


MORRISVILLE BOROUGH SCHOOL DISTRICT

Guidelines for SECTION 504

Rehabilitation Act of 1973

SUPERINTENDENT,
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BACKGROUND & GENERAL INFORMATION

INTRODUCTION

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against persons with disabilities in any program receiving Federal financial Assistance. The purpose of these guidelines is to provide educators in the Morrisville Borough School District with information pertaining to the mandates set forth in Section 504 of the Rehabilitation Act of 1973. It is also designed to inform the District of their responsibilities pertaining to Section 504. This set of guidelines provides essential Section 504 steps and procedures. It includes an appendix of forms used by the District. If you have questions about any of the materials contained in these guidelines, you should contact the District's Section 504 Coordinator. In Morrisville Borough School District, the Director of Special Education/Pupil Services is the District's Section 504 Coordinator.

STUDENT ELIGIBILITY UNDER SECTION 504 OF THE REHABILITATION ACT

SECTION 504 – THE LAW

Section 504 of the Rehabilitation Act states:

“No otherwise qualified individual with disabilities in the United States of America shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program receiving Federal financial assistance or activity conducted by any Executive Agency (29-USC 794).”

Section 504 of the Rehabilitation Act defines a person with a disability and a qualified person with a disability as anyone who:

HAS A MENTAL OR PHYSICAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE MAJOR LIFE ACTIVITIES, HAS A RECORD OF SUCH AN IMPAIRMENT, OR IS REGARDED AS HAVING AN IMPAIRMENT.

The School District does not discriminate on the basis of a disability for admission or access to its programs and activities. Any person having inquiries concerning the District's compliance with the regulations implementing Section 504 is directed to contact:

**MORRISVILLE BOROUGH SCHOOL DISTRICT
SECTION 504 COORDINATOR
550 WEST PALMER STREET
MORRISVILLE, PA 19067
215-736-5926**

Note: The Director of Pupil Services/Special Education is designated to coordinate efforts to comply with these regulations. The Superintendent will serve as Compliance Officer.

Section I Definitions

1.1 Child or Student with a disability

A **Child or Student with a disability** is entitled to the protections of Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and Chapter 15 of the regulations of the Pennsylvania State Board of Education if a pre-placement evaluation by a multidisciplinary team establishes that the student:

- (a) has a ***physical or mental impairment*** that ***substantially limits*** one or more of his or her ***major life activities***, including one or more of the disabilities recognized as such under the IDEA;
- (b) has a ***record of such an impairment***; or
- (c) is ***regarded*** by the school entity ***as having such an impairment***, unless the impairment that the student is regarded to have is ***transitory and minor***.

1.2 Terms related to the definition of a "child with a disability."

The terms and phrases used in the definition of "child with a disability" in Section 1.1 of this procedure shall have the following meaning in determining whether a student is eligible for the protections of Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and Chapter 15 of the regulations of the Pennsylvania State Board of Education:

- (a) A ***physical or mental impairment*** is one of the developmental, physiological, or environmental origin, or any cosmetic disfigurement or anatomical loss, that has an objectively observable effect of the ability of an otherwise qualified student to access or participate in some aspect of the academic, non-academic, extracurricular, or ancillary programs, excluding:
 - (1) Conduct disorders or similar sociopathic disorders; and
 - (2) The illegal use or possession of a controlled substance, when the school entity acts on the basis of such use or possession, unless the student who is or has engaged in such use or possession.
- (b) **Major life activities** include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
- (c) The following considerations shall apply to a determination of whether an impairment ***substantially limits*** a major life activity:
 - (1) An impairment that substantially limits one major activity need not limit other major life activities in order to be considered a

disability. For example, an attention deficit disorder can affect the ability to attend to and participate in classroom instruction, but not affect work or community living, and still be considered substantially limiting.

- (2) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. For example, a food allergy that can cause anaphylaxis when the student ingests the food to which he or she is allergic can be considered substantially limiting even though contact with the food in question is infrequent.
- (3) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the *ameliorative effects of mitigating measures*.

- (d) A student is considered to be regarded as having such an impairment if he or she has been subjected to an action prohibited by either Section 504 of the Rehabilitation Act or the Americans with Disabilities Act because of an actual or perceived physical or mental impairment regardless of whether the impairment limits or is perceived to limit a major life activity.

