

Guthrie Public Schools

CRITERIA and PROCEDURES FOR SERVICES

Section 504

THE REHABILITATION ACT OF 1973

**TITLE II OF THE AMERICANS WITH DISABILITIES
ACT OF 1990**

AND

ADA AMENDMENTS ACT OF 2008

Revised 2013-1014
Revised 2016-2017

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MISSION STATEMENT

In an effort to comply with procedural requirements of Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and the ADA Amendments Act of 2008, it is the intent of Guthrie Public Schools to not discriminate on the basis of a disability and to ensure that students with a disability are identified, evaluated and provided with appropriate educational services and supports to meet the student's educational needs as adequately as the needs of nondisabled students are met. It is also the intent of Guthrie Public Schools to ensure that all students covered by Section 504/ Title II are protected from discrimination, retaliation, and harassment.

LAW

Section 504 of the Rehabilitation Act of 1973 (Section 504) is a Federal law that protects the rights of individuals with disabilities in programs and activities that receive federal financial assistance (U.S Department of Education, 2012).

Title II of the Americans with Disabilities Act of 1990 (ADA) prohibits discrimination against individuals with disabilities in state and local government services, programs, and activities (including public schools), regardless of whether they receive Federal financial assistance (U.S. Department of Education, 2012).

The Americans with Disabilities Act Amendments Act of 2008 (ADAAA) amends the Americans with Disabilities Act of 1990 and includes a conforming amendment to the Rehabilitation Act of 1973 that affects the meaning of the term disability in Section 504 of the Rehabilitation Act. The ADA Amendments Act retains the definition of disability under Section 504 and the ADA but significantly changes how the term disability is to be interpreted and emphasizes that the definition should be interpreted broadly. The Act (1) directs that the ameliorating effects or mitigating measure (other than ordinary eyeglasses or contact lenses) not be considered in determining whether an individual has a disability; (2) expands the scope of major life activities by providing a non-exhaustive list of general activities and a non-exhaustive list of major bodily functions; (3) clarifies that an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active; and (4) clarifies the meaning of "regarded as having a disability" including that individuals regarded as having a disability are not entitled to reasonable accommodations or reasonable modifications but are protected from discrimination, retaliation, and harassment on the basis of a disability (U.S. Department of Education, 2012).

REGULATIONS

1. Section 504 - 34 CFR Part 104 Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance. www2.ed.gov/policy/rights/reg/ocr/edlite-34cfr104.html
2. ADA - 28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services. www2.ed.gov/policy/rights/reg/ocr/edlite-28cfr25.html

DEFINITIONS

1. Disability – Section 504 and the ADA define disability as (1) a physical or mental impairment that substantially limits a major life activity; (2) a record of such an impairment; or (3) being regarded as having such an impairment (U. S. Department of Education, 2012).
2. Physical or mental impairment – (1) 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, genitourinary; hemic and lymphatic skin; and endocrine; or (2) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities (45 FR 30936, 1980).
3. Substantially limits – An impairment need not prevent or severely or significantly restrict a major life activity to be considered substantially limiting. The term substantially limits is interpreted without regard to the ameliorative effects of mitigating measures, other than ordinary eyeglasses or contact lenses (U. S. Department of Education, 2012).
4. Mitigating measures – Medications, prosthetic devices, assistive devices or learned behavioral or adaptive neurological modifications that an individual may use to eliminate or reduce the effects of an impairment (U. S. Department of Education, 2012).
5. Major life activity – Nonexhaustive list (U. S. Department of Education, 2012)
 - Caring for one’s self
 - Performing manual tasks
 - Seeing
 - Hearing
 - Eating
 - Sleeping
 - Walking
 - Standing
 - Lifting
 - Bending
 - Speaking
 - Breathing
 - Learning
 - Reading
 - Concentration
 - Thinking
 - Communicating
 - Working
6. Major bodily functions – Nonexhaustive list (U. S. Department of Education, 2012)
 - Functions of the immune system
 - Normal cell growth

- Digestive functions
- Bowel functions
- Bladder functions
- Neurological functions
- Brain functions
- Respiratory functions
- Circulatory functions
- Endocrine functions
- Reproductive functions

7. Record of impairment- A history of a mental or physical impairment that substantially limits one or more major life activities or major bodily functions (45 FR 30936, 1980).

8. Regarded as having impairment - An actual or perceived physical or mental impairment. A student is regarded as having an impairment if he or she (1) has a physical or mental impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such a limitation; (2) 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 (3) has none of the impairments defined but is treated by a recipient as having such an impairment (45 FR 30936, 1980). An individual will not be regarded as a person with a disability if the impairment is both transitory (actual or expected duration of 6 months or less) and minor. If an individual can establish that he or she has been subjected to an act prohibited by Title II or Section 504 because of an actual or perceived physical or mental impairment, then he or she is entitled to protection under these laws. The statutory protections apply whether or not the individual actually has the impairment, and also whether or not the impairment is perceived to be a substantial limitation on a major life activity. Such an individual would be entitled to protection from discrimination, retaliation and harassment on the basis of disability (U. S. Department of Education, 2012).

9. Qualified person with a disability – For purposes of public educational services, a qualified person with a disability is of an age that persons with disabilities are provided such services, of any age that it is mandatory under state law to provide such services to persons with disabilities, or a person for whom a state is required to provide a free appropriate education (FAPE) under the Individuals with Disabilities Education Act (IDEA) (45 FR 30936, 1980).

10. FAPE – The provision of regular or special education and related services that are designed to meet the individual educational needs of persons with disabilities as adequately as the needs of nondisabled persons are met, and that are provided without cost except for fees imposed on nondisabled students and their parents (U. S. Department of Education, 2012).

11. Weapon – A weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length [18 USC 930 (g) (2)].

12. Illegal drugs - The unlawful use, possession or distribution of substances identified under

The Controlled Substances Act, but does not include the use of a drug taken under supervision by a licensed health care professional.

13. Controlled substance - Any drug so designated by law whose availability is restricted; i.e., so designated by federal Controlled Substances Acts. Included in such classifications are narcotics, stimulants, depressants, hallucinogens, and marijuana [21 USC 812(c) and 202(c)].

14. Serious bodily injury – Bodily injury which involves a substantial risk of death; extreme physical pain; or protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty [18 USC 1365 (h) (3)].

TITLE II/SECTION 504 ELIGIBILITY REQUIREMENTS

1. The student must have a documented physical or mental impairment, a record of impairment, or be regarded as having an impairment that substantially limits one or more major life activities or major body functions. An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability (U. S. Department of Education, 2012).

2. The impairment must substantially limit a major life activity without considering the effect of mitigating measures such as:

A. medication, medical supplies, equipment, or appliances. Low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment or supplies;

B. use of assistive technology;

C. reasonable accommodations or auxiliary aids or services; or

D. learned behavioral or adaptive neurological modifications (U. S. Department of Education, 2012).

3. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

4. An individual will not be regarded as a person with a disability if the impairment is both transitory (actual or expected duration of 6 months or less) and minor (U. S. Department of Education, 2012).

