

Section 504
Procedures and Guidelines

Freeport School District 145

I. Compliance Statement

Freeport School District 145 shall comply fully with the nondiscrimination provisions of all federal and state laws. Equal educational and extracurricular opportunities shall be available for all students without regard to color, race, nationality, religion, sex, sexual orientation, ancestry, age, physical or mental disability, gender identity, status of being homeless, immigration status, order of protection status, actual or potential marital or parental status, including pregnancy.

II. District Section 504 Coordinator

The School District designates the following employee to coordinate its efforts to comply with Section 504 of the Rehabilitation Act of 1973 as amended:

Daniel Holder, Executive Director of Pupil Personnel Services, 815/232-0300
daniel.holder@fsd145.org

III. Overview of Governing Laws

The following Federal laws have had a significant impact in the ways in which school districts address the rights and needs of individuals with disabilities: (1) Section 504 of the Rehabilitation Act of 1973; (2) the Individuals with Disabilities Education Act (IDEA); (3) the Americans with Disabilities Act (ADA); and (4) the ADA Amendments Act of 2008.

Section 504 of the Rehabilitation Act of 1973 (Section 504)

Section 504 is a federal civil rights law that prohibits discrimination against persons with disabilities in any program receiving federal financial assistance, including public schools.

The purpose of Section 504 is to ensure that eligible students have educational opportunities equivalent to their non-disabled peers. It is often said that Section 504 “levels the playing field” for all students attending public school. Section 504 requires that accommodations, aids or special services be provided to students with disabilities so they have an opportunity, equal to non-disabled students, to participate in educational experiences.

Section 504 requires school districts to provide a Free Appropriate Public Education (FAPE) to qualified students who have a physical or mental impairment that substantially limits one or more major life activities.

In addition, Section 504 protects students from discrimination on the basis of disability if they have a “record of” impairment, even if they no longer have such an impairment, or an impairment never really existed, or they are “regarded as” having an impairment.

Individuals with Disabilities Education Act (IDEA)

Part B of the IDEA provides Federal funds to State educational agencies, and through them to eligible LEAs, to assist in providing special education and related services to eligible students with disabilities.

States receiving IDEA funds must ensure that school districts locate, identify, and evaluate students who are suspected of having disabilities as defined by the IDEA and who need special education and related services.

Each eligible student must have an IEP, developed by an IEP Team that includes school officials and the student's parents, and whenever appropriate, the student. An IEP must include, among other things, a statement of annual goals, including academic and functional goals, and the special education and related services, and supplementary aids and services that the school district will provide to the student, and the program modifications or supports for school personnel, to enable the student to advance appropriately toward attaining his or her annual IEP goals and to be involved, and make progress in the general education curriculum, and to participate in extracurricular and other nonacademic activities. Implementation of an IEP, developed in accordance with the IDEA, is one means of meeting the FAPE standard under Section 504 as discussed further below.

School districts also must ensure that FAPE, under the IDEA, is provided to all eligible students with disabilities in the least restrictive environment (LRE). LRE means that, to the maximum extent appropriate, students with disabilities are educated with students without disabilities, and removal of students with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a student is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

The American with Disabilities Act of 1990 (ADA)

Title II of the ADA prohibits State and local governments from discriminating on the basis of disability, regardless of whether or not those entities receive Federal financial assistance. Title II of the ADA requires students with disabilities to have an equal opportunity to benefit from all of their programs, services and activities.

ADA Amendments Act of 2008 (ADAAA)

In the ADAAA, which amended both the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, Congress directed that the definition of disability be construed broadly and that the determination of whether an individual has a disability not demand extensive analysis.

