

Information Regarding Referral and Placement of Students Served on 504 Plans at Iowa School for the Deaf

Section 504 is an Act which prohibits discrimination against individuals with a disability in any program receiving Federal financial assistance. The Act defines a person with a disability as anyone who:

1. has a mental or physical impairment which substantially limits one or more major life activities (major life activities include activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working);
2. has a record of such an impairment; or
3. is regarded as having such an impairment.

In order to fulfill its obligation under Section 504, Iowa School for the Deaf recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person solely due to his/her disability will knowingly be permitted in any of the programs and practices in the school system.

School districts have specific responsibilities under the Act, which include the responsibility to identify, evaluate, and if the child is determined to be eligible under Section 504, to afford access to appropriate educational services. If the parent or guardian disagrees with the determination made by the professional staff of the school district, he/she has a right to a hearing with an impartial hearing officer.

A free appropriate public education (FAPE) is an education that is designed to meet a disabled student's individual educational needs and is based upon procedures that satisfy Section 504's identification, evaluation, placement, and due process requirements. An appropriate education can consist of education in regular classes, education in regular classes with related aids or services, special education, or a combination of such services. The definition of related aids and services under Section 504 is broad and includes any service that a student needs to participate in and benefit from a district's education program. Related aids and services include but are not limited to the following: school health services; counseling; environmental, instructional and behavioral accommodations; and transportation.

Under Section 504, "appropriate" means designed to meet the individual educational needs of a disabled student as adequately as the needs of non-disabled students are met. It does not mean that a district must maximize a disabled student's potential or provide "the best" education program that it can design for a disabled student. It means that a district must provide sufficient individualized services to enable a disabled student to receive educational benefit (i.e., not maximum benefit, not minimal benefit, some benefit).

Before students can be referred to ISD for Section 504 services, they must first be evaluated by the local school district. The evaluation must confirm the student has one or more impairments that substantially limits one or more major life activities. The student may not need special education services but at least one of the impairments that limits life activities must be a hearing loss.

ISD's referral and enrollment procedures apply to students served by 504 plans. Referrals must be received in writing from the referring district's 504 team. The referral must include the most recent 504 evaluation and the information considered by the district 504 team during that evaluation. This may include, but is not limited to: achievement data, medical and psychological data, and social and cultural

information. The referral must also include the Section 504 accommodation plan, and any plan review including information about the student's progress.

The ISD 504 coordinator and faculty knowledgeable about the impairment, will conduct a file review to determine if the student has a qualifying impairment of deafness or hearing loss and if the student's academic, developmental, medical, social/emotional and behavioral needs can be met by the available services and programs at ISD.

Instruction and dormitory services are provided at no cost to the parents or referring school district. Weekend transportation for dormitory students and daily transportation for students living in the Council Bluffs and Lewis Central School districts is provided at no cost. The referring school district is responsible for follow supports or services provided as an accommodation; hearing amplification, individually assigned personnel that provide health or physical support, interpreter services for classes taken in the mainstream setting, and daily transportation if the student lives outside of the Council Bluffs area.

The local district and ISD will enter into an interagency agreement for all billable services. All costs associated with any billable services provided by ISD in accordance with the agreement will be the responsibility of the school district. To ensure all parties are aware of, and understand the billable services and resources being committed, the agreement will be reviewed with a representative of the school district prior to the 504 team making a decision on placement.

To qualify for residential services, the child must be at least five years of age, live more than a one hour commute to ISD, must not have a medical condition that is beyond the capacity of care for the ISD Health Center, and the child must not require one-on-one assistance or supervision, have basic self-help skills, and be able to follow the dormitory program's age-appropriate schedule.

After the file review, if ISD believes it can meet the needs of the student, ISD may conduct an on-campus evaluation of the student for a period of up to 30 school days. Enrollment at ISD is contingent on the outcome of the evaluation and whether or not ISD can provide the most appropriate educational services for the student, and that this placement is the most appropriate setting for the implementation of those services.

Placement under Section 504 means services; the regular or special education and related aids and services that a student needs to receive FAPE. Placement decisions under Section 504 must be documented, based upon a student's needs, as shown by evaluation, and made by persons knowledgeable about the student, the meaning of the student's evaluation data, and placement options. In addition, placement decisions must ensure that disabled students are educated in the least restrictive appropriate placement. A decision about placing a student at ISD, under Section 504 will be made by a team that includes the parents/guardians, the Section 504 coordinators from the referring school district and ISD, and at least three professionals who are knowledgeable about the student, the evaluation data, and the placement options available.

ISD will convene the 504 Team on an annual basis to conduct a review of the student's plan. Student progress will be reported and the team will consider the continued need for, or changes to accommodations and services identified in the plan. Every three years the 504 team will conduct a reevaluation to determine if the student continues to be eligible for 504 services and the accommodations, or changes in accommodations necessary for the student to access an appropriate education.

The Family Educational Rights and Privacy Act (FERPA) also specifies rights related to educational records. This Act gives the parent or guardian the right to: 1) Inspect and review his/her child's educational records; 2) make copies of these records; 3) receive a list of all individuals having access to those records; 4) ask for an explanation of any item in the records; 5) ask for an amendment to any report on the grounds that it is inaccurate, misleading, or violates the child's rights; and 6) a hearing on the issue if the school refuses to make the amendment.

If there are questions, please feel free to contact Rebecca Gaw, Section 504 coordinator for the Iowa School for the Deaf, at 712-366-0571 or rgaw@iowaschoolforthe deaf.org.