While there are no per se disabilities under Section 504 and Title II, the nature of many impairments is such that in virtually every case a determination in favor of disability will be made. The school district should not need or require extensive documentation or analysis to determine that a student with diabetes, epilepsy, bipolar disorder, or autism has a disability under Section 504 and Title II (U. S. Department of Education, 2012).

PROCEDURAL SAFEGUARDS

**SECTION 504 OF THE REHABILITATION ACT OF 1973/
TITLE II OF THE AMERICANS WITH DISABILITIES ACT
INFORMATION AND PROCEDURAL SAFEGUARDS**

Section 504 of the Rehabilitation Act of 1973 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. . .” Title II of the Americans with Disabilities Act has a similar anti-discrimination requirement.

Section 504 applies to preschool, elementary, secondary, and adult education programs and activities that receive or benefit from Federal financial assistance for the operation of such programs or activities. Each recipient that operates a federally assisted public elementary or secondary education program must provide a free and appropriate public education to each qualified person in its jurisdiction, regardless of the nature or severity of the person’s disability. Recipients that operate a public elementary or secondary education program must also annually attempt to identify and locate unserved children with disabilities.

Section 504 regulations at 34 C.F.R. § 104.3 (j-1) define a person with a disability as 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.

For purposes of public educational services, a qualified person with a disability is: of an age that persons with disabilities are provided such services; of any age that it is mandatory under state law to provide such services to persons with disabilities; or a person for whom a state is required to provide a free appropriate public education under the Individuals with Disabilities Education Act (IDEA).

Provision of an appropriate education means the provision of regular or special education and related services such that:

- Educational services are designed to meet individual educational needs of children with disabilities as adequately as the needs of non-disabled persons are met;
- Each child with a disability is educated with nondisabled children, to the maximum extent appropriate to the needs of the child with a disability; and
- Nondiscriminatory evaluation and placement procedures are established to guard against misclassification or misplacement of students, and a periodic reevaluation is conducted of students who have been provided special education or related services.

Procedural safeguards shall be established and implemented so that parents and guardians are notified of their rights, as follows:

- Receive notice with respect to actions regarding the identification, evaluation, or educational placement of children who, because of a disability, need or are believed to need special instruction or related services;

- Have the interpretation of evaluation data and placement decisions made by a group of persons knowledgeable about the child, the meaning of the evaluation data, and the placement options (504 team);
- The 504 team shall draw upon information from a variety of sources, including aptitude and achievement test, teacher recommendations, physical condition, social or cultural background, and adaptive behavior, and ensure that this information is documented and carefully considered;
- Have the opportunity to review relevant records;
- If they disagree with the school district’s decision, may challenge the identification, evaluation and placement decisions made with respect to their children in an impartial hearing, with an opportunity for their participation and for representation by counsel, by contacting the Section 504/Title II Coordinator in writing to request the hearing;
- If they disagree with the impartial hearing decision, may challenge that decision by requesting an impartial review of the decision by contacting the Section 504/Title II Coordinator in writing to request the review within 30 days of receipt of the hearing decision; and
- If they disagree with the impartial review decision, may challenge that decision by filing an action in state or federal court.

Provision of a free public education requires recipients that operate a public elementary or secondary education program to provide services without cost to the person with a disability or to the child’s parents or guardians, except for those fees imposed on nondisabled persons, parents or guardians. It also means that, if a school district is unable to provide a child with a disability with an appropriate education and places or refers that child to a program it does not operate, the district is still responsible for the costs of the program including tuition, room and board, transportation, and non-medical care.

An appropriate education could consist of education in regular classes, education in regular classes with the use of supplementary services, or special education and related services. Special education may include specially designed instruction in classrooms, at home, or in private or public institutions, and may be accompanied by such related services and developmental, corrective, and other supportive services, including psychological counseling and medical diagnostic services.

Children with disabilities must also be afforded an equal opportunity to participate in nonacademic and extracurricular services and activities such as counseling, physical education, recreational athletics, transportation, health services, recipient-sponsored clubs, recipient employment and assistance in obtaining employment. These services must be provided by the recipient in such manner as is necessary to afford students with disabilities an equal opportunity for participation.

Elementary and secondary school recipients operating preschool and adult education programs may not exclude qualified persons with disabilities and must take into account their needs in determining the aid, benefits, or services to be provided under these programs or activities.

The District prohibits retaliation, intimidation, threats, or coercion of any person for opposing discrimination or for participating in the District's discrimination complaint process or making a complaint, testifying, assisting, appealing, or participating in any other discrimination complaint proceeding or hearing. The District will take steps to prevent the alleged perpetrator or anyone else at the District from retaliating against the alleged victim or any person who acts to oppose discrimination or participates in the complaint process. These steps include notifying students and employees that they are protected from retaliation, making sure that victims know how to report future problems and making follow-up inquiries to see if there have been any new incidents. If retaliation occurs, the District will take strong responsive action.

The Office for Civil Rights of the United States Department of Education enforces the requirements of Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act. The address of the Regional Office which includes Oklahoma is: Office for Civil Rights, Region VII, 8930 Ward Parkway, Suite 2037, Kansas City, Missouri 64114.

Persons with questions or concerns about this Information and Procedural Safeguards form or about the implementation of Section 504 or Title II of the Americans with Disabilities Act in the should contact:

Section 504/Title II Coordinator: Eldona Woodruff
Street Address: 802 E. Vilas
City, State, Zip Code: Guthrie, OK 73044
Telephone Number with Area Code: 405-282-8900

CHILD FIND

Guthrie Public Schools will annually attempt to identify and locate unserved children with disabilities.

- Child Find Notice posted in schools
- Child Find Notice posted in the community (DHS Office, Health Department, Pharmacies, Daycares, Head Start, YMCA)
- Child Find Notice published in the local paper
- Child Find Notice sent to private schools
- Child Find Notice posted on school web page
- Promoting awareness among faculty and staff through professional development, in-service and faculty meetings

REFERRAL PROCEDURES

1. The parent or adult student requests an evaluation or 504/Title II Accommodations or school personnel (principal, teacher etc.) suspects or becomes aware of a student with disabilities.

Including but not limited to:

- Observation of behavior, work, grades, assessments, etc.
- Assessments, medical report, medical diagnosis etc.
- History of hospitalizations.
- History of inpatient treatments
- Information provided by parent
- Parent interview
- Cumulative records

2. Information, assessments, medical reports and diagnosis etc. will be given to the 504 Building Coordinator.

3. The 504 Building Coordinator will send a copy of the report to the Director of Special Education/District 504 Coordinator.

4. The 504 Building Coordinator will schedule a Review of Existing Data meeting with a team consisting of the parent or adult student and a group of persons knowledgeable about the student, evaluation data and placement options.

5. Copy of Section 504/Title II Procedural Safeguards/Parent's Rights will be provided to the parent or adult student.

6. At this meeting the team will complete the Review of Existing Data (RED).

7. The team will consider information from a variety of sources including medical, aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior.

8. The decision to conduct an evaluation is based on the individual circumstances in each case (U. S. Department of Education, 2012).

