

**INDIAN HILL EXEMPTED VILLAGE SCHOOL DISTRICT**

**GUIDELINES ON EQUAL EDUCATIONAL  
OPPORTUNITY FOR DISABLED STUDENTS  
UNDER SECTION 504**

**PART I**

**A. Introduction**

The Indian Hill Exempted Village School District (“District”) is dedicated to a policy of nondiscrimination in education. This Guideline addresses nondiscrimination with regard to students with disabilities, and specifically as provided by a Federal law known as Section 504 of the Rehabilitation Act.

**B. Overview of Parts**

This Guideline consists of the following parts:

Part I: Introduction and Overview  
Part II: Attention Deficit Disorder: Procedures  
Part III: Procedural Safeguards under Section 504

**C. Disabled Student Defined**

“Disabled student” means any student who meets any of the following criteria established by Federal law:

1. has a physical or mental characteristic which substantially impairs or limits one (1) or more major life activities;
2. has a record of such impairment;
3. is regarded as having such an impairment.

**D. Access to District Facilities**

The educational program of the District shall be accessible to all students. All programs need to be designed and scheduled so the location or nature of the facility or area will not deny an otherwise qualified disabled student the opportunity to participate in the academic or other school program on the same basis as a nondisabled student.

Guide dogs for students who require this type of assistance shall be permitted access to all facilities, programs, and events of the District. The student must provide evidence of the dog's certification for that purpose. If the dog is still in training, proof of liability insurance policy must be provided.

**E. Civil Rights Coordinator**

The District's Civil Rights Coordinator is:

Director of Pupil Services  
Indian Hill Exempted Village School District  
6855 Drake Road  
Cincinnati, OH 45243  
(513) 272-4500

A description of the District's procedure for handling complaints to the Civil Rights Coordinator is contained in Part III under "Administrative Review."

**F. Participation in the District's Educational Program**

The educational program includes the academic and nonacademic setting. Each qualified, disabled student shall be educated with nondisabled students to the maximum extent appropriate. In the nonacademic setting, the disabled student shall participate with nondisabled students to the maximum extent appropriate to the needs of the disabled student.

**G. Procedures**

The District's procedures are set forth in Parts II - III and related items and forms attached.

**H. Instruction and Intervention**

District personnel designated to do so will work with teacher(s) involved in educating a disabled student under 504 with the goal that the teacher(s):

1. recognizes the requirements of the law and the relationship between the evaluation of the student and his/her instruction;
2. has made appropriate accommodation in the instructional program and/or classroom environment as provided in the student's 504 accommodation plan. Such accommodations could include but not be limited to: preparation of alternate lesson plans; classroom interviews; guidance of the student on appropriate behaviors; frequency and type of communication with parents; rewards or consequences for behaviors;

changes in schedules; social skills training; specifying expectations; or increasing structure and consistency.

**I. Evaluation/Change in Placement**

Within one (1) school year following implementation of a student 504 plan and thereafter at least annually, the student's 504 team will review the student's progress and determine if further intervention or a modification of the plan is needed. Parents will be invited to participate in the review.

**J. Discipline**

The District's disciplinary policy for disabled students should be used in all situations in which a 504-disabled student may be subject to suspension, expulsion, or exclusion.

## PART II

### ATTENTION DEFICIT DISORDER (ADD)

The following information is offered to assist parents and others in understanding Attention Deficit Disorder and the school's procedures in connection with ADD. They would also apply to other 504 covered disabilities.

#### 1. Overview of ADD

Attention Deficit Disorder (ADD) is a term used to describe a chronic behavioral disorder in children who are inattentive, easily distracted, and impulsive. This kind of behavior is usually matched with certain other criteria, such as hyperactivity, before a child is diagnosed as having ADD. Symptoms of ADD may be manifested differently depending on the particular subtype of the disorder and its severity. For example, with Attention Deficit Hyperactive Disorder (ADHD), hyperactivity is the primary characteristic. The term ADD is being used here to refer to any form of the disorder.

#### 2. Section 504 of the Rehabilitation Act and ADD

##### a. Substantial Limitation Requirement

Section 504 of the Rehabilitation Act is a Federal law which prohibits discrimination on the basis of disability by recipients of Federal funds. This law is implemented through the requirement that free appropriate public education and due process rights are provided to each eligible disabled child. Appropriate education under Section 504 can consist of either regular education or special education and related aids and services.

All students with ADD are not automatically protected under Section 504. Some students with ADD may have a disability within the meaning of Section 504; others may not. Students must meet the Section 504 definition of disability to be covered. Under Section 504, a "person with disabilities" is defined as any person who has a physical or mental impairment which substantially limits a major life activity (e.g., learning). Thus, depending on the severity of their condition, students with ADD may or may not fit within that definition.

