

# Notice of Rights and Procedural Protections Under Section 504 and the Americans with Disabilities Act

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## Guide to Section 504

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### SIOUX CENTER CHRISTIAN SCHOOL

Sioux Center Christian School does not discriminate on the basis of race, color, sex, age, national origin, or disability in admission, access, treatment, or employment in its programs, services, and activities. Applicants, students, parents/guardians, employees, referral agencies, and all organizations holding agreements with SCCS are hereby notified of this policy. Any person with concerns regarding compliance with the regulations implementing Title VI, Title IX, Section 504, or the Americans with Disabilities Act is directed to contact:

Josh Bowar  
Head of School, 504 Coordinator  
630 1<sup>st</sup> Avenue SE  
Sioux Center, IA 51250  
712-722-0777  
[jbowar@siouxcenterchristian.com](mailto:jbowar@siouxcenterchristian.com)

**This document summarizes Section 504 information, the Sioux Center Christian School procedural protections, and rights you have as the parent of a student who may qualify for accommodations or services under Section 504 and the ADA.**

#### **INTRODUCTION**

Section 504 of the 1973 Rehabilitation Act, along with the Americans with Disabilities Act, requires that the school may not discriminate against students with disabilities. Accordingly, Sioux Center Christian School has adopted policies and procedures to ensure that discrimination does not take place.

Section 504 is an Act that prohibits discrimination against persons with a disability in any program receiving federal financial assistance. The Act defines a person with a disability as anyone who:

- Has a mental or physical impairment which *substantially* limits one or more major life activity;
- Has a record of such impairment;
- Is regarded as having such an impairment.

Major life activities are defined as activities considered important to daily life. The law includes a long list of major life activities, but it is not exclusive. The listed categories are:

- Caring for oneself
- Seeing
- Eating
- Walking
- Lifting
- Speaking
- Learning
- Concentrating
- Communicating
- Performing manual tasks
- Hearing
- Sleeping
- Standing
- Bending
- Breathing
- Reading
- Thinking
- Working
- The operation of a major bodily function

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

The school district has specific responsibilities under the Act, which include the responsibility to identify, evaluate, and, if the child is determined to be eligible under Section 504, to afford access to appropriate educational services.

Section 504 covers eligible students, employees, and other individuals with disabilities for accommodations that enable them to work or learn. Section 504 is what good teachers do for students with disabilities, making practical accommodations to “level the educational playing field” so students can benefit from their education. The great majority of academic accommodations should take place in the general education classroom. Section 504 is a general education program. A school team knowledgeable of the person determines, with evaluation data, if the student meets eligibility criteria.

### **PROCEDURES**

Sioux Center Christian School has put in place the following procedure for identifying students who may need services through a support plan or a 504 Plan:

1. Referrals may be made by teachers or parents. Teachers will complete a referral form. Parents need to provide written notice that they would like their child considered for a plan.
2. After a referral is made, the school team will meet to discuss the referral, analyze data, and come to a decision of whether a plan is needed. The parent will be invited to the team meeting.
3. Plans will be put in place, if needed and appropriate. Plans may be a support plan or a 504 Plan. In order to alter a 504 Plan, a team meeting must be held and parent consent given.
4. Plans will be reviewed at least once per year. In the case of a 504 Plan, a parent is guaranteed a yearly meeting, but they may call a meeting at any time.

### **SIoux CENTER CHRISTIAN SCHOOL SECTION 504 COORDINATOR**

The role of the Section 504 Coordinator is to assist the school in meeting requirements under Section 504 of the Rehabilitation Act of 1973. The Coordinator will provide resources and help educators and administrators regarding their responsibilities under Section 504. In addition, the Coordinator will assist in creating an ongoing program that will support accommodating students' needs. If you have questions regarding Section 504, contact the school Section 504 Coordinator.

### **PARENTAL NOTICE**

Parents have the right to be notified:

- When their child is identified as having a disability.
- When eligibility is determined and their child is placed in a program.
- When a plan is being developed.
- Before there is a significant change in the plan for services.

### **EVALUATION**

Prior to conducting an evaluation of your child for purposes of services under Section 504/ADA, Sioux Center Christian School, Northwest AEA, and/or CLC Network will seek your informed written consent. An evaluation will not be conducted unless you give consent. However, school officials may review existing records, test scores, grades, teacher reports, and recommendations and other such information without your consent to the same extent they would do so for nondisabled students. If an evaluation is conducted, the school will make sure that:

- All testing and other evaluation procedures are validated for the specific purpose for which they are used;
- They are administered by trained personnel in conformity with the instructions provided by the producer;
- They include tests and other evaluation materials designed to assess specific areas of educational need and not merely those designed to elicit a general IQ score; and
- Tests are selected and administered to best ensure that they accurately measure what the test seeks to measure, rather than any sensory, speaking, or manual impairments the student may have (except when the test is designed to measure sensory, speaking, or manual skills).