9. At the completion of the meeting, the team will make a recommendation for:

- Referral for an Initial Evaluation for Special Education and Related Services
- Referral for an Evaluation for Section 504/Title II
- Referral for a reevaluation for continued Special Education and Related Services
- No Additional Assessments Needed to consider eligibility for Section 504/Title II
- No Additional Assessments Needed
- Other

A. Referral for an Initial Evaluation for Special Education and Related Services

1. If the parent or adult student requests an Initial Evaluation for Special Education and related services, the team will (1) refer the student for an initial evaluation or (2) deny the request for an initial evaluation. If the request for an initial evaluation is denied, the 504 Building Coordinator will provide the parent or adult student with a Written Notice and *Parents Rights in Special Education: Notice of Procedural Safeguards*.

2. An evaluation for consideration of Special Education services will be completed for any student who because of a disability needs or is believed to need special education or related services.

3. If the team decides to refer the student for an Initial Evaluation, an initial referral for Special Education and Related Services will be started following IDEA, federal and state guidelines and policies.

4. If the student is determined not eligible for Special Education and Related Services following the evaluation and eligibility meeting, the 504 Building Coordinator or Special Education Teacher will schedule a 504 eligibility meeting to consider the student's eligibility for Section 504/Title II. Section 504/Title II Notification of Meeting and Section 504/Title II Procedural Safeguards will be provided to the parent or adult student.

B. Referral for an Evaluation for Section 504/Title II

1. If the team determines that the student does not require specially designed instruction provided through Special Education and Related Services, the student may be referred for a Section 504/Title II evaluation. The team will complete the Section 504/Title II Evaluation Referral. Section 504/Title II Procedural Safeguards will be provided to the parent or adult student.

C. Referral for a reevaluation for continued Special Education and related services

1. For a student on an IEP, the team may make a recommendation for a reevaluation to determine if a change in services or additional Special Education and related services are needed.

D. No additional assessment is needed to consider eligibility for Section 504/Title II

1. If the team determines that no additional assessment is needed to consider eligibility for Section 504/Title II, the 504 Building Coordinator will schedule a 504 eligibility meeting. Title II/Section 504 Notice of Meeting will be provided to the parent or adult student. The team consisting of the parent or adult student and a group of persons

knowledgeable about the student, evaluation data, and placement options will complete the Section 504/Title II Eligibility Form and develop the 504 accommodation plan. Section 504/Title II Written Notice and Section 504/Title II Procedural Safeguards will be provided to the parent or adult student.

E. No additional assessment/Other

1. The team may make recommendations for additional services and supports.
2. A medical diagnosis alone does not necessarily trigger an obligation to conduct an evaluation (U. S. Department of Education, 2012).

10. The 504 Building Coordinator will schedule subsequent referral or eligibility meetings.

PROCEDURES FOR SECTION 504/TITLE II ELIGIBILITY MEETING

1. If a student is determined not eligible for Special Education and Related Services, or after an individual evaluation for Section 504/Title II, or if the team determined that no additional assessment is needed to consider eligibility for Section 504/Title II, the 504 Building Coordinator or Special Education Teacher will schedule the 504 Eligibility Meeting.
2. The 504 Building Coordinator will send a Section 504/Title II Notification of Meeting to the parent or adult student.
3. A team including the parent or adult student and a group of persons knowledgeable about the student, evaluation data, and placement options, will meet to determine the student's eligibility for Section 504/Title II. The team will complete the Section 504/Title II Eligibility Form.
4. The team will consider information from a variety of sources, including medical, aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. Grades alone are not sufficient to determine whether a student has a disability (U. S. Department of Education, 2012). A student's academic success does not mean that the student is not substantially limited in a major life activity and not a person with a disability.
5. The team will determine whether an impairment substantially limits a major life activity without considering the effect of mitigating measures such as:
 - A. medication, medical supplies, equipment, or appliances. Low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment or supplies;
 - B. use of assistive technology;
 - C. reasonable accommodations or auxiliary aids or services; or
 - D. learned behavioral or adaptive neurological modifications (U. S. Department of Education, 2012).
6. The Accommodation Plan may be completed at this meeting or scheduled for a separate meeting.

7. The 504 Building Coordinator will provide the parent or adult student a copy of Section 504/Title II Procedural Safeguards/Parent's Rights including contact information for the District 504 Coordinator.

8. The 504 Building Coordinator will send the Section 504/Title II Written Notice to the parent or adult student following the meeting.

PROCEDURES FOR SECTION 504/TITLE II ACCOMMODATION PLAN MEETING

1. Following determination of eligibility for Section 504/Title II, the 504 Building Coordinator will schedule a Section 504/Title II Accommodation Plan Meeting.

2. The 504 Building Coordinator will send a Section 504/Title II Notification of Meeting to the parent or adult student.

3. A team including the parent or adult student and a group of persons knowledgeable about the student, evaluation data, and placement options will meet to develop a Section 504 Accommodation Plan. The team will complete the Section 504/Title II Accommodation Plan.

4. The team will ensure that reasonable accommodations are provided to meet the student's educational needs as adequately as the needs of nondisabled students are met. The decision on whether a student requires reasonable modifications of policies, practices, or procedures will be made on an individual basis.

5. If the student does not require special education or related services, modifications, or services, an eligible/qualified student will still be identified as a student with a disability protected by statutory and regulatory requirements and protected from discrimination.

6. The school nurse and transportation representative (as needed) will be invited to participate as a team member in 504 Accommodation Plan meeting for students with medical conditions requiring a Health Care Plan. (Example: Epilepsy, Diabetes)

7. (Optional) The parent of a student with a seizure disorder may be asked to complete the Questionnaire for Parent of a Student with Seizures.

8. (Optional) The Seizure Action Plan may be completed for students with Seizure Disorders. All teachers and school personnel working with students with Seizure Disorders will be provided a copy of the Seizure Action Plan.

9. The 504 Building Coordinator will provide the parent or adult student a copy of Section 504/Title II Procedural Safeguards/Parent's Rights including contact information for the District 504 Coordinator.

10. The 504 Building Coordinator will send the Section 504/Title II Written Notice to the parent or adult student following the meeting.

DISCIPLINE PROCEDURES

Students with disabilities who are subject to disciplinary actions are entitled to all of the disciplinary due process rights afforded students without disabilities, in accordance with the Oklahoma School Bullying Prevention Act. In addition to these rights, the Individuals with Disabilities Education Act (IDEA) provides additional procedural safeguards to a student with a disability. Guthrie Public Schools will follow the procedural safeguards provided by the IDEA and the Oklahoma State Department of Education *Special Education Handbook* (2013) pages 201 – 209 except for Section 5 A, request for an Expedited Hearing.

If a student with a disability exhibits behaviors that interfere with his or her learning or the learning of others, the 504 Team must consider the use of strategies, including positive behavioral supports and interventions, Functional Behavior Assessment (FBA) and Behavior Intervention Plans (BIP), to address the behavior. If needed, these may be included in the 504/Title II Accommodation Plan.

“1. LEA personnel may remove a student from his or her current placement to an appropriate interim alternative education setting (IAES) or another setting for not more than 10 consecutive school days to the extent those alternatives are applied to students without disabilities.