The ADAAA materially broadened the interpretation of the terms that define disability in two ways. First, it expanded the list of examples of major life activities by adding, among other things,

concentrating, reading, thinking, and functions of the brain. Second, the ADA stated that mitigating measures shall not be considered in determining whether an individual has a disability. Mitigating measures include, for example, medications, coping strategies, and adaptive neurological modifications that an individual could use to eliminate or reduce the effects of an impairment

Statutory Citations of State and Federal Disability Laws

	Federal Laws			State Law
	Section 504	ADA	IDEA 2004	Children with Disabilities Law
Law	PL 93-516	PL 101-336	PL 108-446	1
Legal Citations	29 U.S.C. Chapter 794 (Section 504)	42 U.S.C. Chapter 12131	20 U.S.C. Chapter 33, 1400 et.seq.	105 ILCS 5/14-1.0
Regulations Implementing the Law	34 CFR Part 104	28 CFR Part 35	34 CFR Part 300 & 301	23 Ill. Adm. Code Section 300

IV. The Meaning of Disability

- **Section 504 Definition of Disability**

Section 504 requires that: “No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance . . . ”

Under Section 504, an individual with a disability is defined as a person who:

- a. has a physical or mental impairment that substantially limits a major life activity;
- b. has a record of such an impairment; or
- c. is regarded as having such an impairment.

The determination of whether a student has a physical or mental impairment that substantially limits a major life activity (and therefore has a disability) must be made on a case-by-case basis.

- **Physical or Mental Impairments**

Section 504 defines a physical or mental impairment as any:

- a. physiological disorder or condition,
- b. cosmetic disfigurement, or
- c. anatomical loss affecting one or more of the following body systems:
 - neurological;
 - musculoskeletal;
 - special sense organs;
 - respiratory, including speech organs;
 - cardiovascular;
 - reproductive;
 - digestive;
 - genito-urinary;
 - hemic and lymphatic;
 - skin; and
 - endocrine.

The Section 504 definition of physical and mental impairment also includes any mental or psychological disorder. The definition does not include all specific diseases and conditions that may be physical or mental impairments because of the difficulty of ensuring the completeness of such a list.

- **Substantial Limitation**

The determination of whether an impairment substantially limits a major life activity shall be made on an individualized basis. An impairment does not need to prevent or severely or significantly restrict a major life activity to be considered “substantially limiting.” Nonetheless, not every impairment will constitute a disability.

- **Major Life Activities**

The list of major life activities under Section 504 includes, but is not limited to, the activities listed below.

- | | | |
|----------------------------------|--------------------|------------------------|
| • Learning | • Sleeping | • Standing |
| • Caring for one’s self | • Lifting | • Bending |
| • Performing manual tasks | • Reading | • Concentrating |
| • Walking | • Thinking | • Speaking |
| • Seeing | • Hearing | • Working |
| • Communicating | • Breathing | • Eating |

Major bodily functions are also major life activities under the law, and these major bodily functions include functions of the bowel, bladder, and brain; normal cell growth; and the immune, endocrine (for example, thyroid, pituitary, and pancreas), respiratory, reproductive, circulatory, digestive, and neurological systems.

These lists, however, do not provide every possible major life activity or bodily function; therefore, if an activity or bodily function is not listed in the ADAAA, it might still be considered a major life activity under Section 504.

- **Exclusions from the 504 Disability Definition**

Section 504 excludes from the definition of a student with a disability, and from Section 504 protection, any student who is currently engaging in the illegal use of drugs when a covered entity acts on the basis of such use. (There are exceptions for persons in rehabilitation programs who are no longer engaging in the illegal use of drugs).

- **Mitigating Measures**

Mitigating measures eliminate or reduce the symptoms or impact of a physical or mental impairment. The ameliorative (positive) effects of one or more mitigating measures cannot be considered in determining if an impairment substantially limits a major life activity.

The determination of a disability must focus on whether the individual would be substantially limited in performing a major life activity without considering any mitigating measure that may eliminate or reduce the symptoms or impact of the impairment.

Section 504 and the ADA state that when determining whether an impairment is substantially limiting, the beneficial effects of any “mitigating measures” the student may be receiving or could receive should be ignored. The law defines “mitigating measures” to be factored out of the eligibility decision as including:

1. medication, medical supplies, appliances, low-vision devices (which do not include ordinary contact lenses or eyeglasses), prosthetics, including limbs and devices, hearing aids and cochlear implants, mobility devices, or oxygen therapy equipment and supplies;
2. use of assistive technology;
3. reasonable accommodations or auxiliary aids or services; or
4. learned behavioral adaptive neurological modification.