Under Section 504, students can also be served through the regular education program using environmental intervention techniques, if the ADD is shown to substantially limit a major life activity (e.g., learning). An evaluation will be conducted to determine whether or not the disorder is severe enough to substantially limit a life activity. If covered, the

student's education will, in most but not all cases, be provided in the regular education classroom. If a free and appropriate public education ("FAPE") in the regular environment with interventions cannot be achieved satisfactorily, then a multifaceted evaluation may be conducted to determine whether the student is eligible for special education under a separate federal law, the Individuals with Disabilities Education Act (IDEA). If special education is necessary to provide FAPE, it will be provided under either Section 504 or IDEA.

3. Individuals with Disabilities Education Act (IDEA) and ADD

The Individuals with Disabilities in Education Act or IDEA is a Federal law which requires all state and local school districts to make a free appropriate public education available to all children who have been found, through a "multifaceted evaluation" (see definition below) to meet the established criteria under one of the specified areas of disability. This law also provides for due process to protect the rights of disabled children and their parents.

A "multifaceted evaluation" is an evaluation, conducted by a team of professionals from different areas of expertise, which assesses more than one area of a child's functioning in order to determine whether or not the child is eligible for special education and related services. Data are collected from relevant sources and analyzed to determine a child's current level of functioning. Some of the procedures which may be applied in the process of evaluation include review of records, observation, interviews, completion of checklists or rating scales, and testing.

Children who have been diagnosed as having ADD, and who through a multifaceted evaluation qualify for special education services under IDEA, will be served under existing state special education programs. Children with ADD who are determined by multifaceted evaluation to be eligible for special education and related services will be provided a full continuum of placement alternatives, including the regular classroom.

4. "Diagnosis" versus "Eligibility"

A clinical diagnosis of ADD must be made by a physician or licensed psychologist. The determination of whether or not a student who has been diagnosed as having ADD is eligible for services under IDEA or Section 504 is an educational decision made by a team of qualified school professionals. If the school suspects the child has a disability, the school, after obtaining parental consent on an initial diagnosis, will request a diagnosis.

5. District Procedures

a. Procedure if an ADD Diagnosis has Been Made

After a consultation is requested by a parent or teacher because ADD has been diagnosed and the ADD is the only atypical feature in the child's development, the consultation request will be treated as a Section 504 concern. A District Consultation Team will evaluate the request. After a review of existing academic, behavioral, and medical records, interviews with teachers, examination of work samples, and observations in relevant settings, the Consultation Team will review the data to determine whether: (1) there is no evidence of a substantial limitation in learning or other major life activity; or (2) there is evidence that the ADD is causing a substantial limitation in learning or other major life activity.

1. If the team determines that the substantial limitation test is not met, even though the student has been diagnosed as having ADD, then the student will be served appropriately in the regular education program without specific interventions. The school will advise the parents and student of their due process rights.
2. If the team determines that the existence of ADD substantially limits the student's learning or other major life activity, an educational (504) plan will be developed to define appropriate classroom interventions. A copy of this plan will be placed in the student's cumulative file and will be shared with the student's parents. Evidence that this plan has been implemented, monitored and revised as needed should also be kept on file.
3. If at any time, evaluation or intervention results suggest that a student may have a suspected disability under IDEA, a referral will be submitted to begin the multifaceted evaluation process to examine special education eligibility.

6. Procedure if a Consultation is Requested Because of Suspected ADD

When a consultation is requested by a parent or teacher because ADD is suspected, the consultation procedure will be conducted by a District Consultation Team. At a minimum, information to evaluate the consultation request will be obtained from review of existing records, parent and teacher rating scales, parent and teacher interviews, and observations in the classroom and other relevant settings. If the parents are interested in pursuing a clinical diagnosis and possible medical intervention, the case manager will gather the above information and make it available to the child's physician or psychologist.

The Consultation Team will review the data and outside reports to determine whether (1) ADD has been professionally diagnosed, or (2) ADD exists

but there is no indication of a substantial limitation in learning or other major life activity, or (3) ADD exists and is severe enough to cause a substantial limitation in learning or other major life activity.

1. If the team determines that (1) the student has not been clinically diagnosed with ADD, or (2) the student has ADD but without substantial limitations to his/her learning or other major life activity, then the student will be served appropriately in the regular education program with specific intervention.
2. If the team determines that the student has ADD (through professional diagnosis), which is severe enough to limit the student's learning or other major life activity, an educational plan will be developed to define appropriate classroom interventions. A copy of this 504 plan will be placed in the student's cumulative file and will be shared with the student's parents. Evidence that the plan has been implemented, monitored, and revised as needed must also be kept on file.
3. If at any time, evaluation or intervention results suggest that a student may have a suspected disability, a referral will be submitted to begin the multifaceted evaluation process to examine special education eligibility.