2. LEA personnel may suspend any student out of school, including a student with a disability, for up to 10 consecutive school days in a school year if he or she violates the code of student conduct and services to the student may cease during this period, except that:

a. In accordance with Oklahoma State law, an out-of-school suspension of any student for more than 5 consecutive school days requires the LEA to provide the student with an education plan designed for the eventual reintegration of the student into school.

b. Students who have not been determined eligible for special education may be entitled to an evaluation and other IDEA rights—including the right to a free appropriate public education (FAPE) during periods of disciplinary removal that extend beyond 10 cumulative school days in a school year if:

i. The LEA is deemed to have knowledge that the student was a student with a disability prior to the behavior that precipitated the disciplinary suspension; and

ii. The parent or adult student asserts the right to a FAPE.

3. Students with disabilities who are placed in an in-school intervention or in-school suspension program must have the opportunity to continue to progress appropriately in the general curriculum, to receive the services in the IEP, and to participate with nondisabled students to the extent they would have in the current placement, in order for the LEA to avoid counting those days as days of disciplinary removal. If any of the criteria are not met, the in-school suspension will be deemed as a suspension counting toward the 10 cumulative school day limit before the IDEA disciplinary provisions are applied.

4. If the IEP team determines that special transportation is required and documents it as a related service on a student’s IEP, these procedural safeguards under the IDEA will be afforded to the student in matters concerning suspension from LEA transportation. Whether a suspension from the bus counts as a suspension from school depends on whether bus transportation is identified on the IEP.

5. If bus transportation is identified as a related service on the IEP, a suspension from the bus would be treated as a suspension from school (unless the LEA provides transportation services in some other way, such as “transportation in lieu of”) because transportation is necessary for the student to obtain access to the location where other educational services will be delivered.

6. If bus transportation is not identified as a related service on the IEP, a suspension from the bus would not be counted as suspension from school. In these cases, the student and the parent would have the same obligation to get to and from school as a student without a disability who had been suspended from the bus.

7. If the student's behavior on the bus results in a suspension from the bus, the IEP team must consider whether the behavior should be addressed in a Behavioral Intervention Plan (BIP).

A. Disciplinary Actions Resulting in Removal for 10 or Fewer School Days

Students with disabilities should be expected to follow the student code of conduct. A student with a disability who has an IEP in effect can be removed from school through an out-of-school suspension or removed to another setting or to an appropriate IAES, just as any other student without a disability can, for up to a total of 10 school days, for violations of the student code of conduct or school rules. The 10 school days can be consecutive or cumulative and can occur over the course of one school year. It is not necessary for the IEP team to meet when this occurs. Likewise, it is not necessary for a manifestation determination to be completed, a functional behavior assessment to be conducted, a behavior intervention plan to be developed, or for any special education services to be provided if the removal is for 10 or fewer school days over the school year. However, as a best practice, the LEA may choose to convene the IEP team to discuss the need for a functional behavior assessment or to review and make changes to the student's current behavior intervention plan. Additionally, in accordance with Oklahoma State law, an out-of-school suspension of any student for more than 5 consecutive school days requires the LEA to provide the student with an education plan designed for the eventual reintegration of the student into school.

B. Disciplinary Actions Resulting in Removal for More than 10 School Days

When disciplinary actions result in removal for more than 10 school days in a school year and clearly indicate a pattern of removal that constitutes a change in placement, the LEA must conduct a manifestation determination, and the IEP team must determine appropriate services that allow the student to continue to participate in the general education curriculum and progress toward meeting the goals outlined in the student's IEP, although in another setting.

If LEA officials determine that it is appropriate to suspend a student out of school for more than 10 consecutive school days, or to have a student's educational setting changed to an IAES for up to 45 school days due to the existence of a special circumstance, such as weapon or illegal drug possession or infliction of serious bodily injury on another person, LEA officials must notify the parent or adult student immediately of this decision.

LEA personnel must consider unique circumstances when determining whether a change in placement is appropriate for a student with a disability. These circumstances are best determined at the local level by LEA personnel who know the student and the facts and factors related to the behavioral violation. LEA personnel should consider various forms of information such as the student's disciplinary history, antecedents to the offending behavior, as well as the supports that were provided to the student prior to the behavioral violation.

Section 2. Actions Involving a Disciplinary Removal that Results in a Change of Placement

Within 10 school days from the date of the decision to impose an out-of-school suspension or another type of disciplinary removal that either exceeds 10 consecutive school days or 10 cumulative days of suspensions in the same school year that constitute a pattern of removal (a change in placement), or placement in an IAES, a meeting must be held to determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's

disability or whether the conduct was a result of the LEA's failure to implement the student's IEP. These steps are referred to as a "manifestation determination." ...

A. LEA Actions Resulting in a Change of Placement

LEA administrators change a student's placement unilaterally when they propose to remove the student from his or her current placement for disciplinary reasons:

1. For more than 10 consecutive school days in a school year; or
2. By subjecting the student to a series of removals that constitute a pattern as determined by school personnel. A pattern is established:
 - a. When the series of removals total more than 10 school days in a school year;
 - b. When the student's behavior is substantially similar to behavior in previous incidents that resulted in the series of removals; and
 - c. When such additional factors as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

An LEA's unilateral action to change a student's placement violates the IDEA. By convening a manifestation determination meeting and complying with other IDEA requirements, the LEA avoids a charge that it acted unilaterally in violation of the law.

Interim Alternative Educational Settings

LEA personnel may remove a student to an IAES for no more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability if one or more of the following special circumstances exist. The student:

1. Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of an LEA; or
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an LEA; or
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an LEA, defined as bodily injury that involves:
 - a. A substantial risk of death;
 - b. Extreme physical pain; or
 - c. Protracted and obvious disfigurement; or protracted loss or impairment of the function of the bodily member, organ, or mental faculty.

See the Glossary for the definitions of "weapon", "illegal drugs" and "controlled substance".

[Serious Bodily Injury 18 USC 1365 (h) (3), Dangerous Weapon 18 USC 930(g) (2), Controlled substance 21 USC 812(c) & 202(c)]

Although the student may be placed in an IAES, as determined by the IEP team, for up to 45 school days even if the conduct is a manifestation of the student's disability, the IEP team must still convene a meeting to review the student's IEP and conduct a manifestation determination.

B. Hearing Officer Actions Resulting in a Change of Placement

If necessary in appropriate circumstances, through an expedited due process hearing, the LEA may ask a hearing officer to place a student with a disability in an appropriate IAES.

1. In requesting a hearing officer to place a student in an IAES, the LEA must:
 - a. Demonstrate by substantial evidence that maintaining the current placement is substantially likely to result in injury to the student or others; and
 - b. Indicate whether the request is for an initial period of not more than 45 school days or an additional period of not more than 45 school days.

C. Court Actions Resulting in a Change of Placement

LEA administrators may seek a court order to remove a student with a disability from school or the current placement at any time. FAPE [educational services] must not cease during the period of time an injunction is in place. Although not directly addressed in the IDEA, the U.S. Department of Education has stated that a school district need not exhaust the administrative due process hearing system before seeking such court relief.