The evaluation will be completed by the school team, including Northwest AEA and/or CLC Network personnel.

## **PLACEMENT**

If your child is identified as an individual with a disability under Section 504/ADA, placement decisions about your child will be made by the school's team, which will include the parent(s) and at least two professional staff members who, collectively, are knowledgeable about your child, the meaning of the evaluation data, and the placement options. You will be invited to participate in any meeting of the team if your child's placement and/or services are to be discussed. The team will also ensure that your child is placed in the least restrictive environment.

## **LEAST RESTRICTIVE ENVIRONMENT**

If your child is identified as an individual with a disability under Section 504, your child will be placed and served in the least restrictive environment. This means that your child will be served with nondisabled students in the regular education environment to the maximum extent appropriate. Prior to removing your child from the regular education environment due to his/her disability, the school will consider the use of supplementary aids and services. Your child will be removed from the regular education environment only if he/she cannot be served satisfactorily in that environment, even when supplementary aids and services are provided.

## **EXAMINATION OF RECORDS**

The Family Educational Rights and Privacy Act (FERPA) also specifies rights related to educational records. This Act gives the parent or guardian the right to:

- Inspect and review his/her child's educational records.
- Make copies of these records.
- Receive a list of all individuals having access to those records.
- Ask for an explanation of any item in the records.
- Ask for an amendment to any report on the grounds that it is inaccurate, misleading, or violates the child's rights.
- A hearing on the issue if the school refuses to make the amendment.

## **PARENTAL RIGHTS**

The following is a description of the rights granted by Section 504 to parents and their children who are identified as disabled. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions. You have the right:

- To have your child take part in and receive benefits from education programs without discrimination because of his/her disability.
- To have the school notify you of your rights under federal law.
- To receive notice with respect to the identification, evaluation, and services for your child.
- To have decisions regarding your child's evaluation, program, and placement based upon a variety of information sources, and made by persons familiar with the student, the evaluation data, and the placement options.

- To have your child re-evaluated periodically, to the extent necessary, including before any significant changes are made to your child's educational program or placement.
- To have your child receive an equal opportunity to participate in nonacademic and extracurricular school activities offered by the school.
- To examine all relevant educational records relating to decisions regarding your child's identification, evaluation, education program, and placement.
- To obtain copies of educational records at a reasonable cost, unless the fee would effectively deny you access to the records.
- To receive a response from the school to reasonable requests for explanations and interpretations of your child's records.
- To request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading, or otherwise in violation of the privacy rights of your child. If the school refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing.
- To file a complaint through local complaint procedures regarding any alleged violation of the Rehabilitation Act.
- To request an impartial hearing, to be conducted by a person who is not an employee of the school, to dispute decisions or actions regarding your child's identification, evaluation, educational program, or placement as a student with a disability. You and your child may take part in the hearing and have an attorney represent you at your own expense.

## **REVIEW PROCESS**

Sioux Center Christian School will review the 504 procedures and policies annually.

## **DUE PROCESS PROCEDURE**

**Step 1:** The best solutions to parent and student concerns occur at the school level. Therefore, the first step in resolving a complaint involves the parent or guardian completing a grievance form, contacting the Section 504 Coordinator, and discussing the issue with them. The 504 Coordinator will investigate and document the complaint and give written reply to the complainant within five working days of meeting with the complainant.

**Step 2:** If the issue is not resolved during the discussions mentioned in step 1, the parent or guardian can request a meeting with the director of learning. The Section 504 Coordinator will forward the grievance form to the director of learning. The director of learning will meet with the parents within five working days of receipt of the written request and work toward resolution.

**Step 3:** If the concern is still not resolved, the parent may choose to have a hearing. Written requests for hearings shall be submitted to the Section 504 Coordinator. Upon receiving a request, the Section 504 Coordinator will contact a facilitator from Northwest Area Education Agency who has been trained regarding Section 504, and they will forward the grievance form to the facilitator. The hearing officer will schedule a due process hearing to occur as soon as reasonably possible for the parent/legal guardian and school. The parent/legal guardian and school may be represented by legal counsel at the hearing (at their expense), may examine relevant records, and participate in the hearing. Within ten (10) school days after the conclusion of the hearing, the hearing officer will render a written decision. The written decision shall include applicable findings of fact and conclusions of law. The hearing officer shall submit the written decision to the parent/legal guardian and to the Sioux Center Christian School head of school. The decision of the hearing officer shall constitute the final administrative decision on the Section 504 matter.

**Step 4:** If the complaint is not satisfactorily resolved following Step 3, further appeal may be made to the United States Office of Civil Rights, Department of Education, Washington, DC, 20201.