

## 504 Notice of Rights

It is the policy of *North Montgomery Community School Corporation* that no student with a disability, shall, on the basis of that disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which is sponsored by or contracted by this School Corporation.

The rights in this document may be exercised by any student, or the parent or guardian of any student, who is attempting to become eligible or has been found eligible under Section 504 of the Rehabilitation Act.\* A student or parent who encounters any difficulties in exercising any of these rights should immediately contact:

Dr. Colleen Moran  
North Montgomery Community School Corporation  
480 W 580 N  
Crawfordsville, IN 47933  
(765) 359-2112

If desired, a written complaint may be filed with the Coordinator and will be investigated and responded to under the School Corporation's complaint procedure.

### 1. Free Appropriate Public Education ("FAPE")

A student found eligible under Section 504 has the right to a free appropriate education, that is, an education which is designed to meet the individual student's needs as adequately as the needs of non-disabled students are met, and which is provided at no cost beyond student fees normally required of non-disabled students. Further, if services which are necessary for the Students under Section 504 are provided at a location other than the school to which the student would normally be assigned, transportation to that location must be provided by the School Corporation. No student may be excluded from educational services solely on the basis of the student's disability.

### 2. Least Restrictive Environment ("LRE")

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\*The rights in this document may be exercised by a student's parent/guardian or the student if 18 years of age or older. Any reference to "parent" includes the student's guardian and the student if he/she is 18 years of age or older.

Students who are eligible for services under Section 504 will be educated, to the maximum extent appropriate, with students who are not disabled. The only exception will be if the needs of an eligible student require that certain services be delivered outside of the regular education setting.

Non-academic and Extracurricular activities for an eligible student will be provided in the same setting as non-disabled students, unless the eligible student's disability requires other arrangements.

Both academic and non-academic services, to the greatest extent appropriate for the eligible student, will be provided in the school the student would normally attend if he/she were not disabled.

### 3. Procedures

#### A. Referral

Prior to a student being found eligible under Section 504, the student must be referred for testing by his/her parent or by a school staff member. A student 18 or older may self-refer. A parent or staff member who believes that a student may be eligible for services under Section 504, should obtain a referral form from the Principal of the school the student attends.

#### B. Evaluation

If the student's needs appear to require a full battery of intelligence and achievement testing, the student is better referred to the school's special education department for an evaluation under Article 7, which addresses children in need of special education. Information concerning referral for special education can also be obtained from the Principal of the school, which the child attends. If the parent or staff member believes that the student is not in need of special education, but needs certain services or accommodations in order to address a physical or mental health problem which may jeopardize the student's attendance at or participation in school activities and programs, then an evaluation under Section 504 should be pursued.

An evaluation under Section 504 may consist of such activities as:

- a review of all of the student's records currently in the school's possession;

- gathering information from medical personnel who have worked with the student and are knowledgeable of his/her condition;
- requesting information from each staff member who works with the student as to his/her academic and social/emotional functioning; and
- soliciting information from community personnel who may have worked with the student and any and all information which the parent may have, along with direct parental input concerning the child's health, general functioning in the home and community and any school-related problems.

If it appears to school personnel that further medical information is necessary to proceed with identification under Section 504, the school may request parental permission to obtain medical testing necessary to make a decision concerning both eligibility and necessary services. Parent permission must be obtained before obtaining medical or psychological records from an outside service provider and before school personnel administer tests, which are not normally administered to the entire student body.

#### C. Meetings

Once any necessary evaluation procedures are completed and all relevant information has been collected, the student's Section 504 Committee, (a group of people knowledgeable about the student) will meet to review the information and decide about the student's eligibility under Section 504.

Persons knowledgeable about the student "may include the student's parents, teacher(s), guidance counselor, school nurse, community personnel who have worked with the student, school psychologist, and others who can make a meaningful contribution to the discussion of eligibility and the provision of appropriate services.

After review of the evaluative data, the student's 504 committee will decide whether the student meets the Section 504 definition as a person with a physical or mental impairment, which substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment. The substantial limitation to one or more major life activities must have a direct impact on the student's ability to learn or otherwise function in the school setting.

If the student is found eligible under Section 504, the student's committee will devise a Student Accommodation Plan, which allows the student to function appropriately in the school setting and provides access to school sponsored activities both academic and non-academic.

At least once during every twelve-month period, the student's Section 504 committee should meet to review and update, as necessary, the Student Accommodation Plan.

Prior to any meeting of the student's Section 504 committee, the parent will be provided notice of the date, time and location of the meeting. The meeting can be rescheduled if the date or time set by the school does not allow the parent to attend.

#### 4. Access to Records

A student's parent may have access to the student's entire school record. The requesting party should specify the particular records needed or that the entire record is being requested so the school will be sure to gather all records from any location in which such information might be stored. If the request is for a copy of the record, a reasonable reproduction fee may be charged by the school. Requests for access to student records should be made to the Principal of the school, which the student attends.

Should the student's parent believe that there is incorrect or misleading information contained in the student record, a request may be made, in writing, that such information be deleted from the student's record. Should the request be denied by the building Principal, the parent may request a records hearing. This hearing will be held before a member of the school's administrative staff, who has had no prior involvement with the student, and who will decide whether the material will remain a part of the record or be deleted. If the decision is to leave the material in the student's record, the parent may attach a short statement delineating why he/she believes the information is incorrect or misleading. That statement will remain a part of the student's record.

#### 5. Hearings and Appeals

Should a parent feel that a student has not been correctly identified or is not receiving appropriate services under Section 504, the parent may file a request for the appointment of an Impartial Hearing Officer, who will conduct a hearing to decide the issue. The Impartial Hearing Officer will not be affiliated with the

either the school nor the parent and will rule upon any issues presented to him/her which are relevant under Section 504 of the Rehabilitation Act. The Hearing Officer will be chosen and paid by the School Corporation. The parent may be accompanied at the hearing by an attorney or other representative. Both the School and parent may submit written evidence and provide testimony from themselves and others concerning the issues before the Hearing Officer. Each party at the hearing will bear the cost of its legal counsel, expert witnesses and exhibits presented to the Hearing Officer. The Hearing Officer will schedule the hearing, receive evidence and testimony, and provide a written decision to all parties in a timely manner.

If either party disagrees with the Hearing Officer's decision, the School will choose an Impartial Review Officer, not affiliated with either the School or the parent to review the Hearing Officer's decision as well as the evidence and testimony in the record and render a final decision in writing to both parents and school in a timely fashion.

A parent who wishes to file a request for a hearing may do so in writing to the Superintendent at:

North Montgomery Community School Corporation  
480 W 580 N  
Crawfordsville, IN 47933  
(765) 359-2112

6. Office for Civil Rights

Any parent who believes a student is being discriminated against on the basis of the student's disability and wishes not to use the school corporation's complaint procedure, may file a complaint with:

Office for Civil Rights  
Midwestern Division  
Chicago Office  
111 North Canal Street, Suite 1053  
Chicago, IL 60606-7204