Section 3. FAPE Considerations

Services may not cease and the LEA must consistently provide FAPE to the student with a disability:

1. After the student is removed for 10 school days in the same school year and subsequent days of removal do not constitute a change of placement;
2. When there is a disciplinary change of placement.

A. LEA Actions When There is a Change of Placement

Whenever disciplinary action results in a change in placement, the LEA must:

1. Notify the parent or adult student of the disciplinary action to be taken on the date of the decision and provide a copy of the Parents Rights in Special Education: Notice of Procedural Safeguards; and
2. Conduct a manifestation determination no later than 10 school days after the date on which the decision to take the disciplinary action is made.

B. FAPE Requirements in an IAES

If the student's placement will change to an IAES, the IEP team must select an IAES that enables the student to:

1. Continue to participate in the general education curriculum;
2. Progress toward meeting the goals set out in his or her IEP; and
3. Receive, as appropriate, a functional behavior assessment(s) (FBA) and behavioral intervention services to address the behavior violation so that it does not recur.

Section 4. Procedures for a Manifestation Determination

In making the manifestation determination, the LEA, the parent or adult student, and relevant members of the IEP team (as determined by the parent or adult student and the LEA), will review all relevant information, including:

- The student's IEP,
- Any relevant teacher observations, and
- Any other information provided by the parents or adult student.

If the IEP team finds that the student's behavior was caused by or had a direct and substantial relationship to the student's disability, or that the behavior was a direct result of the LEA's failure to implement the IEP, then the behavior must be found to be a manifestation of the student's disability. If the team determines that the conduct in question was the direct result of the LEA's failure to implement the IEP, the LEA must take immediate steps to remedy those deficiencies. The team must also either:

- 1) Seek parent or adult student consent to conduct a FBA, unless the LEA already conducted a FBA before the behavior that resulted in the change of placement occurred and the team determines that further FBA is unnecessary, and develop and implement a BIP for the student; or
- 2) If a BIP has already been developed, review the BIP and modify it, as necessary, to address the behavior.

When the conduct is determined to be a manifestation of the student's disability, the LEA will not implement the disciplinary removal, unless special circumstances exist for placement in an IAES, as discussed above. Unless special circumstances exist, the IEP team will return the student to the placement from which the student was removed, unless the parent or adult student and the LEA agree to a change of placement as part of modifying the student's BIP.

If the IEP team finds that the student's behavior was not a manifestation of the student's disability, the same disciplinary actions can be implemented for the student with a disability as are implemented for any student except that the student is still entitled to a FAPE. The IEP team must determine how the student will continue to receive educational services that allow him or her to continue to participate in the general education curriculum and progress toward meeting the goals in the IEP during the suspension or other removal from school, and amend the current

IEP or develop a subsequent IEP that specifies what and where special education and related services will be provided.

In addition, the IEP team, if appropriate, will conduct a FBA and develop a BIP. In the event of appeal of a student's out-of-school suspension, the LEA will forward the student's special education and disciplinary records for consideration to the board of education or board-appointed hearing officer who makes the final decision regarding the disciplinary action. ...

Section 5. Other Considerations

B. Protections for Students Not Yet Eligible for Special Education

A student who has not been determined eligible for special education and who has violated any rule or code of conduct of the LEA may assert the protections of the IDEA if the LEA had knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action.

Basis of knowledge

1) With limited exceptions, which are described in item 4 below, the LEA will be deemed to have knowledge that an individual is a student with a disability if one or more of the following is true:

- a. The parent or adult student has expressed concern to supervisory or administrative LEA personnel or a teacher of the student that the student is in need of special education and related services. The concern must be expressed in writing unless the parent or adult student is unable to write or has a disability that prevents a written statement.
- b. The parent or adult student has requested that the student be evaluated for special education.
- c. The student's teacher or other LEA personnel have expressed specific concerns about a pattern of behavior demonstrated by the student directly to the director of special education or to other LEA supervisory personnel in accordance with the LEA's established Child Find system or special education referral system.

No basis of knowledge

1) The LEA will be deemed not to have knowledge that an individual is a student with a disability if one or more of the following is true:

- a. An evaluation was conducted and a determination was made that the student did not have a disability.
- b. The parent or adult student refused to give written consent for an evaluation.
- c. The parent or adult student refused special education services.

If the LEA did not have a basis of knowledge that a student was a student with a disability prior

to taking disciplinary measures, the student is subject to the same disciplinary measures applied to all other students who engage in comparable behaviors.

C. Parent Request for Evaluation of a Disciplined Student

If a request for an evaluation of a student who is not currently eligible for special education is made during the period in which the student is subject to disciplinary measures, the LEA will conduct the evaluation in an expeditious manner. Pending the results of the evaluation, the student will remain in the educational placement determined by LEA officials, which can include suspension or expulsion without educational services.

1. If the student is subsequently determined eligible for special education, the LEA will:

- a. Convene an IEP team meeting to develop an IEP; and
- b. Conduct a manifestation determination.

2. If the behavior is caused by or had a substantial relationship to the student's disability, the disciplinary action must be set aside, and the student must be provided appropriate educational services in the least restrictive environment (LRE).

3. If the behavior is not caused by nor had a substantial relationship to the student's disability, the student is subject to the disciplinary placement that had been determined, but he or she is still entitled to receive a FAPE, which is determined by the IEP team. Educational services must be provided to the extent necessary to allow the student with a disability the ability to participate in the general education curriculum and the opportunity to advance toward achieving the goals set out in his or her IEP.

4. If the evaluation group determines that the student is not eligible for special education, he or she will be subject to the same disciplinary actions as all other students (Oklahoma State Department of Education, 2013, pps. 201-209)."

PROCEDURES FOR A CHANGE IN PLACEMENT

Prior to any significant change in placement, a team including the parent or adult student and a group of persons knowledgeable about the student, evaluation data, and placement options will meet to evaluate the student and review the accommodation plan.

PROCEDURES FOR ANNUAL REVIEW

1. On or before the annual date of the current 504 Accommodation Plan, the team must meet and review the plan.
2. The 504 Building Coordinator will schedule the annual review meeting and send a copy of Section 504/Title II Notification of Meeting to the parent or adult student.

3. A team including the parent or adult student and a group of persons knowledgeable about the student, evaluation data, and placement options will meet to review the plan. The team may continue, revise, update or develop a new plan.
4. The school nurse and transportation representative (as needed) will be invited to participate as a team member in 504 Accommodation Plan meeting for students with medical conditions requiring a Health Care Plan. (Example: Epilepsy, Diabetes)
5. (Optional) The parent of a student with a seizure disorder may be asked to complete the *Questionnaire for Parent of a Student with Seizures*.
6. (Optional) The Seizure Action Plan may be completed for students with Seizure Disorders. All teachers and school personnel working with students with Seizure Disorders will be provided a copy of the Seizure Action Plan.
7. The 504 Building Coordinator will provide the parent or adult student a copy of Section 504/Title II Procedural Safeguards/Parent's Rights including contact information for the District 504 Coordinator.
8. The 504 Building Coordinator will send the Section 504/Title II Written Notice to the parent or adult student following the meeting.