Therefore, if a student seems fine as a result of some medication, accommodation or assistive technology the student receives, but without it he or she would be substantially limited in a major life activity, the student may be a qualified person with a disability under Section 504 and the ADA. Please note that if the impairment is well-controlled by virtue of some mitigating measure, the student may not need any interventions and supports in a 504 Plan, even though the student is considered disabled under the law. As a general matter, typical supports or interventions provided

by regular education teachers to any student in the classroom, whether or not the student has a disability, are not considered a “mitigating measure.”

- **Temporary Disabilities**

The determination to extend coverage for temporary impairments must be made on a case-by-case basis, taking into consideration factors such as how long and how severely the temporary impairment limits a major life activity for the particular student. Generally, the substantial limitation should be expected to last more than six months in length. The substantial limitation should be in comparison to the average student in the general population. Conditions that are episodic or in remission still might qualify, as long as they substantially limit a major life activity when active.

- **Episodic Impairments**

If an impairment only occurs periodically or is in remission, it is a disability if, when in an active phase, it would substantially limit a major life activity. For example, a student with epilepsy is a student with a disability if, during a seizure, the student is substantially limited in a major life activity such as thinking, breathing, or neurological function. Or, a student with bipolar disorder is a person with a disability if, during manic or depressive episodes, the student is substantially limited in a major life activity such as concentrating or brain function.

- **Record of a Disability**

To meet the Section 504 definition of an individual with a disability, a student could also have a record of a disability. For example, a person who had heart disease, cancer, or a mental illness, may have a record of a disability, but no longer have the impairment. Having a record of a disability means that a person either has a history of a disability or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities. An example of a misclassification is a school district that incorrectly identified a student as having a learning disability, when further testing revealed the student’s issues were caused by the need for ordinary eyeglasses and the student does not have a learning disability.

A student who has a record of a disability may or may not need special education or related aids and services. Section 504 does not obligate a school district to provide aids or services that a student does not need. But, even if a student with a disability does not need services, the student is protected from disability-based discrimination under Section 504’s general non-discrimination requirements.

- **Regarded as Having a Disability**

A student could also meet the definition of an individual with a disability by being regarded as a person with a disability. This could mean, for example, that the student does not have any impairment, but is treated by others as having a disability. For example, a person who does not have a physical or mental impairment that substantially limits a major life activity but who is not allowed on the soccer team because of the false belief that the student has the human

immunodeficiency virus (HIV) would be regarded as having a disability. Note, as stated previously, although the student with HIV in this instance is not entitled to receive aids and services, the student is nevertheless protected from disability-based discrimination under Section 504's general non-discrimination requirements.

- **Qualified individual With a Disability**

In addition to satisfying the definition of an individual with a disability, a student with a disability must also be qualified for the protections of Section 504 in order to be covered under the law. For students with disabilities at the elementary and secondary level, being qualified under Section 504 is based primarily on whether the person is a certain age.

Specifically, a student with a disability is a qualified individual with a disability if the student is of an age at which:

- (1) students without disabilities are provided elementary and secondary educational services; or
- (2) it is mandatory under State law to provide elementary and secondary educational services to students with disabilities.

A student with a disability is also a qualified individual with a disability if he or she is a student to whom a State is required to provide a free appropriate public education (FAPE) under the IDEA, another Federal education law that addresses the rights of students with disabilities.

V. Free Appropriate Public Education ("FAPE")

Section 504 and the IDEA contain requirements for FAPE for students with disabilities, but there are some differences. The IDEA requires a school district to develop an individualized education program (IEP) for each eligible student with a disability that sets out, among other information, the student's program of special education and related services. All elementary and secondary school students who are qualified individuals with disabilities, as defined by Section 504, and who need special education and/or related aids and services are entitled to FAPE. Under Section 504, FAPE is the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of non-disabled students are met and are based on adherence to procedures governing educational setting, evaluation and placement, and procedural safeguards. Implementation of an IEP developed in accordance with the IDEA is one means of meeting the Section 504 FAPE standard. Note, however, that IDEA-eligible students with disabilities who have an IEP are not required to also have a Section 504 plan even though they are protected under Section 504. For these students, the IEP developed and implemented in accordance with the IDEA is sufficient.