1.3 Director of Pupil Services

When used in these procedures, the title *Director of Pupil Services*, who also serves as 504 Coordinator, shall refer the administrator in the District who is ultimately responsible for management and oversight of services to students who are, or are thought to be, "children with disabilities" under Section 504.

SECTION II PROCEDURAL REQUIREMENTS OF SECTION 504

2.1 Director of Pupil Services

To ensure that the school district is complying with Section 504 of the Rehabilitation Act of 1973, the school district will:

- (A) Provide *Written Assurance of Nondiscrimination* whenever the school district receives federal money.
- (B) Designate an *Employee to Coordinate Compliance* with Section 504 of the Rehabilitation Act of 1973 (if there are more than 15 employees).
- (C) Provide *Grievance Procedures* to resolve complaints of discrimination (if there are more than 15 employees). This does not apply to denial of employment.
- (D) Provide *Notice* to students and parents. A separate notice will be available for employees, unions, and professional organizations of nondiscrimination in admission or access to, treatment and employment in, its programs or activities. *Notice will be included in student/parent handbook and on the District's web page.*
- (E) Annually *notify* persons with disabilities and their parents or guardians of the school district's responsibilities under Section 504.
- (F) *Provide Parents or guardians with Procedural Safeguards:*
 - (1) Notice of their rights;

- (2) An opportunity to review relevant records;
- (3) An impartial hearing. Parents or guardians will be notified of their right to request a hearing regarding the identification, evaluation, or educational placement of individuals with disabilities; and review procedures

(G) Conduct a *self-study* of the school district facilities and programs and policies to evaluate whether it's policies or practices discriminate against handicapped (disabled) persons.

2.2 The Morrisville Borough School District meets these criteria in the following manner:

A. Written Assurance of Nondiscrimination

Whenever the school district applies for state or federal monies, it will sign off on assurances that it does not discriminate on the basis of disability.

B. Section 504 Coordination

The Director of Pupil Services will serve as the district's Section 504 Coordinator. The Section 504 Coordinator's responsibilities include:

1. Establishment and monitoring of the District's Section 504-referral/identification/review processes.
2. Maintaining data on Section 504 referrals.
3. Staff and parent awareness and training activities concerning Section 504 requirements.
4. Implementation of Section 504 complaint procedures.
5. Serve as the district's liaison with the Regional Office for Civil Rights.
6. Establish a complaint policy and procedures.
7. Establish a procedure for providing notice to all students and parents or guardians of the school district's responsibilities under Section 504.
8. Provide parents of guardians with Procedural Safeguards.

Non-Discriminatory Policy and Procedures

Inquiries

The school district does not discriminate on the basis of a disability for admission or access to its programs and activities. Any persons having inquiries concerning the school's compliance with the regulations implementing Section 504 is directed to contact:

Morrisville Borough School District
Section 504 Coordinator
550 West Palmer Street
Morrisville, PA 19067
215-736-5926

The Director of Pupil Services has been designated by the district to coordinate efforts to comply with the regulations regarding nondiscrimination. The School District's Superintendent serves as Compliance Officer.

Filing a Complaint

If any person believes that the school district or any of the district's staff has inadequately applied the regulations of Section 504 of the Rehabilitation Act of 1973, he/she may bring forward a complaint to the school district's Section 504 Coordinator. It should be understood by the individual(s) involved, that a complaint could be made to the Office of Civil Rights without going through the school district's Section 504 of the Rehabilitation Act of 1973 complaint procedures. The complaint procedures are to provide for prompt and equitable resolution of a complaint

Grievance Procedure

The person who believes he/she has a valid basis for a grievance will discuss the complaint informally and on a verbal basis with the school district's Section 504 Coordinator as soon as possible after the person knew or should have known the basis for a complaint may exist. The Complainant may initiate formal procedures according to the following steps:

- A. Step 1 – A written statement of the complaint signed by the Complainant will be submitted within five (5) business days of receipt of answers to the informal complaint. The Section 504 Coordinator will further investigate the matters of the complaint and reply in writing to the Complainant within (10) business days.
- B. Step 2 – If the complainant wishes to appeal the decision of the school district's Section 504 Coordinator, the Complainant may submit a signed written statement of appeal setting forth the reason(s) the Complainant does not agree with the Coordinator's determination, to the Superintendent of Schools within five (5) business days after receipt of the Coordinator's response. The Coordinator and Superintendent cannot be the same


individual. The Superintendent, serving as Complaint Officer will meet with all parties involved, formulate a conclusion, and respond in writing to the Complainant within ten (10) business days.

