Students

Administrative Guidelines – Equal Educational Opportunities/Section 504/ADA/Individuals with Disabilities Education Act (IDEA)

The Adrian Public Schools does not discriminate against otherwise qualified handicapped students. The following regulations serve as guidelines for addressing the needs of students under Section 504 of the Rehabilitation Act of 1973.

DEFINITIONS:

Handicapped Person: any person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

Physical or Mental Impairment: 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; genito-urinary; hemic and lymphatic; skin and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Major Life Activities: means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Record of Impairment: means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

Regarded as having an Impairment: this term refers to persons who do not have any substantial limitations on any major life activities, but are nevertheless perceived or treated as if they had such limitations.

Substantially Limits: means a person's impairment limits a major life activity by its nature and severity, length it lasts; its permanent or long-term impact or expected impact.
PROCEDURAL GUIDELINES:

Identification and Referral Procedures
Any student who needs or is believed to need special services not available through existing programs in order to receive a free appropriate public education may be referred by a parent, teacher or other certificated school employee to the principal of the school the child attends.

The principal will establish a Screening Committee composed of persons knowledgeable about the student, the student's school history, the student's individual needs, the meaning of evaluation data and placement options.

The Screening Committee will consider the referral and based upon a review of the student's existing records, including academic, social and behavioral records, make a decision as to whether an evaluation under this procedure is appropriate.

Evaluation
Evaluation of the student and formulation of a plan of services will be carried out by the Special Services Committee according to the following procedures:

- The Special Services Committee will evaluate the nature of the student's handicap and the impact of the handicap upon the student's education. This evaluation will include consideration of any behaviors that interfere with regular participation of a student who otherwise meets the criteria (such as age) for participation in the educational program and/or activities.

- No final determination of whether the student will or will not be identified as a handicapped individual within the meaning of Section 504 will be made without first inviting the parent or guardian of the student to participate in a meeting concerning such determination.

- A final decision will be made by the Special Services Committee in writing and the parents or guardian of the student shall be notified of the Section 504 procedural safeguards available to them, including the right to an impartial hearing and review.

Plan for Services

- For a student who has been identified as handicapped within the meaning of Section 504 and in need of special education or related aids and services, the Special Services Committee shall be responsible for determining what special services are needed.
• In making such determination, the committee shall consider all available relevant information, from a variety of sources, including but not limited to, comprehensive assessments conducted by professional staff.

• The parents or guardian shall be invited to participate in Special Services Committee meetings where services for the student will be determined, and shall be given an opportunity to examine all relevant records.

• The Special Services Committee will develop a written plan describing the handicap and the special education or related services needed. The plan will specify how the regular or special education and related aids and services will be provided and by whom.

• The team may also determine that no special education or related services are appropriate. If so, the record of the Special Services Committee proceedings will reflect the identification of the student as a handicapped person and will state the basis for the decision that no special services are presently needed.

• A handicapped student shall be placed in the regular educational environment of the district, with the use of the supplementary aids and services, unless the district demonstrates that such placement cannot be achieved satisfactorily.

• The committee shall notify the parents or guardian in writing of its final decision concerning the services to be provided.

• If a plan for providing related services is developed, all school personnel who work with the student shall be informed of the plan.

Review of Student’s Progress
The Special Services Committee will monitor the progress of the handicapped student and the effectiveness of the student’s education plan annually to determine whether special education or related services are appropriate and necessary and that the handicapped student’s needs are being met as adequately as the needs of non-handicapped students.

Procedural Safeguards

• The parents or guardian shall be notified in writing of all district decisions concerning the identification, evaluation, or educational placement of students made under this policy.

• The parents or guardian shall be notified that they may examine relevant records.
• The parents or guardian shall have the right to an impartial hearing (Section 504 Due-Process Hearing) with opportunity for participation by the parents or guardian and their counsel.

Section 504 Due-Process Hearing Procedures

An impartial due-process hearing will be utilized to resolve differences involving the education of a Section 504 qualified handicapped student when such differences cannot be resolved by means of a less formal procedure. In this instance, due process is defined as an opportunity to present objections and reasons for the objections to the decision and/or procedures of the committee regarding application of Section 504. A Section 504 due-process hearing may be called at the request of the district or a parent, guardian, or surrogate of an affected student. The proceedings will be presided over by an impartial hearing officer. Impartial hearing officer means a person selected to preside at a due-process hearing to assure that proper procedures are followed and to assure the protection of the rights of both parties.

In all related hearing matters the following definitions shall apply:

• *Days* means calendar days.

• *Placement plan* means the program by which the decision concerning the educational placement of the student is decided.

• *Parents* means parents, guardian, or surrogate parent.

Parents or the district may initiate a due-process hearing on a matter related to (1) eligibility and related procedures, (2) procedural safeguards, or (3) provision of a free and appropriate public education to the student.

Requests for a due-process hearing must be submitted in writing to the Superintendent. Hearing notifications to the parents shall be given at least twenty (20) days prior to the date set for the hearing. The notice shall contain:

• A statement of time, place and nature of the hearing.

• A statement of the legal authority and jurisdiction under which the hearing is being held.

• A reference to the particular section of the statutes and rules involved.

• A statement of the availability of relevant records for examination.
• A short and plain statement of the matters asserted.

• A statement of the right to be represented by counsel.

All written correspondence shall be provided in English and/or interpreted in the primary language.

**Hearing Procedures**

The hearing officer shall preside at the hearing and shall conduct the proceedings in an impartial manner to the end that all parties involved have an opportunity to:

• Present their evidence.

• Produce outside expert testimony and be represented by legal counsel and by individuals with knowledge or training with respect to problems of handicapped students.

Parents involved in the hearing will be given the right to:

• Have the student present at the hearing.

• Open the hearing to the public.

In cases where there are language differences, an interpreter shall be provided.

The hearing officer shall review all relevant facts concerning the education placement.

• The hearing officer shall determine, subject to appeal by judicial review, whether the district has met all procedural aspects of the education accommodation plan.

• The hearing officer shall render a decision, subject to judicial review, that is binding on all parties.
The hearing officer shall ascertain that:

- The procedures utilized in determining the student’s needs have been appropriate in nature and degree.
- The student’s rights have been fully observed.
- The provision of aids, services, or programs to the student may afford a free and appropriate education.
- If the parents’ primary language is other than English, then the hearing officer shall appoint an interpreter.

Decision of the Hearing Officer

A copy of the hearing officer’s decision shall be delivered to the district and the parent, guardian or surrogate within 10 days following completion of the hearing, which in no event shall be later than 45 days after receipt of the request for a hearing.

- Notification will include a statement that either party may appeal the decision.

The decision of the hearing officer is binding on all parties concerned; it is subject only to judicial review.

Record of Hearing

A written or electronic verbatim recording of the Section 504 due-process hearing shall be on file at the district office and will be available for review upon request to the parents and/or any of the involved parties. Parents may have a copy of the proceedings, in English and in the primary language at home.

Approved: April 24, 2000