PROCEDURES FOR THREE YEAR REEVALUATION

1. The 504 Building Coordinator will schedule a Review of Existing Data with a team consisting of the parent or adult student and a group of persons knowledgeable about the student, evaluation data and placement options.
2. The 504 Building Coordinator will send a copy of Section 504/Title II Notification of Meeting to the parent or adult student.
3. Copy of Section 504/Title II Procedural Safeguards/Parent's Rights will be provided to the parent or adult student.
4. At this meeting the team will complete the Review of Existing Data (RED).
5. The decision to conduct an evaluation is based on individual circumstances in each case.
6. At the completion of the meeting, the team will make a recommendation for:
 - Referral for an Initial Evaluation for Special Education and Related Services
 - Referral for a Reevaluation for Section 504/Title II
 - No Additional Assessments Needed
 - Other
 - A. Referral for an Initial Evaluation for Special Education and Related Services

1. If the parent or adult student requests an Initial Evaluation for Special Education and related services, the team will (1) refer the student for an initial evaluation or (2) deny the request for an initial evaluation. If the request for an initial evaluation is denied, the 504 Building Coordinator will provide the parent or adult student with a Written Notice and *Parents Rights in Special Education: Notice of Procedural Safeguards*.

2. An evaluation for consideration of Special Education services will be completed for any student who because of a disability needs or is believed to need special education or related services.

3. If the team decides to refer the student for an Initial Evaluation, an initial referral for Special Education and Related Services will be started following IDEA, federal and state guidelines and policies.

4. If the student is determined not eligible for Special Education and Related Services following the evaluation and eligibility meeting, the 504 Building Coordinator or Special Education Teacher will schedule a 504 eligibility meeting to consider the student's continued eligibility for Section 504. Section 504/Title II Notification of Meeting and Section 504/Title II Procedural Safeguards will be provided to the parent or adult student.

B. Referral for a Reevaluation for Title II/Section 504

1. If the team determines that the student does not require specially designed instruction provided through Special Education and Related Services, the student may be referred for a Section 504/Title II reevaluation. The team will complete the Section 504/Title II Evaluation Referral. Section 504/Title II Procedural Safeguards will be provided to the parent or adult student.

C. No additional assessment is needed to consider continued eligibility for Section 504

1. If the team determines that no additional assessment is needed to consider eligibility for Section 504, the 504 Building Coordinator will schedule a 504 eligibility meeting. Section 504/Title II Notice of Meeting will be provided to the parent or adult student. The team consisting of the parent or adult student and a group of persons knowledgeable about the student, evaluation data, and placement options will complete the Section 504/Title II Eligibility Form and review or develop a new the 504 accommodation plan. Section 504/Title II Written Notice and Section 504/Title II Procedural Safeguards will be provided to the parent or adult student.

D. Other

1. The team may make recommendations for additional services and supports.
2. Based on existing data, the team may determine that the student no longer meets eligibility requirements for Section 504/Title II.

7. The 504 Building Coordinator will schedule subsequent referral or eligibility meetings.

References

45 FR 30936 (1980, May 9). Section 504 Title 34 Part 104 Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance. *ED.gov*. Retrieved July 7, 2016, from www2ed.gov/

Oklahoma State Department of Education (2014, July 15). *Special Education Handbook*. Pages 201-209. Retrieved July 7 2016, from www.sde.ok.gov/

U. S. Department of Education (2012, January 19). Questions and Answers on the ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elementary and Secondary Schools. *ED.gov*. Retrieved November 18, 2013, from www.ed.gov/

FORMS

1. The Guthrie Public School District will utilize the 504 Process through EdPlan by PCG Education to complete the Review of Existing Data (RED), Parent Consent for Evaluation, Eligibility, and Services and Accommodation Plan.

NAME OF CHILD: _____ STUDENT ID: _____
FIRST MIDDLE LAST

BIRTHDATE: _____ AGE: _____ GRADE: _____

NOTIFICATION OF MEETING – SECTION 504/TITLE II

To: _____
PARENT/GUARDIAN/SURROGATE PARENT

Address: _____
STREET ADDRESS/P.O. BOX CITY STATE ZIP

We would like to meet with you to discuss your child's:

- Evaluation/eligibility/identification of disability under Section 504
- Educational services/Section 504 Plan
- Review of services/Section 504 Plan
- Reevaluation under Section 504
- Other options to be considered (if applicable):

LOCATION OF MEETING	ROOM	ADDRESS
On: _____ at _____ DAY DATE TIME		

The people indicated below, by position, are invited to attend:

Name	Position/Agency	Name	Position/Agency

please contact the person at the address or phone number below by _____ as to whether you can meet with us at the time and place suggested or if other arrangements convenient for you should be made. Translation/interpretation will be arranged upon request. If you have questions about your rights or this meeting notice, please contact the person below.

FROM: _____
SIGNATURE OF DISTRICT/PUBLIC AGENCY OFFICIAL DISTRICT/AGENCY TELEPHONE DATE

STREET ADDRESS/P.O. BOX CITY STATE ZIP

SCHOOL USE ONLY:

NOTICE SENT BY: U.S. MAIL Date Mailed _____
 Personal Delivery Date Delivered _____

NAME OF CHILD: _____ STUDENT ID: _____
FIRST MIDDLE LAST

BIRTHDATE: _____ AGE: _____ GRADE: _____

WRITTEN NOTICE TO PARENTS – SECTION 504/TITLE II

To: _____
PARENT/GUARDIAN/SURROGATE PARENT

Address: _____
STREET ADDRESS/P.O. BOX CITY STATE ZIP

This notice is to inform you of the school district's intent as follows:

DESCRIPTION OF ACTION: PROPOSED OR REFUSED
To initiate or change the following:

- Identification of your child as having a disability which requires services under Section 504/Title II
- Reevaluation to determine disability and nature, extent of services needed
- Educational placement
- Provision of Section 504 Plan
- Other: _____

Explanation of the proposal or refusal:

Reasons for the proposal or refusal:

Description of any options considered and reasons refused:

Description of each evaluation procedure, test, record, or report used as a basis for the proposed or refused action:

Description of any other factors relevant to the proposal or refusal:

Written notice of these actions is required at least 10 days prior to implementation unless agreement otherwise.

Parents have protection under Section 504/Title II procedural safeguards. If you have any questions regarding this notice or your rights, please contact the person listed on this form.

