

# HORTONVILLE AREA SCHOOL DISTRICT

**Title:** Nondiscrimination on the Basis of Disability

**Date Adopted:** 3//27/95  
**Date Revised:** 4/11/05

**Policy No.** 5055  
**Page 1 of 17**

**Policy Statement:**

Section 504 of the Rehabilitation Act has been with us since 1973. This particular piece of legislation prohibits discrimination against persons with disabilities, including both students and staff members, by school districts receiving federal financial assistance. Similar to the Individuals with Disabilities Education Improvement Act (IDEA 2004), Section 504 ensures free appropriate public education (FAPE) to students with disabilities. Although similarities and differences will periodically be noted throughout this document and are more completely delineated and defined on pages 12-15, it needs to be emphasized at this time that all students identified as disabled under IDEA 2004 are also disabled under Section 504. The opposite, however, is not necessarily true.

The Hortonville Area School District does not discriminate against pupils on the basis of sex, race, color, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional or learning disability or handicap in its education programs or activities.

**Rationale:**

The primary purpose of this document is to describe procedures that shall be followed when referring, identifying and providing services under Section 504.

**Scope:** All students within the Hortonville Area School District

**Responsibility:** Director of Special Education and All Building Administrators

**Implementation:**

Unlike the Individuals with Disabilities Education Improvement Act (IDEA 2004), Section 504 is not a special education law nor does a district receive entitlements for services provided to 504 eligible students. Section 504 is the responsibility of the general education system; therefore, the building administrators shall assume the role of 504 building coordinator. Managing of individual cases, however may be delegated to various staff members.

A current practice that is similar to a 504 process is the district's child study teams. In fact, building administrators may utilize the child study as the vehicle for processing 504 referrals.

President \_\_\_\_\_ Date \_\_\_\_\_

Clerk \_\_\_\_\_ Date \_\_\_\_\_

**Implementation:**

To ensure compliance with federal and state statutes, the Hortonville Area School District, will:

1. Prohibit discrimination against qualified disabled persons in any aspect of school district employment solely on the basis of disability.
2. Make facilities, programs and activities accessible, usable and open to qualified disabled persons.
3. Ensure that students who are -disabled are identified, evaluated and provided with appropriate educational service.
4. Provide free appropriate education at elementary and secondary levels, including nonacademic and extracurricular services and activities to qualified disabled persons.
5. Prohibit exclusion of any qualified disabled person solely on the basis of disability from participation in any preschool education or vocational program or activity sponsored by Hortonville Area School District.

Referral Process

All Section 504 referrals shall be forwarded to the principal of each school. The referring individual will be required to complete the 504 referral form (504-1). If the referral is being made by a non-district individual, the principal or other staff member knowledgeable of 504 may want to assist the individual in completing the form. It is at this time that the referring individual should be given the definition of "504 disabled".

Assignment to the 504 Committee

The principal will be responsible for selecting the Section 504 committee which is responsible for 504 evaluation and placement. Unlike the IDEA 2004, 504 does not dictate the titles or people who must be members of the Committee. Instead, the regulations state that the 504 Committee is a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options. The parents are not required members of the Committee (although best practice dictates that they have involvement in the evaluation and placement process, and receive the notices required by the procedural protection provision.) There is no maximum number of members, and the regulations provide no guidance on the level of knowledge required of the members.

Notice of Intent to Evaluate

Upon receiving a 504 referral, the principal will acknowledge receipt by completing the notice (504-2) and sending it to the student's parents as well as the student, if age eighteen (18) or older. Parent consent is not required for 504 evaluations. "Evaluation" does not necessarily mean "test." In the Section 504 context, "evaluation" refers to a gathering of data or information from a variety of sources so that the evaluation committee can make the required determinations. Parent consent will be obtained if the evaluation of the student includes the administration of standardized individually administered tests or rating scales. With the notice, the principal shall also endorse copies of the following: parent/student rights (504-7), the definition of 504 disabled, and the completed referral form.