## PART III

### PROCEDURAL SAFEGUARDS FOR SECTION 504

#### Introduction

The district has a system of procedural safeguards in connection with actions regarding the identification, evaluation or educational placement of a student who, because of a disability, needs or is believed to need special educational services or related aids and services.

To summarize, this system of procedural safeguards includes the following:

- Mediation
- District Administrative Review
- Impartial Due Process Hearing

#### Mediation and District Administrative Review

The district adopts the following procedures from Ohio Administrative Code 3301-51-05(K).

Mediation is recommended, but cannot be used to delay or deny an impartial due process hearing that has been requested in writing. In many cases, mediation may lead to resolution of differences without the development of an adversary relationship. The steps in mediation include:

- (a) Case Conference - "case conference procedures" are informal procedures ordinarily used in the evaluation, placement and periodic review process to provide the parents and the school district an opportunity to review and interpret information regarding the child and his or her IEP and to resolve problems encountered during this process.
- (b) Administrative Review - the child's parent or educational agency other than the school district may request an opportunity to present complaints to the superintendent (or the district's Civil Rights Coordinator) regarding the evaluation or educational placement of the child or the provision of special education.
  - (i) Upon receipt of a complaint, the superintendent (or the District's Civil Rights Coordinator), without undue delay and at a time and place convenient to all parties, shall conduct a review, may hold an administrative hearing, and shall notify all parties in writing of his or her decision within twenty days.
  - (ii) Every effort should be made in the review to resolve any disagreements.



- (iii) All parties have the right to invite others to participate in the administrative review, including legal counsel.

(c) Mediation

- (i) If efforts to resolve an issue have failed at the school district level, a representative designated by the division may mediate a dispute if agreed to by both parties.
- (ii) The school district will arrange a time for the mediation in the school's geographical area mutually agreeable to the parent, school personnel and the representative from the state.
- (iii) Discussions occurring during the mediation session must be confidential, and no part of the mediation conference may be electronically recorded.
- (iv) The mediator may not be called as a witness in future proceedings.
- (v) The designated agency involved in the dispute must send a representative who has the authority to commit resources.
- (vi) If the mediation requires changes in the IEP, an IEP team must be convened within twenty school days following the mediation agreement or within a time frame otherwise agreed to in the mediation agreement to incorporate changes into the IEP.
- (vii) When the mediation conference results in the resolution of a dispute, each party must receive a signed copy of the agreement at the conclusion of the mediation conference. If a hearing has been requested, the party requesting the hearing will submit a letter to the local educational agency withdrawing the request.

(d) Prehearing conference.

- (i) After all efforts have been exhausted at the school district level, and ordinarily after an impartial hearing officer has been appointed, a representative of the Ohio Department of Education may be asked to mediate any dispute.
- (ii) The school district will arrange a time for the prehearing conference in the school's geographical area mutually agreeable to the parent, school personnel, and the representative from the State.

**Impartial Due Process Hearing**

Federal law requires that the district's system of procedural safeguards include: notice; an opportunity for the parents or guardian to examine relevant records; an impartial hearing with

opportunity for participation by the parents or guardian and representation by counsel; and a review procedure. Accordingly, the following procedure is adopted:

- Step 1: A written request for Impartial Due Process Hearing is received by the superintendent. The request shall concisely specify the issues(s) for the requested hearing.
- Step 2: The superintendent selects an impartial due process hearing officer. The hearing officer shall be impartial and shall not be an employee of the district or a public agency involved in the education or care of the child or have a professional interest which would conflict with his/her objectivity in the hearing. The hearing officer need not be an attorney. The district and the parents or guardian may be represented by legal counsel.
- Step 3: The hearing officer conducts a pre-hearing conference to define the issues to be heard; provide for mutual exchange of documents/evidence and witness information; explore alternative dispute resolution; set a mutually convenient date and place for the hearing; and cover any other items the parties mutually agree should be covered.
- Step 4: A hearing will be held within 60 days of the receipt of a request. The impartial hearing officer shall render a written decision within 5 days of the conclusion of the hearing. These timelines may be extended by mutual agreement or for good cause. The hearing officer may not decide issues that have not been presented to him or her for determination, or which are not Section 504 of the Rehabilitation Act.
- Step 5: During the pendency of any impartial due process hearing or review, unless the parent and the school district agree otherwise, the child involved must remain in his or her present educational placement. However, this shall not be construed as a modification of the district's, parents' or student's legal rights in connection with student discipline situations.
- Step 6: If either party wants the hearing officer's decision reviewed, an impartial reviewing officer shall be designated by the superintendent. The reviewing officer shall not hear the matter de novo, but is limited to reviewing the hearing officer's decision, reviewing comments on the decision by the parties, and then issuing a decision.