FROM: _____
SIGNATURE OF DISTRICT/PUBLIC AGENCY OFFICIAL DISTRICT/AGENCY TELEPHONE DATE
STREET ADDRESS/P.O. BOX CITY STATE ZIP

SCHOOL USE ONLY:	
NOTICE SENT BY:	<input type="checkbox"/> U.S. MAIL Date Mailed _____ <input type="checkbox"/> Personal Delivery Date Delivered _____
Translation/interpretation needed: <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, specify how and when provided: _____	

MANIFESTATION DETERMINATION – SECTION 504

Name of Student: _____ Birthdate: _____ Grade: _____

Date of Meeting: _____ District: _____ Building Site: _____

I. Incident

Date of incident: _____

Was a weapon involved? Yes No

Were illegal drugs involved? Yes No

Was the sale or solicited sale of a controlled substance involved? Yes No

Is the student currently using illegal drugs? Yes No

Did serious bodily injury occur? Yes No

Summarize offense resulting in removal:

II. Evaluation and Diagnostic Results

Describe the nature and severity of the student’s physical or mental impairment, the major life activity it substantially limits and how the impairment substantially limits that activity:

Date of determination of Section 504 eligibility: _____

Does the most recent evaluation address current educational concerns? Yes No

Is further evaluation necessary to complete this form? Yes No

If Yes, list component(s): _____

III. Observations

Is this an isolated behavior or is it recurrent? Isolated Recurrent

Was the behavior planned or spontaneous? Planned Spontaneous

Was the behavior affected by external factors (e.g., death of close relationship, illness, substance abuse)?

Yes No

If Yes, then list factor(s): _____

List pertinent medical information (if any): _____

Does the student have adequate communication skills to acceptably express his or her needs? Yes No

Did the student receive a student handbook that describes the school’s code of conduct? Yes No

Has the student demonstrated the ability to follow school rules as outlined in the student handbook?

Yes No

Has the student expressed an understanding of the consequences of this or other misconduct? Yes No

Other Information: _____

IV. Section 504 Services

Date of current Section 504 Plan: _____ Number of days absent this year: _____

Have services, consistent with the Section 504 Plan, been provided? Yes No

Is the student receiving appropriate services under the Plan? Yes No

Is a BIP included in the Section 504 Plan? Yes No

If a BIP is part of the Section 504 Plan, does it address the behavior subject to disciplinary action? Yes No

Was the BIP implemented as written? Yes No
 Does the BIP need to change as a result of this incident? Yes No
 Does any other part of the Section 504 Plan need to change as a result of this incident? Yes No

V. Determination

After careful review of all relevant information we find that:

- 1.A. The conduct in question WAS WAS NOT caused by the student's disability.
- 1.B. The conduct in question DID DID NOT have a direct and substantial relationship to the student's disability.
- 2. The conduct in question WAS WAS NOT the direct result of the local educational agency's failure to implement the 504 Plan.

Based on the information considered, it is our consensus that the behavior
 WAS WAS NOT a manifestation of the student's disability.

Record of Participation:

Title	Signature	Agree	Disagree	Date
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	

**SECTION 504 OF THE REHABILITATION ACT OF 1973/
TITLE II OF THE AMERICANS WITH DISABILITIES ACT
INFORMATION AND PROCEDURAL SAFEGUARDS**

Section 504 of the Rehabilitation Act of 1973 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. . ." Title II of the Americans with Disabilities Act has a similar anti-discrimination requirement.

Section 504 applies to preschool, elementary, secondary, and adult education programs and activities that receive or benefit from Federal financial assistance for the operation of such programs or activities. Each recipient that operates a federally assisted public elementary or secondary education program must provide a free and appropriate public education to each qualified person in its jurisdiction, regardless of the nature or severity of the person's disability. Recipients that operate a public elementary or secondary education program must also annually attempt to identify and locate unserved children with disabilities.

Section 504 regulations at 34 C.F.R. § 104.3 (j-1) define a person with a disability as 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.

For purposes of public educational services, a qualified person with a disability is: of an age that persons with disabilities are provided such services; of any age that it is mandatory under state law to provide such services to persons with disabilities; or a person for whom a state is required to provide a free appropriate public education under the Individuals with Disabilities Education Act (IDEA).

Provision of an appropriate education means the provision of regular or special education and related services such that:

- Educational services are designed to meet individual educational needs of children with disabilities as adequately as the needs of non-disabled persons are met;
- Each child with a disability is educated with nondisabled children, to the maximum extent appropriate to the needs of the child with a disability; and
- Nondiscriminatory evaluation and placement procedures are established to guard against misclassification or misplacement of students, and a periodic reevaluation is conducted of students who have been provided special education or related services.

Procedural safeguards shall be established and implemented so that parents and guardians are notified of their rights, as follows:

- Receive notice with respect to actions regarding the identification, evaluation, or educational placement of children who, because of a disability, need or are believed to need special instruction or related services;
- Have the interpretation of evaluation data and placement decisions made by a group of persons knowledgeable about the child, the meaning of the evaluation data, and the placement options (504 team);
- The 504 team shall draw upon information from a variety of sources, including aptitude and achievement test, teacher recommendations, physical condition, social or cultural background, and adaptive behavior, and ensure that this information is documented and carefully considered;
- Have the opportunity to review relevant records;
- If they disagree with the school district's decision, may challenge the identification, evaluation and placement decisions made with respect to their children in an impartial hearing, with an opportunity for their participation and for representation by counsel, by contacting the Section 504/Title II Coordinator in writing to request the hearing;
- If they disagree with the impartial hearing decision, may challenge that decision by requesting an impartial review of the decision by contacting the Section 504/Title II Coordinator in writing to request the review within 30 days of receipt of the hearing decision; and
- If they disagree with the impartial review decision, may challenge that decision by filing an action in state or federal court.

Provision of a free public education requires recipients that operate a public elementary or secondary education program to provide services without cost to the person with a disability or to the child's parents or guardians, except for those fees imposed on nondisabled persons, parents or guardians. It also means that, if a school district is unable to provide a child with a disability with an appropriate education and places or refers that child to a program it does not operate, the district is still responsible for the costs of the program including tuition, room and board, transportation, and non-medical care.

An appropriate education could consist of education in regular classes, education in regular classes with the use of supplementary services, or special education and related services. Special education may include specially designed instruction in classrooms, at home, or in private or public institutions, and may be accompanied by such related services and developmental, corrective, and other supportive services, including psychological counseling and medical diagnostic services.

Children with disabilities must also be afforded an equal opportunity to participate in nonacademic and extracurricular services and activities such as counseling, physical education, recreational athletics, transportation, health services, recipient-sponsored clubs, recipient employment and assistance in obtaining employment. These services must be provided by the

recipient in such manner as is necessary to afford students with disabilities an equal opportunity for participation.

Elementary and secondary school recipients operating preschool and adult education programs may not exclude qualified persons with disabilities and must take into account their needs in determining the aid, benefits, or services to be provided under these programs or activities.

The District prohibits retaliation, intimidation, threats, or coercion of any person for opposing discrimination or for participating in the District's discrimination complaint process or making a complaint, testifying, assisting, appealing, or participating in any other discrimination complaint proceeding or hearing. The District will take steps to prevent the alleged perpetrator or anyone else at the District from retaliating against the alleged victim or any person who acts to oppose discrimination or participates in the complaint process. These steps include notifying students and employees that they are protected from retaliation, making sure that victims know how to report future problems and making follow-up inquiries to see if there have been any new incidents. If retaliation occurs, the District will take strong responsive action.

The Office for Civil Rights of the United States Department of Education enforces the requirements of Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act. The address of the Regional Office which includes Oklahoma is: Office for Civil Rights, Region VII, 8930 Ward Parkway, Suite 2037, Kansas City, Missouri 64114.