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#### Evaluations

Once the 504 Committee is assembled and a case manager assigned by the principal, the evaluation should occur in a timely manner. Although specific timelines are not indicated, ninety (90) days would appear reasonable. Evaluations must be at no cost to the parent and could entail anything from a folder review to a very comprehensive assessment. It is the responsibility of the 504 Committee to determine what diagnostic information is necessary and how it is obtained. Common sources of evaluation data for Section 504 eligibility are the student's grades, disciplinary referrals, health information, language surveys, parent information, standardized test scores, teacher comments, etc. If formal testing is pursued, the regulations require that the tests are properly selected and performed by trained personnel in the manner prescribed by the test's creator. When interpreting evaluation data and making placement decisions, the District is required to "draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior." Information obtained from all such sources is to be documented and carefully considered. It should be understood that evaluation costs incurred are generally the responsibility of the student's school of attendance.

#### Determination and Summary

Upon completion of the evaluation, the committee will meet to determine if the student is 504 eligible. It is recommended that parents be in attendance at this meeting. Notice 504-3 may be used to inform parents of this meeting. As noted previously, the principal may want to consider the child study format for his/her meeting. Whether or not the student is found to be eligible, the committee is required to complete the Committee Evaluation Summary form (504-4). If the student is found to be eligible, the committee shall also complete an accommodation plan (504-5).

#### Accommodation Plan

This plan must ensure a free appropriate public education for the student. Unlike IDEA 2004, which requires that the student receive "specially designed instruction" that provides educational benefit. Section 504 requires accommodations that result in an education that is comparable to that provided non-disabled students. The plan modifies the regular classroom so that the student has equal access to the educational benefits of the school's program. An appropriate education is further defined as the provision of regular or special education and related aids and services that meet the needs of disabled persons. Reasonable accommodations could include the following: removing architectural barriers, dispensing medication, using calculators or other assistive devices, shortening or lengthening the school day, providing homebound instruction, implementing behavior management programs and providing additional time to complete district, national and state tests.

#### Consideration for IDEA 2004

If the student is determined to be 504 disabled, the team shall review the data to determine if there is reasonable cause to suspect a disability under the Individuals with Disabilities Act (IDEA 2004). If so determined, the team shall be responsible for initiating a special education referral. Policies and procedures for this system are outlined in the District's Special Education Procedures. If the student is not disabled, then special education referral is not necessary.

#### Notice/Consent for Accommodations

If the student is found eligible under Section 504 and in need of an accommodation plan, the principal shall notify the parent(s) of the recommended plan. This is accomplished by completing and sending to the parent(s) notice 504-6a and forms 504-4 and 504-5.

If the student does not qualify, notice 504-6b and form 504-4 shall be sent to the parent(s).

It needs to be emphasized that the District is not prohibited from implementing the plan if parent approval is not received. However, good practice dictates a partnership, and therefore, consent.

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Re-Evaluation and Review of Accommodation Plan

Again, unlike IDEA 2004, there are no specific timelines for review or re-evaluation. A comprehensive reevaluation is required periodically for each eligible student. Districts are considered to be in compliance if they complete reevaluations every three years. As a practical matter, and to ensure some continuity in the child's program, an annual review of the Accommodation Plan will be conducted to determine whether changes are necessary due to differences in the child's schedule in the coming year or changes in the child's abilities and disabilities.

**Associated Information:** Individuals with Disabilities Education Improvement Act (PL101-476)  
Section 504, Rehabilitation Act of 1973  
Americans with Disabilities Act of 1990  
Wisconsin Statutes, Sections 111.31, 111.34l, 118.13, 119.195

## SECTION 504 OF THE REHABILITATION ACT OF 1973

“No otherwise qualified individual with a disability in the United States, as defined in section 706(8) of this title, shall, solely by reason of her or his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service....” – 29U.S.C. Section 794(a)(1973).