- C. Step 3 – If the Complainant remains unsatisfied, he/she may submit a signed written statement of appeal setting forth the reason(s) the Complainant does not agree with the Superintendent's determination to the Morrisville Borough School Board of Directors within five (5) business days of his/her receipt of the Superintendent's response in step two. In an attempt to resolve the grievance, the Board of Education will meet with the concerned parties and their representatives within forty (40) days of the receipt of such an appeal. A copy of the Board's disposition of the appeal will be sent to each concerned party within ten (10) business days of this meeting.
- D. Step 4 – The person can file a complaint with the Office of Civil Rights at any time before or during the Complaint procedures:

U.S. Department of Education
Office of Civil Rights
Wanamaker Building, Suite 505
100 Penn Square East
Philadelphia, PA 19107
(215)656-6010, TDD (215)656-8604, Fax (215)656-6020.

The school district's Section 504 Coordinator, on request, will provide a copy of the district's Section 504 Complaint Procedure and investigate all complaints in accordance with this procedure. A copy of each of the Acts and the regulations, on which this notice is based, may be found in the Section 504 Coordinator's Office and the Superintendent's Office.

Reference: Morrisville Borough School District's Non-Discrimination in School and Classroom Practices, Policy 103, can be viewed on the District's website.



STUDENT IDENTIFICATION AND EVALUATION

Identification and Evaluation

A. School District Initiated

1. Any school professional staff member may refer a student for consultation, screening, or an evaluation. Prior to a MDT (Multidisciplinary Team) referral we recommend one of the District's Pre-Referral Processes. One of these processes is the IST (Instructional Support Team) for grades K-8 ; for grades 9-12 it is the CST (Child Study Team); another pre-referral option is SAP (Student Assistant Program); and finally a referral to the District's Pupil Services Department.

Information and data from these Pre-referral processes coupled with information from parents, outside evaluations, hospitals or physician's script/ recommendations can prove to be extremely valuable once a referral is made to the MDT. Based upon aggregate of this information often the MDT can discern whether the assessment may be considering services under Chapter 14 Special Education Program and Services or whether the information indicates possible eligibility under Section 504 (Rehabilitation Act of 1973)/State Standards Chapter 15 Regulations.

When based upon this aggregate data, the MDT is not able to make this distinction then a Permission to Evaluate (PTE) is issued. The District is given 60 calendar days, after consent, is received to complete a comprehensive evaluation. It is critical that the parent is given "notice" of the evaluation, their rights and safeguards and an opportunity to meet with a school official to discuss the process or any questions.

Noteworthy at this juncture, if the parent/guardian has presented an undisputable diagnosis provided by a physician and/or hospital describing a mental or physical impairment that substantially limits one or more major life activity and that requires accommodation, the MDT with the parent will convene a meeting. The purpose of this meeting is to determine eligibility and develop a 504 Service Plan. Prior to the determination, the parent will be provided Notice and Parent's Procedural Safeguards. Once the Service Plan is consummated, the parent must agree with the considerations, conditions and accommodations to be afforded their child. The parent will sign designating their participation as part of the MDT. They will also be given the opportunity to approve this 504 Service Agreement. Likewise, the Local Education Agency, (LEA) representative must sign committing the District to deliver the accommodations and services.

This preemptive action is not designed to supplant the evaluation plan, but rather intended to expedite the identification, the determination of eligibility and development of a Section 504 Service Agreement for a "protected handicapped individual."