Freeport School District documents the elements of an individual student's FAPE under Section 504 in a written 504 plan. Under Section 504, FAPE must be provided free of charge to students with disabilities. Freeport School District will impose fees on a student with a disability only if the fees are equally imposed on students without disabilities.

In order to ensure the provision of a FAPE to all students with disabilities, as set forth below, Freeport School District:

- has evaluation and placement procedures that guard against misclassification or inappropriate placement of students;
- periodically reevaluates students who have been provided special education or related services and prior to a significant change in placement;
- provides regular or special education and related aids and services that are designed so that the individual educational needs of students with disabilities are met as adequately as the needs of non-disabled students are met;
- educates students with disabilities with non-disabled students—to the maximum extent that this arrangement is appropriate for the needs of students with disabilities;
- and has a system of procedural safeguards (that is designed to inform parents of a school district's actions or decisions and to provide parents with a process for challenging those actions or decisions) that include notice; an opportunity for parents to review their child's records; an impartial 504 hearing (with an opportunity for participation by the student's parents or guardians and representation by counsel); and a review procedure.

VI. SECTION 504/ADA Eligibility Process and Procedures

Initiation of Evaluation Process

School personnel, parents and any other person having knowledge of a child may refer a student for evaluation. When Freeport School District is aware of a student's disability, or has reason to suspect a student has a disability, and the student needs or is believed to need special education or related services, the IEP team process for conducting referrals and evaluations as specified in IDEA shall be utilized by referring students for evaluation.

If a parent believes his or her child has a disability, the parent may ask for an evaluation of the student. In making a request, the parent should provide in writing their child's name, any school, concerns regarding the student and any other information that the parent believes may be helpful to the school/District in determining whether to evaluate. If the parent makes a verbal request, the Section 504 coordinator or building principal shall document the request. Although a parent does not have an absolute right to a Section 504 evaluation upon request, a Freeport School District will evaluate a student if the school has reason to believe the student is in need of special education or related services because of a disability. Parents shall be informed in writing of whether the District will undertake an evaluation of their child.

If Freeport School District does not agree to evaluate the student, it will inform the parent of his or her right to challenge the decision. If a parent disagrees with any decisions regarding the identification, evaluation, or educational placement of his or her child, the parent may use the complaint procedures set forth in paragraph VII below.

If Freeport School District refers a student for evaluation or agrees to evaluate a student, Freeport School District will evaluate the student suspected of having a disability, or more than one disability, in all related or all specific areas of educational need, at no cost to the parent. If the team determines that special education is necessary, an IEP shall be developed and special education services offered. If the student meets eligibility criteria for one or more categorical impairments but does not require special education services, the IEP team must then determine if the student is disabled under Section 504 and, if so, whether a 504 Plan is necessary for the student to receive FAPE.

Requests for evaluation may be submitted to a student’s building principal or other individual designated below:

School	Name of 504 Coordinator	Email Address
Blackhawk Elementary	Donna Reel	Donna.reel@fsd145.org
Empire Elementary	Tarica Jackson	Tarica.jackson@fsd145.org
Lincoln-Douglas Elementary	Terry Heckman	Terry.heckmanhixson@fsd145.org
Freeport Middle School	Steve Jordan	Steve.jordan@fsd145.org
Freeport Middle School	Danielle Jackson	Danielle.jackson@fsd145.org
Freeport Middle School	Jill Watson, nurse	Jill.watson@fsd145.org
Freeport Alternative High	Dana Dinderman	Dana.dinderman@fsd145.org
Center Elementary School	Martha Lehman	Martha.lehman@fsd145.org
Jones-Farrar Elementary	Jennifer DeJong	Jennifer.dejong@fsd145.org
Carl Sandburg School	Susan Albright	Susan.albright@fsd145.org
Carl Sandburg School	Christine Hodges	Christine.hodges@fsd145.org
Carl Sandburg School	Amara Rafiq	amara.rafiq@fsd145.org
Freeport High School	Jeff Lawfer	Jeff.lawfer@fsd145.org
Freeport High School	Stacy Shorter	Stacy.shorter@fsd145.org
Freeport High School	Sara Shockey	Sara.shockey@fsd145.org
Freeport High School	Paul Heimer	Paul.heimer@fsd145.org
SITE	Sarah Swords	Sarah.swords@fsd145.org