### **individuals with disabilities**

- ....”any individual who
- (i) has a physical or mental impairment which substantially limits one or more of such person’s major life activities.
  - (ii) has a record of such impairment, or
  - (iii) is regarded as having such an impairment.”
- (29 U.S.C. Sec. 706(8))

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### **physical or mental impairment**

- (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; genitor-urinary; hermic 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” (34 Code of Federal Regulations Part 104.3)

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### **major life activities**

“.... Functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing. Learning and working.” (34 Code of Federal Regulations Part 104.3)

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### **has a record of such an impairment**

“.... Has a history of, or has been classified as having a mental or physical impairment that substantially limits one or more major life activities.” (34 Code of Federal Regulations Part 104.3)

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### **is regarded as having an impairment**

- A. “has physical or mental impairment that does not substantially limit major life activities but is treated by a recipient as constituting such a limitation; or
- B. has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or
- C. has none of the impairments defined but is treated by a recipient as having such an impairment.” 34 Code of Federal Regulations Part 104.3)

**HORTONVILLE AREA SCHOOL DISTRICT**  
**REFERRAL FOR 504 SERVICES**  
 (Section 504 of the Rehabilitation Act of 1973)

Student Name: \_\_\_\_\_ Date of Referral: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Birth date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ Grade: \_\_\_\_\_ School: \_\_\_\_\_

Parent(s)/Guardian(s): \_\_\_\_\_

Address(es): \_\_\_\_\_

Home Phone(s): \_\_\_\_\_ Work Phone(s): \_\_\_\_\_

Primary Home Language: \_\_\_\_\_ English \_\_\_\_\_ Other/Specify \_\_\_\_\_

Is an Interpreter needed? \_\_\_\_\_ Yes \_\_\_\_\_ No

Person Making Referral: \_\_\_\_\_ Position: \_\_\_\_\_

This 504 Referral was discussed with parent(s)/guardian(s) on \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ by: \_\_\_ phone \_\_\_ conference

Definition of disability under Section 504 (34 Part 104.3): I am concerned that this child may have a “physical or mental impairment that substantially limits one or more life activities: such as, caring for one’s self, performing manual tasks, walking, seeing, learning, speaking, breathing, hearing and working.”

Given the above definition describe, in detail, your concern(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Indicate the individuals and/or groups that you have requested assistance from (e.g. BCT, principal, reading consultant, parent, outside agencies, etc.) and the strategies/accommodations that have been attempted (use back of form if necessary).

Individual/Group	Accommodations/Strategies	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

\_\_\_\_\_  
Date Received

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

\_\_\_\_\_  
Date Sent to Parent(s)/Guardian(s)

Copies to: \_\_\_\_\_ Building Coordinator  
 \_\_\_\_\_ District 504 Coordinator  
 \_\_\_\_\_ Behavioral File  
 \_\_\_\_\_ Parent

# HORTONVILLE AREA SCHOOL DISTRICT

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Gregory A. Joseph, Ph.D., District Administrator  
246 N. Olk Street  
P.O. Box 70  
Hortonville, WI 54944-0070  
PH: 920/779-7900 FAX: 920/779-7903  
e-mail: gregjoseph@hasd.org

Date: \_\_\_\_\_

Dear \_\_\_\_\_

This letter is to inform you that a referral for evaluation has been submitted regarding your child. The purpose of this evaluation is to determine if your child qualifies as a person with a disability under Section 504 of the Rehabilitation Act of 1973. This evaluation will be completed by school staff who are knowledgeable of your child's educational program. You, as parent(s)/guardian(s), will also be involved in the evaluation process.

Enclosed you will find copies of the following two documents: 1) completed referral for 504 services, and 2) notice of parent/student rights. These items will provide you with the rationale for the evaluation as well as your rights as defined by Section 504.

It is important to note that parent/guardian or adult student consent for evaluation is not required under Section 504; however, parent consent will be obtained if the evaluation of the student includes the administration of standardized individually administered tests or rating scales. You will be informed if such consent is necessary.

You will receive a notice of the evaluation meeting, and I encourage you to make every effort to attend. Should you have any questions regarding the evaluation or if you prefer that we not proceed, please contact me at \_\_\_\_\_.

Our school staff looks forward to working cooperatively with you as we attempt to provide your child with an appropriate educational program.

Respectfully,

\_\_\_\_\_, School Principal

# HORTONVILLE AREA SCHOOL DISTRICT

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Gregory A. Joseph, Ph.D., District Administrator  
246 N. Olk Street  
P.O. Box 70  
Hortonville, WI 54944-0070  
PH: 920/779-7900 FAX: 920/779-7903  
e-mail: gregjoseph@hasd.org

Date: \_\_\_\_\_

Dear \_\_\_\_\_

As you know, \_\_\_\_\_ has been referred for an evaluation to determine eligibility for services under Section 504 of the Rehabilitation Act of 1973.