2. The staff making the referral should always discuss their concerns and rationale for referrals to the Building Principle. However, the actual request for screening, consultation, and/or assessment, using the District's standard Referral Form must be forwarded directly to the Director of Pupil Services/Special Education, who also serves as the District 504 Coordinator.
3. The assessment findings, summary and recommendations may lead to the student being deemed eligible for services under Section 504 (Chapter 15) or under Special Education (Chapter 14). However, for the purposes of these guidelines, we will focus exclusively on those students eligible for series under Section 504 and with the completion of the Section 504 Eligibility Plan and the development of a Section 504 Service Agreement.
4. For District students, not attending their home (neighborhood) school, all referrals will be forwarded directly to the District's Director of Pupil Services and Special Education, who will convene an MDT meeting. The MDT will be composed of persons knowledgeable of the student's school history, has an understanding of the evaluation procedures, can interpret the data and can suggest appropriate program and placement options.
5. In addition to a school initiated referral intended for an initial referral, screening or assessment, there are actions that may be considered. Such considerations include times when staff believes that the student should no longer be identified as a Section 504/Protected Handicapped Student; or it is recommended that changes or modifications be made to the current Section 504 Services Agreement.
6. When and if the student does qualify the District must forward the results and recommendations 10 days prior to convening a meeting to develop a 504 Service Agreement. If the parent elects not to attend a meeting then the other members of the MDT will complete the Service Agreement and it will be forwarded to the parent for their approval and signature. A cover letter and Parent's Procedural Safeguards should always be included. This cover letter will also reinforce that the services, accommodation, etc. and will emphasize that this plan will not be implemented unless the parent approves and signs accordingly.
7. If the parent does not approve the District's attempts to evaluate the student or does not approve the District's attempts to begin, discontinue, change, or modify the student's 504 Service Agreement, the District may request an informal conference with the parent or seek an impartial mediation to resolve the issue.

B. Parent Initiated

1. Parents may initiate an evaluation for provision of services to begin, discontinue, change, or modify an existing Service Agreement by written request to the building principal or the District 504 Coordinator. This written request should include all relevant medical records and shall indicate that the parent believes the student:
 - a) Should be identified as a protected handicapped student;

- b) Should no longer be identified as a protected handicapped student; or,
- c) Requires a change or modification of the current Service Agreement.
- d) The written request should also state:

- 1) The specific reasons that the parent believes the child is/is not a protected handicapped student;
- 2) The specific related aids, services, or accommodations the parent believes the student needs; and,
- 3) The specific modifications the parent wants to make to the current Service Agreement, if requesting modifications.

- 2. The District will respond in writing to the parents' written request for evaluation and services within a reasonable time frame but never to exceed 25 calendar days of receipt of the written request. This response will be in the parent's native language or mode of communication and shall state:

- a) Whether the parent's request or a portion of the parents request is being granted or denied;
- b) The parent's right to meet with a school official to discuss the issues;
- c) The procedural safeguards available to students and their parents;
- d) The parent's right to due process in federal court under § 504; and
- e) The District's request for additional records and/or information, if appropriate.

Service Agreements

A. Document Requirements

1. If the parent and the District agree as to what related aids, services, or accommodations should or should no longer be provided to the protected handicapped students, the parent and the District will enter into or modify a Service Agreement, which:
 - a) Will be executed by a District representative and a parent;
 - b) Will set forth the specific aids, services, or accommodations to be provided;
 - c) Will specify the dates to begin and discontinue the Service Agreement; and
 - d) Will specify emergency medical procedures, if appropriate.
2. The Service Agreement may also include:
 - a) The dates of specific evaluations given;
 - b) A statement that all parties recognize the student as a protected handicapped student;
 - c) A statement of the handicapping condition;
 - d) A statement of the extent to which the handicapping condition substantially limits access to a major life activity and what activity is limited;
 - e) The location where the aids, services, or accommodations will be provided.
3. The statements, dates, and additional information listed in section 2 (a) – (f) above must be included in the Service Agreement if the aids, services, or accommodations are to be provided by anyone not a District employee or are to be provided in any location not the student's home (neighborhood) school. If this is the case, the building principal and the Team should work cooperatively with the District 504 Coordinator to plan and implement the appropriate agreement.
4. If the parent and District cannot agree as to the related aids, services, or accommodations that should or should not be provided to the protected handicapped student, either party might invoke the procedural safeguard system. The District will notify the parents/guardian of their rights in writing.

B. Service Agreement Expiration, Renewal, and Transition

1. The Team should convene, prior to the expiration of the Service Agreement, a meeting to determine if aids, services, or accommodations should be terminated, renewed, changed, or modified. The parent should be given reasonable prior notice (i.e., 10 days) to the date and time of this meeting and should be invited to attend. If the parent does not attend, the Team should use all available information to make a determination as to whether either: (a) the renewed Service Agreement or, (b) a letter explaining the reasons for non-renewal, will be sent to the parent subsequent to the meeting. In either case, the parent will be given a notice of Procedural Safeguards.

2. The Team should convene, prior to a student moving from one school to another, a meeting to ensure proper transition and communication. A member of the receiving school's MDT should be invited and should attend. The parent should be given reasonable prior notice as to the date and time of the meeting and should be invited to attend.