Additionally, a request for evaluation for any District student or a request for assistance in making a request for evaluation, including the need for an interpreter to complete a request, may be made to Daniel Holder, Executive Director of Student Services, at daniel.holder@fsd145.org.

504 Team

If team participants determine that a student is disabled under Section 504 (he or she has an impairment which substantially limits a major life activity) and requires a Section 504 Plan, the

IEP team process concludes and, in name, becomes a Section 504 team. The 504 team will consist of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. Team decisions are made by consensus. In the absence of a consensus, the Section 504 Coordinator or designee at the meeting makes the final decision regarding eligibility and, if needed, the Plan accommodations and related aids and/or services the student needs to access school programming.

Parental Consent

Before conducting an evaluation under Section 504, the 504 Team will obtain written parental consent for the initial evaluation.

Evaluation

After obtaining parental consent, the Section 504 team will collect data from a variety of sources, e.g., student records, standardized test scores, teacher reports, medical reports, behavioral rating scales, psycho-educational evaluations, grades, attendance. Specifically, the evaluation tools used by the 504 team will:

- consist of more than IQ tests;
- measure specific areas of educational need;
- be administered to the student in a manner that best ensures that the test results accurately reflect the student's aptitude or achievement or other factor being measured, rather than reflect the student's disability, except where those are the factors being measured;
- are validated for the specific purpose for which they are used; and
- are appropriately administered by trained personnel.

A parent may have a specialist or other educational professional, who is independent of the school, test his or her child. The 504 Team will consider any independent evaluation in the evaluation process.

In interpreting evaluation data and making placement decisions, the 504 team will:

- draw upon information from a variety of sources;
- ensure all information is documented and considered;
- ensure the placement decision is made by a group of professionals who are knowledgeable about the child, knowledgeable about the meaning of the evaluation data, and knowledgeable about placement options; and
- ensure the student is educated with his/her non-disabled peers to the extent appropriate, and that any facilities identifiable as being for disabled persons are comparable to facilities provided for other students.

Evaluations will be completed within 60 school days. An evaluation conducted for purposes of establishing eligibility for Section 504 is valid for one full calendar year from the date it is

completed. In the event a parent/guardian refuses Section 504 placement following the evaluation, but later changes his/her mind, the evaluation results are still valid if conducted within one calendar year.

Medical Assessments

If Freeport School District determines, based on the facts and circumstances of the individual case, that a medical assessment is necessary to conduct a Section 504 individual evaluation in order to determine whether a child suspected of having ADHD has a disability under Section 504 and, therefore, needs special education or related services, the school district must ensure that the student receives this assessment at no cost to the student's parents.

504 Plan

If determined eligible for special education or related services, the District shall document the elements of the student's FAPE under Section 504 in a Section 504 Plan. The Section 504 Plan will include the regular or special education and related aids and services a student needs, and the appropriate setting in which the student should receive those services, also called the student's placement. Placement decisions will be made by the 504 Team that includes individuals who are knowledgeable about the student, the meaning of the evaluation data, and the various placement options. For the vast majority of Section 504 students, "placement" refers to plan accommodation(s) within the regular classroom.

To the extent that services and aids, or changes to policies and procedures (for example, allowing testing accommodations such as extended time for exams) for a student with a disability can be implemented by a student's regular education teacher, the regular education teacher is responsible for implementing them. Once the 504 Plan is written, it will be distributed to appropriate staff for implementation.