A 504 Team Evaluation Meeting  
has been scheduled as follows:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Location: \_\_\_\_\_

We encourage your attendance and participation at this meeting. Also, please bring with you any information you believe the team might find helpful.

Sincerely,

\_\_\_\_\_, School Principal

**HORTONVILLE AREA SCHOOL DISTRICT**  
**504 TEAM EVALUATION SUMMARY**  
(Section 504 of the Rehabilitation Act of 1973)

Initial \_\_\_\_\_  
Re-eval \_\_\_\_\_

Student Name: \_\_\_\_\_ Birthdate: \_\_\_\_\_  
Teacher: \_\_\_\_\_ Grade: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Date of Meeting: \_\_\_\_\_ School: \_\_\_\_\_

1. Participants (parent(s)/guardian(s) and other individuals) knowledgeable about the child.

Name	Title/Position
_____	Coordinator
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. Evaluation Summary

- a. Describe the nature of the concern(s):  
\_\_\_\_\_  
\_\_\_\_\_
- b. Identify the physical or mental impairment:  
\_\_\_\_\_  
\_\_\_\_\_
- c. Specifically describe how the impairment(s) substantially limits and/or other major life activities:  
\_\_\_\_\_  
\_\_\_\_\_

3. Determination of whether the child has a disability under Section 504.  
\_\_\_\_\_ Child does not have a physical or mental impairment which substantially limits one or more major life activities.  
\_\_\_\_\_ Child has a physical or mental impairment which substantially limits one or more major life activities. (see Accommodation Plan 504-5)

4. Recommended Date of Re-Evaluation: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Copies to: \_\_\_\_\_ Parent/Guardian \_\_\_\_\_ Cum folder \_\_\_\_\_ 504 Building Coordinator



# HORTONVILLE AREA SCHOOL DISTRICT

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Gregory A. Joseph, Ph.D., District Administrator  
246 N. Olk Street  
P.O. Box 70  
Hortonville, WI 54944-0070  
PH: 920/779-7900 FAX: 920/779-7903  
e-mail: gregjoseph@hasd.org

Date: \_\_\_\_\_

Dear \_\_\_\_\_

At the recent 504 Team Evaluation meeting, your child \_\_\_\_\_ was found to be eligible for various accommodations. Items supporting and relevant to this determination include the 504 Team Evaluation Summary Report (540-4) and the Accommodation Plan (504-5).

Please sign the enclosed Accommodation Plan (504-5) indicating either your rejection or acceptance. Return one of the signed copies in the enclosed envelope.

Our school staff is confident that the evaluation process and recommended Accommodation Plan will result in more appropriate educational programming for your child. Feel free to call me at \_\_\_\_\_ if you have any questions regarding the Plan or other enclosed items. Your assistance throughout this process is very much appreciated.

Respectfully,

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

# HORTONVILLE AREA SCHOOL DISTRICT

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Gregory A. Joseph, Ph.D., District Administrator  
246 N. Olk Street  
P.O. Box 70  
Hortonville, WI 54944-0070  
PH: 920/779-7900 FAX: 920/779-7903  
e-mail: gregjoseph@hasd.org

Date: \_\_\_\_\_

Dear \_\_\_\_\_

At the recent 504 Team Evaluation meeting, your child \_\_\_\_\_ does not require an accommodation plan. Enclosed you will find the 504 Team Evaluation Summary Report documenting this finding.

Our school staff is confident that the information gathered from the evaluation process will result in more appropriate educational programming for your child. Feel free to call me at \_\_\_\_\_ if you have any questions regarding the enclosed items. Your assistance throughout this process is very much appreciated.