Persons with questions or concerns about this Information and Procedural Safeguards form or about the implementation of Section 504 or Title II of the Americans with Disabilities Act in the should contact:

Section 504/Title II Coordinator: Eldona Woodruff
Street Address: 802 E. Vilas
City, State, Zip Code: Guthrie, OK 73044
Telephone Number with Area Code: 405-282-8900



Questionnaire for Parent of a Student with Seizures

Please complete all questions. This information is essential for the school nurse and school staff in determining your child's special needs and providing a positive and supportive learning environment. If you have any questions about how to complete this form, please contact your child's school nurse.

Contact Information

Student's Name	School Year	Date of Birth	
School	Grade	Classroom	
Parent/Guardian	Phone	Work	Cell
Parent/Guardian Email			
Other Emergency Contact	Phone	Work	Cell
Child's Neurologist	Phone	Location	
Child's Primary Care Doctor	Phone	Location	

Significant Medical History or Conditions _____

Seizure Information

1. When was your child diagnosed with seizures or epilepsy? _____

2. Seizure type(s) _____

Seizure Type	Length	Frequency	Description

3. What might trigger a seizure in your child? _____

4. Are there any warnings and/or behavior changes before the seizure occurs? YES NO

If YES, please explain: _____

5. When was your child's last seizure? _____

6. Has there been any recent change in your child's seizure patterns? YES NO

If YES, please explain: _____

7. How does your child react after a seizure is over? _____

8. How do other illnesses affect your child's seizure control? _____

Basic First Aid: Care & Comfort

9. What basic first aid procedures should be taken when your child has a seizure in school? _____

10. Will your child need to leave the classroom after a seizure? YES NO

If YES, what process would you recommend for returning your child to classroom: _____

Basic Seizure First Aid

- Stay calm & track time
- Keep child safe
- Do not restrain
- Do not put anything in mouth
- Stay with child until fully conscious
- Record seizure in log

For tonic-clonic seizure:

- Protect head
- Keep airway open/watch breathing
- Turn child on side

Seizure Emergencies

11. Please describe what constitutes an emergency for your child? (Answer may require consultation with treating physician and school nurse.)

12. Has child ever been hospitalized for continuous seizures? YES NO

If YES, please explain:

A seizure is generally considered an emergency when:

- Convulsive (tonic-clonic) seizure lasts longer than 5 minutes
- Student has repeated seizures without regaining consciousness
- Student is injured or has diabetes
- Student has a first-time seizure
- Student has breathing difficulties
- Student has a seizure in water

Seizure Medication and Treatment Information

13. What medication(s) does your child take?

Medication	Date Started	Dosage	Frequency and Time of Day Taken	Possible Side Effects

14. What emergency/rescue medications are prescribed for your child?

Medication	Dosage	Administration Instructions (timing* & method**)	What to Do After Administration

* After 2nd or 3rd seizure, for cluster of seizure, etc.

** Orally, under tongue, rectally, etc.

15. What medication(s) will your child need to take during school hours? _____

16. Should any of these medications be administered in a special way? YES NO

If YES, please explain: _____

17. Should any particular reaction be watched for? YES NO

If YES, please explain: _____

18. What should be done when your child misses a dose? _____

19. Should the school have backup medication available to give your child for missed dose? YES NO

20. Do you wish to be called before backup medication is given for a missed dose? YES NO

21. Does your child have a Vagus Nerve Stimulator? YES NO

If YES, please describe instructions for appropriate magnet use:

Special Considerations & Precautions

22. Check all that apply and describe any consideration or precautions that should be taken:

- | | |
|---|--|
| <input type="checkbox"/> General health _____ | <input type="checkbox"/> Physical education (gym/sports) _____ |
| <input type="checkbox"/> Physical functioning _____ | <input type="checkbox"/> Recess _____ |
| <input type="checkbox"/> Learning _____ | <input type="checkbox"/> Field trips _____ |
| <input type="checkbox"/> Behavior _____ | <input type="checkbox"/> Bus transportation _____ |
| <input type="checkbox"/> Mood/coping _____ | <input type="checkbox"/> Other _____ |

General Communication Issues

23. What is the best way for us to communicate with you about your child's seizure(s)? _____

24. Can this information be shared with classroom teacher(s) and other appropriate school personnel? YES NO

Parent/Guardian Signature _____ Date _____

Dates _____
Updated _____



Seizure Action Plan

Effective Date _____

This student is being treated for a seizure disorder. The information below should assist you if a seizure occurs during school hours.

Student's Name	Date of Birth	
Parent/Guardian	Phone	Cell
Other Emergency Contact	Phone	Cell
Treating Physician	Phone	
Significant Medical History		

Seizure Information

Seizure Type	Length	Frequency	Description

Seizure triggers or warning signs: _____ Student's response after a seizure: _____

Basic First Aid: Care & Comfort

Please describe basic first aid procedures:

Does student need to leave the classroom after a seizure? Yes No

If YES, describe process for returning student to classroom:

Basic Seizure First Aid

- Stay calm & track time
 - Keep child safe
 - Do not restrain
 - Do not put anything in mouth
 - Stay with child until fully conscious
 - Record seizure in log
- For tonic-clonic seizure:**
- Protect head
 - Keep airway open/watch breathing
 - Turn child on side

Emergency Response

A "seizure emergency" for this student is defined as:

Seizure Emergency Protocol
(Check all that apply and clarify below)

- Contact school nurse at _____
- Call 911 for transport to _____
- Notify parent or emergency contact
- Administer emergency medications as indicated below
- Notify doctor
- Other _____

A seizure is generally considered an emergency when:

- Convulsive (tonic-clonic) seizure lasts longer than 5 minutes
- Student has repeated seizures without regaining consciousness
- Student is injured or has diabetes
- Student has a first-time seizure
- Student has breathing difficulties
- Student has a seizure in water

Treatment Protocol During School Hours (Include daily and emergency medications)

Emerg. Med. ✓	Medication	Dosage & Time of Day Given	Common Side Effects & Special Instructions

Does student have a Vagus Nerve Stimulator? Yes No If YES, describe magnet use: _____

Special Considerations and Precautions (regarding school activities, sports, trips, etc.)

Describe any special considerations or precautions:

Physician Signature _____ Date _____

Parent/Guardian Signature _____ Date _____

DPC772

STUDENTS WITH SPECIAL HEALTH CARE NEEDS

EMERGENCY PLAN-HEALTH CARE PLAN

Student _____ Date _____

Birthdate _____

Preferred hospital in case of emergency _____

Physician _____ Phone Number _____

Student Specific Emergencies

If you see this ...	Do this ...

If an emergency occurs:

1. If the emergency is life-threatening, immediately call 9-1-1.
2. Stay with the student or designate another adult to do so.
3. Call or designate someone to call the principal and/or school nurse.
 - a. State who you are.
 - b. State where you are.
 - c. State problem
4. The following staff members are trained to deal with an emergency and to initiate the appropriate procedures: _____

Parent Signature

Teacher Signature