**PARENT PERMISSION FOR EVALUATION  
UNDER THE REHABILITATION ACT**

I (give, do not give) my permission for (son or daughter) \_\_\_\_\_  
\_\_\_\_\_ to be evaluated for a suspected disability  
under Section 504 of the Rehabilitation Act. I give my permission for the intervention team to  
review all data that is collected from all sources and to make a determination of any possible  
accommodations that could be made to provide a free appropriate public education for the above-  
named child.\*

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

Signature: \_\_\_\_\_

**ADHD Consultation Team Evaluation**

**Student:** \_\_\_\_\_

- 1. The Consultation Team has determined that this student:
  - has been diagnosed with ADHD
  - has not been diagnosed with ADHD
  
- 2. The Consultation Team has determined that the ADHD:
  - does substantially limit a major life activity (e.g., learning)
  - does not substantially limit a major life activity (e.g., learning)
  
- 3. The Team recommends:
  - the student will be served appropriately in the regular education education program without specific interventions
  - an educational plan will be developed to define appropriate classroom interventions

Basis for Recommendation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Consenting Team Members:

<u>Signature</u>	<u>Title</u>	<u>Date</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

**SECTION 504 EVALUATION REPORT**

Student \_\_\_\_\_ Grade \_\_\_\_\_ School \_\_\_\_\_ Date \_\_\_\_\_

Reason for Referral: \_\_\_\_\_  
\_\_\_\_\_

Evaluation Components: \_\_\_\_\_  
\_\_\_\_\_

Determination: \_\_\_\_\_  
\_\_\_\_\_

Recommendations: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Student Disabled Section 504 Yes \_\_\_ No \_\_\_

Attachments: Section 504 Plan

Team Signatures

<u>Signature</u>	<u>Position</u>	<u>Agree</u>	<u>Disagree</u>	<u>Date</u>
_____	_____			
_____	_____			
_____	_____			
_____	_____			

Notice

This school district provides equal admission opportunities, equal educational opportunities, and equal employment opportunities to all people regardless of disability. To this end, the Board of Education has adopted regulations which establish procedures for resolution of complaints of students of the District regarding alleged discrimination on the basis of disability. A copy of the complete regulations may be obtained by contacting the Board of Education Administrative Offices.

I have been informed of my due process rights under Section 504.

\_\_\_\_\_  
Parent Signature \_\_\_\_\_ Date \_\_\_\_\_

**STUDENT ACCOMMODATION PLAN**

NAME: \_\_\_\_\_ BIRTHDATE: \_\_\_\_\_ GRADE: \_\_\_\_\_

SCHOOL: \_\_\_\_\_ DATE OF MEETING: \_\_\_\_\_

1. Describe the nature of the concern:

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

2. Describe the basis for the determination of disability (if any):

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

3. Describe how the disability affects a major life activity:

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

4. Describe the reasonable accommodations that are necessary:

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

Review/Reassessment Date: \_\_\_\_\_  
(must be completed)

Participant (Name and Title)

_____	_____
_____	_____
_____	_____
_____	_____

cc: Student's Cumulative File

## NOTIFICATION OF PARENT/STUDENT RIGHTS

### IN IDENTIFICATION, EVALUATION AND PLACEMENT

The following is a description of the rights granted by Section 504 of the Rehabilitation Act of 1973 to students with disabilities.

You have the right to:

- A. have your child take part in, and receive benefits from public education programs without discrimination because of his/her disabling condition;
- B. have the School District advise you of your rights under Federal law;
- C. receive notice with respect to identification, evaluation, or placement of your child;
- D. have your child receive a free appropriate public education. This includes the right to be educated with nondisabled students to the maximum extent appropriate. It also includes the right to have the School District provide appropriate special education and/or related aids/services to allow your child an equal opportunity to participate in school and school-related activities;
- E. have your child educated in facilities and receive services comparable to those provided nondisabled students;
- F. have your child receive special education and related services if s/he is found to be eligible under the Individuals with Education Disabilities Act ("IDEA") or Section 504 of the Rehabilitation Act;
- G. have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the child, the evaluation data, and placement options;
- H. have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by this District;
- I. have your child be given an equal opportunity to participate in co-curricular activities offered by the District;
- J. examine all relevant records relating to decisions regarding your child's identification, evaluation, education program, and placement;
- K. obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records;

- L. a response from the School District to reasonable requests for explanations and interpretations of your child's records;
- M. 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;
- N. request mediation, administrative review and/or an impartial due-process hearing related to decisions or actions regarding your child's identification, evaluation, educational program or placement. See District Procedural Safeguards for 504.
- O. ask for payment of reasonable attorney fees if you are successful on your claim.

The person in this District who is responsible for assuring that the District complies with Section 504 is:

Director of Pupil Services  
Indian Hill Village School District  
6855 Drake Road  
Cincinnati, OH 45243  
(513) 272-4500