Respectfully,

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

**PARENT/STUDENT RIGHTS IN IDENTIFICATION  
EVALUATION AND PLACEMENT**

(Section 504 of the Rehabilitation Act of 1973)

The following is a description of the rights granted by federal law to students with disabilities. 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:

1. Have your child take part in, and receive benefits from public education programs without discrimination because of his/her disabling conditions;
2. Have the school district advise you of your rights under federal law;
3. Receive notice with respect to identification, evaluation, or placement of your child;
4. Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have the school district make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities;
5. Have your child educated in facilities and receive services comparable to those provided non-disabled students;
6. Have your child receive special education and related services if he/she is found to be eligible under the Individuals with Disabilities Education Act (PL 101-476) or Section 504 of the Rehabilitation Act;
7. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, the evaluation data and placement options;
8. Have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if the student was placed in a program operated by the district;
9. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district;
10. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program and placement;
11. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records;
12. A response from the school district to reasonable requests for explanations and interpretations of your child's records;
13. 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 district refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing;
14. Request mediation or an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational program or placement. You and the student may take part in the hearing and have an attorney represent you.
15. Ask for payment of reasonable attorney fees if you are successful on your claim.
16. File a local grievance.

The following person in the Hortonville Area School District is responsible for assuring that the district complies with Section 504:

Hortonville Area School District  
Gregory A. Joseph, Ph.D., District Administrator  
P.O. Box 70  
246 N. Olk Street  
Hortonville, WI 54944  
Phone: 920.779-7900

(8/93 – Parent/Student Rights Form 504-7; Reviewed 3/05)

**IDEA 2004 AND SECTION 504  
A COMPARISON\***

COMPONENT	IDEA 2004	SECTION 504
General Purpose	Is a <i>federal funding statute</i> whose purpose is to provide financial aid to states in their efforts to ensure adequate and appropriate services for disabled children.	Is a <i>broad civil rights law</i> which protects the rights of individuals with disabilities that receive Federal financial assistance from the U.S. Department of Education.
Who is protected?	Identifies all school-aged children who fall within one or more specific categories thirteen (13) of qualifying conditions.	Identifies all school-aged children as disabled who meet the definition of qualified disabled person: i.e. 1) has or 2) has had a physical or mental impairment which substantially limits a major life activity, or 3) is regarded as disabled by others. Major life activities include walking, seeing, learning, working, caring for oneself and performing manual tasks. The disabling condition need only substantially limit one major life activity in order for the student to be eligible.
Responsibility to Provide a Free and Appropriate Public Education (FAPE)	<p>Both laws require the provision of a free appropriate public education to eligible students, including individually designed instruction.</p> <p>Requires a written IEP document with specific participants at the IEP meeting.</p> <p>“Appropriate education” means a program designed to provide “educational benefit”. Related services are provided if required for the student to benefit from specially designed instruction.</p>	<p>Both laws require the provision of a free appropriate public education to eligible students, including individually designed instruction.</p> <p>Does not require a written IEP document, but does require an Accommodation Plan. It is recommended that the district document that a group of persons knowledgeable about the student convene and specify the agreed upon services.</p> <p>“Appropriate” means an education comparable to the education provided to non-disabled students, requiring that reasonable accommodations be made. Related services, independent of any special education services as defined under IDEA 2004 may be the reasonable accommodation.</p>

COMPONENT	IDEA 2004	SECTION 504
Special Education vs. Regular Education	A student is only eligible to receive IDEA services if the multidisciplinary team determines that the student is disabled under one or more of the specific qualifying conditions and requires specially designed instruction to benefit from education.	A student is eligible so long as he/she meets the definition of qualified disabled person; i.e. 1) has or 2) has had a physical or mental impairment which substantially limits a major life activity, or 3) is regarded as disabled by others. It is not required that the disability adversely affect educational performance, or that the student need special education in order to be protected.
Funding	Provides additional funding for eligible students.	Does not provide additional funds. IDEA funds may not be used to serve children found eligible only under Section 504.
Accessibility	Requires that modifications must be made if necessary to provide access to a free appropriate education.	Has regulations regarding building and program accessibility, and requires that reasonable accommodations be made.
Procedural Safeguards	<p>Both require notice to the parent or guardian with respect to identification, evaluation and/or placement. IDEA procedures will suffice for Section 504 implementation.</p> <p>Requires written notice.</p> <p>Delineates required components of written notice.</p> <p>Requires written notice prior to any change in placement.</p>	<p>Both require notice to the parent or guardian with respect to identification, evaluation and/or placement. IDEA procedures will suffice for Section 504 implementation.</p> <p>Does not require written notice, but a district would be wise to do so.</p> <p>Written notice not required, but indicated by good professional practice.</p> <p>Requires notice only before a “significant change” in placement.</p>
Evaluations	<p>A full comprehensive evaluation is required, assessing all areas related to the suspected disability. The child is evaluated by a multidisciplinary team or group.</p> <p>Requires informed consent before an initial evaluation is conducted.</p> <p>Requires reevaluation to be conducted at least every three (3) years.</p> <p>A reevaluation is not required before a significant change in</p>	<p>Evaluation draws on information from a variety of sources in the area of concern; decisions made by a group knowledgeable about the student, evaluation data and placement options.</p> <p>Does not require consent, only notice. However, good professional practice indicates informed consent.</p> <p>Requires periodic reevaluation. IDEA schedule for reevaluation will suffice.</p>

