conducted in order to identify any disability and develop an appropriate*

*plan of intervention. Individually administered intelligence tests or achievement tests are not necessarily required as part of the 504 evaluation procedure.*

*E. The evaluation procedure must ensure that:*

- 1. tests and other evaluation materials have been validated for the specific purpose for which they are used, and are administered by trained personnel in conformance with the instructions provided by their producer;*
- 2. tests and other evaluation materials include those tailored to address specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient;*
- 3. tests are selected and administered so as best to ensure that results accurately reflect the student's aptitude, achievement level, and whatever other measure that test purports to measure.*

*F. If a student is suspected of having a physical condition and there is not already a current diagnosis documented by a physician, input from a physician should be sought as part of the evaluation process. However, a physical diagnosis in and of itself does not constitute a disability within the intent of Section 504; there also must be evidence of a substantial limitation of a major life activity as determined by the school's 504 Team. When determining substantial limitation the 504 Team must consider the impact of the condition without mitigating factors.*

*G. No final determination of whether the student will or will not be identified as an individual with a disability within the meaning of Section 504 shall be made without first inviting the parent/guardian of the student to participate in a meeting concerning such determination.*

*H. A final determination regarding eligibility shall be made by the 504 Team in writing, and the parent/guardian of the student shall be notified of the determination and of the procedural safeguards available under Section 504, including the right to an impartial hearing and review.*

*I. In order to be identified in the school setting as an individual with a disability within the intent of Section 504, there must be a substantial limitation to a major life activity (i.e., in school situation, usually the student's learning.) **The existence of a mental or physical condition which does not substantially limit some aspect of education may not be a disability for educational purposes.** The educational standard which must be met under Section 504 is that the needs of the individual with a disability must be met at least as adequately as the needs of individuals without disabilities are met.*

### **III. 504 ACCOMMODATION PLAN**

*A. The parent/guardian shall be invited to participate in 504 Team meetings where services for the student will be determined, and shall be given an opportunity to review all relevant records in accordance with established District procedures.*

*B. If a student has been identified as having a disability within the meaning of Section 504, the 504 shall be responsible for determining what accommodations are needed. This shall be documented in writing in a 504 Accommodation Plan.*

*C. In making a determination about what accommodations are needed, the 504 Team shall consider all available, relevant information, drawing upon a variety of sources including, but not limited to, comprehensive assessments conducted by the District's professional staff, teacher recommendations, results of tests, physical condition, social/cultural background, and adaptive behavior.*

*D. The final, written 504 Accommodation Plan shall be signed by the Building Administrator/Designee. Prior to implementation, a copy shall be provided to the parent/guardian indicating the District's intent to implement. The timeline from completion of the 504 Accommodation Plan to its implementation should not exceed 15 school days, although this timeline could be extended by mutual agreement of the parent/guardian and the District. The original copy of the 504 Accommodation Plan shall be maintained at the Office of Student Services.*

*E. If a 504 Accommodation Plan is developed, all school personnel who work with the student shall be informed of the plan.*

*F. The person responsible for implementing the 504 Plan shall monitor the student's progress and the effectiveness of the student's plan annually to determine 1) whether the plan continues to be appropriate, and 2) that the student's needs are being met as adequately as the needs of students without disabilities are met. Prior to any subsequent significant change in placement a comprehensive reevaluation of the student's needs shall be conducted and a new/revised plan developed.*