Students with disabilities will be educated with students who do not have disabilities to the maximum extent appropriate. Students will be placed in the regular education environment unless Freeport School District can demonstrate that educating the student with a disability in the regular education environment with the use of supplementary aids and services cannot be achieved satisfactorily. The District may place a student with a disability in, or refer such student to, a program not operated by the school district at no cost to the parent. Transportation will also be provided at no greater cost than would be incurred if the student were placed in the home district. However, if transportation is a related service for a particular student with a disability, Freeport School District does not charge the student for that transportation.

If, as a result of a properly conducted evaluation, the 504 Team determines that the student does not need special education or related services, Freeport School District is not required to provide them.

Re-evaluation

A child identified as having a disability under Section 504 shall be reevaluated at least every three years and shall be reevaluated prior to significant changes in placement. The procedures used for evaluation set forth herein will be used for re-evaluation of Section 504 students.

Annual Reviews

Each student's Section 504 Plan will be reviewed and rewritten at least annually, as necessary by the 504 Team. Upon review, the 504 Team may conclude that: a 504 Plan is no longer required and that the student no longer is considered disabled under Section 504; a student continues to have a disability under the law, but does not need any interventions and supports in a 504 Plan; the student continues to be disabled under Section 504 in which case the 504 Team may, but does not have to adjust the 504 Plan if it continues to meet the student's needs.

Procedural Safeguards

Procedural safeguards are established to ensure that parents/guardians are fully informed about decisions involving their child and to inform them of their rights. Parents/Guardians are provided Procedural Safeguards as soon as Freeport School District is notified of the request for Section 504 Services.

Transfer Students

If a student with a disability transfers to Freeport School District from another school district with a Section 504 plan, the 504 Team will review the plan and supporting documentation. If the 504 Team determines that the plan is appropriate, Freeport School District will implement the plan. If the 504 Team determines that the plan is inappropriate, Freeport School District will evaluate the student consistent with the procedures set forth herein.

Extracurricular and Nonacademic Services

Section 504/ADA affords students with disabilities an equal opportunity in extracurricular activities and nonacademic services and extends the least restrictive environment mandate to extracurricular activities. Section 504/ADA protections are available to students identified as disabled under either Section 504/ADA or IDEA in regard to extracurricular activities and nonacademic services. Section 504/ADA regulations prohibit exclusion from, or denial of the benefits of an extracurricular activity on the basis of disability, assuming the student is otherwise qualified to participate.

Section 504/ADA applies to District-sponsored nonacademic programs such as day care, after-school care and summer recreation programs, requiring the District to offer meaningful and equal access. In operating any such program, a District is bound by the anti-discrimination prohibition of 34 CFR 104.4.

Students with Section 504/ADA Accommodation Plans implemented during the academic day are eligible for Section 504/ADA accommodation(s) while participating in extracurricular activities and nonacademic services. Where there is a voluntary program offered on a free or tuition basis, eligible Section 504/ADA students with disabilities may not be categorically excluded. They must be offered meaningful and equal access to that program at the same cost as a non-disabled student.

Procedures for Section 504 Disciplinary Considerations

Section 504 provides that:

“Before implementing a suspension or expulsion that constitutes a significant change in the placement of a student with a disability, a school district must conduct a reevaluation of the student to determine whether the misconduct in question is caused by the student’s disability and, if so, whether the student’s current educational placement is appropriate.”

The Office of Civil Rights considers the following occurrences a significant change in placement: (1) an exclusion from the educational program (for example, an out-of-school suspension) of more than 10 consecutive school days; (2) a series of short-term exclusions (each 10 school days or fewer) from the educational program if the short-term exclusions total more than 10 school days *and* create a pattern of removal; and (3) a school’s transferring a student from one type of program to another (for example, from a general education class with pull-out special education services to a self-contained special education class) or terminating or significantly reducing a related service.

Therefore, before any significant change in placement of a Section 504 student, such as an expulsion or suspensions totaling more than 10 days in a school year, the District must conduct a manifestation determination review (“MDR”) meeting to determine whether the misconduct is related to the student’s disability prior to the change in placement.