<u>COMPONENT</u> Evaluations, <i>continued</i>	<u>IDEA 2004</u>	<u>SECTION 504</u>
Placement procedures	<p>placement. However, a review of current evaluation data, including progress monitoring, is strongly recommended.</p> <p>Provides for independent educational evaluation, at district expense if parent disagrees with evaluation obtained by school and hearing officer concurs.</p> <p>When interpreting evaluation data and making placement decisions, both laws require districts to:</p> <ol style="list-style-type: none"> <li>a. Draw upon information from a variety of sources.</li> <li>b. Assure that all information is documented and considered.</li> <li>c. Ensure that the eligibility decision is made by a group of persons, including those who are knowledgeable about the child, the meaning of the evaluation data and placement options.</li> <li>d. Ensure that the student is educated with his/her non-disabled peers to the maximum extent appropriate (least restrictive environment).</li> </ol> <p>An IEP review meeting is required before any change in placement.</p>	<p>Reevaluation is required before a significant change in placement.</p> <p>No provision for independent evaluations at district expense. District should consider any such evaluations presented.</p> <p>When interpreting evaluation data and making placement decisions, both laws require districts to:</p> <ol style="list-style-type: none"> <li>a. Draw upon information from a variety of sources.</li> <li>b. Assure that all information is documented and considered.</li> <li>c. Ensure that the eligibility decision is made by a group of persons, including those who are knowledgeable about the child, the meaning of the evaluation data and placement options.</li> <li>d. Ensure that the student is educated with his/her non-disabled peers to the maximum extent appropriate (least restrictive environment).</li> </ol> <p>A meeting is not required for any change in placement.</p>
Grievance Procedure	<p>Does not require a grievance procedure, nor a compliance officer.</p>	<p>Requires districts with more than fifteen (15) employees to</p> <ol style="list-style-type: none"> <li>1) designate an employee to be responsible for assuring district compliance with Section 504 and</li> <li>2) provide a grievance procedure for parents, students and employees.</li> </ol>
Due Process	<p>Both statutes require districts to provide impartial hearings for parents or guardians who disagree with the identification, evaluation or placement of a student.</p> <p>Delineates specific requirements.</p> <p>Requires the parent or guardian to pursue administrative hearing</p>	<p>Both statutes require districts to provide impartial hearings for parents or guardians who disagree with the identification, evaluation or placement of a student.</p> <p>Requires that the parent have an opportunity to participate and be represented by counsel. Other details are left to the discretion of</p>

<u>COMPONENT</u> Due Process, <i>continued</i>	<u>IDEA 2004</u> before seeking redress in the court.	<u>SECTION 504</u> the local school district. Policy statements should clarify specific details.  Administrative hearing not required prior to OCR involvement or court action; compensatory damages possible.
Enforcement	Enforced by the U.S. Office of Special Education Programs. Compliance is monitored by the State Department of Education and the Office of Special Education Programs.  The State Department of Education resolves complaints.	Enforced by the U.S. Office of Civil Rights.  State Department of Education has no monitoring, complaint resolution or funding involvement.

\*Reference: Council of Administrators of Special Education, Inc.  
Student Access: A Resource Guide for Educators  
Albuquerque, NM, 1992