The 504 team including the parent/guardian and other individuals with sufficient knowledge regarding the student must participate in the MDR. Parents must be given notice of the results of the manifestation determination and of the available procedural safeguards. The 504 team must meet and review all relevant information in the student’s file, the 504 plan, any teacher observations, and review any relevant information provided by the parents.

If the 504 team determines that the conduct was a manifestation of the student’s disability because the conduct was caused by, or had a direct and substantial relationship to, the student’s disability or the conduct in question was the direct result of the school district’s failure to implement the 504, the student cannot be expelled. Moreover, the 504 team should consider the need for a functional behavioral assessment (“FBA”) unless the District conducted an FBA before the behavior that resulted in the change of placement occurred. The District should also implement a behavioral intervention plan (“BIP”) for the student or, if one already has been developed, review the plan and modify it as necessary to address the behavior.

If the 504 team determines that the behavior was not a manifestation of the student's disability, the school district may proceed with the relevant disciplinary procedures applicable to children without disabilities and for the same duration.

Drug and Alcohol Offenses

For a student with a disability who is currently engaged in the illegal use of drugs or alcohol, Freeport School District may take any disciplinary measure pertaining to the use or possession of illegal drugs or use of alcohol as is taken for students without disabilities. No manifestation determination or due process procedures are required. However, a student with a disability who is not currently engaged in the illegal use of drugs or alcohol who commits a drug/alcohol offense, such as possession, sale, or distribution of drugs or alcohol, is afforded Section 504 and ADA protection, including the right to an evaluation of whether the behavior is related to the disability and the right to due process.

VII. Complaint Procedures

Conflicts between parents and school personnel about Section 504 issues may be resolved through a 504 hearing or through the school district's established grievance procedures.

504 Hearing Procedures

If parents/guardians disagree with the district relative to their child's: (1) identification; (2) evaluation; (3) educational placement, including any special services, or change or termination of services, and/or (4) provision of FAPE to the student, under Section 504, they should notify the District's 504 Coordinator and attempt to resolve their differences informally. If informal procedures fail, the parents/guardians may request a hearing before an impartial hearing officer. The due process review procedures set forth in Article 14 of the School Code and in the IDEA shall not be applied unless the parents are contesting or asserting a right to special education services under Article 14 or the IDEA. The parents' request for a hearing shall be submitted in writing to the Superintendent within ten (10) days of the date of the decision to be reviewed. The request for hearing must identify:

- the name of the student;
- the address of the residence of the student (unless homeless);
- the name of the school the student is attending;
- a description of the concerns of the person making the hearing request and
- a proposed resolution to the extent known.

The Superintendent shall then appoint the impartial hearing officer at District expense.

The parents/guardians shall be provided with written notice of the hearing, which shall include the time, date, and location of the hearing and the identity of the hearing officer. Generally, the notice shall be sent at least five business days in advance of the hearing. The notice shall inform the parents/guardians that they have the right to review any relevant records before the hearing. The parents/guardians shall have the right to be represented by counsel, at the hearing at their own expense and shall have the opportunity to participate in the hearing. The hearing shall be held at the Freeport School District 145's administrative offices and shall be closed to the public. The decision of the impartial hearing officer shall be in writing and shall be rendered within ten (10) days of the hearing. Either party may seek review of the Hearing Officer's decision by a court of competent jurisdiction.

Office for Civil Rights Complaint Process

A parent/guardian, student or others also may file a complaint with the federal Office for Civil Rights alleging any violations of Section 504 and/or the ADA. To make an inquiry or file a complaint under Section 504, an individual may contact: *Office for Civil Rights: U.S. Dept. of Education, Office for Civil Rights, 230 S. Dearborn Street, 37th Floor, Chicago, IL 60604, (312) 730-1560.*

VII. Retaliation

Section 504 prohibits retaliation. For example, once a student, parent, teacher, coach, or other individual complains formally or informally to a school about a potential civil rights violation or participates in an OCR investigation or proceeding, school staff are prohibited from retaliating (including intimidating, threatening, coercing, or in any way discriminating against the individual) because of the individual's complaint or participation.