SECTION 504 CONSIDERATIONS

1. Section 504 requires accommodations and services.
2. Current drug use is not considered a disability. An individual who has stopped using drugs and/or alcohol and is undergoing rehabilitation could be protected.
3. Section 504 requires notice to the parent or guardian with respect to identification, evaluation, and placement.
4. Development of Section 504 Eligibility Plan draws on information from a variety of sources in the area of concern; decisions made by a group knowledgeable about the student, evaluation data, and placement options.
5. To revise or discontinue a Section 504 Service Agreement the MDT must notify and invite the parent to a convened meeting. At this meeting the team will review the student's eligibility and review the current accommodations to ascertain:
 - Are these accommodations still appropriate and should be continued or revised;
 - Determine whether additional accommodations should be added;
 - Determine whether the accommodations are necessary.
6. Section 504 does not contain a provision for independent evaluations at the district's expense. However, the district should consider other evaluations and information regarding the student.
7. When interpreting evaluation data and making placement decisions, Section 504 requires the district to:
 - Draw information from a variety of sources.
 - Requires periodic re-evaluations and re-evaluations before a significant change in placement.
 - Ensure that the placement decision is made by a group of persons including those who work directly with the child and are knowledgeable about the child, the meaning of the evaluation data and placement options and the parent/guardian
 - Ensure that the student is educated with his/her non-disabled peers to the maximum extent appropriate.
8. Accommodations should be reviewed annually.
9. The district must provide for an impartial hearing if parents or guardians disagree with the identification, evaluation, or placement of the student with a disability.
10. Parents can make a written request for an informal conference with the School Principal and the Director of Pupil Services/Special Education to discuss their concerns and this conference must be convened within 10 school days.

NOTICE TO STUDENTS-PARENTS AND EMPLOYEES

The superintendent will provide an annual non-discrimination notice to parents and students. This notice will be included in the student/parent handbook and on the District website. It may also be included in the District's back to school information in order to ensure that all students and parents have been notified. The superintendent will keep on file in his/her office, documentation of this annual notice.

The superintendent will provide an annual non-discrimination notice to school district employees. This will be posted in each school district attendance site, in areas that are readily available to all district personnel. The superintendent will keep on file in his/her office, documentation of this annual notice.

Notice of Non-Discrimination

Applicants for admission and employment, students, parents, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the school district are hereby notified that the school district does not discriminate on the basis of disability in admission or access to its programs and activities. Any person having inquiries concerning the school's compliance with the regulations in implementing Section 504 of the Rehabilitation Act of 1973, is directed to contact:

Morrisville Borough School District
550 West Palmer Street
Morrisville, PA 19067
215-736-5926

The Director of Special Education/Pupil Services and the Superintendent are designated by the school District to coordinate efforts to comply with the regulations regarding non-discrimination.

NOTICE TO INDIVIDUALS WITH DISABILITIES AND PARENTS

The superintendent will annually notify persons with disabilities and their parents or guardians of the school district's responsibilities under Section 504.

NOTICE

SECTION 504 OF THE REHABILITATION ACT OF 1973

Morrisville School District

Date: _____

Section 504 is an Act, which prohibits discrimination against individuals with disabilities 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 impairment; or*
3. *is regarded as having such an impairment.*

In order to fulfill obligations under Section 504, the school district has the responsibility to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person with a disability should knowingly be permitted in any of the programs and practices of the school system.

The school district has responsibilities under Section 504, which include the obligation to identify, evaluate, and if the student is determined to be eligible under Section 504, to provide 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.

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 record 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:

Morrisville Borough School District
 504 Coordinator for the Morrisville Borough School District
 550 West Palmer Street
 Morrisville, PA 19067
 215-736-5926

Confidentiality

The District will:

1. Protect the confidentiality of personally identifiable information regarding a protected handicapped student.
2. Require parental consent before releasing personally identifiable information to unauthorized persons.
3. Provide access to educational records of the students to the parents or a representative of the parents with appropriate releases.

Comply with § 513(a) of the Family Educational Rights and Privacy Act of 1974 (FERPA)(20 U.S.C.A. §1232 (g)) and 43 CFR Part 99 (relating to family education rights and privacy).

APPENDIX

NONDISCRIMINATION IN SCHOOL AND CLASSROOM PRACTICES, POLICY 103

**REPORT FORM FOR COMPLAINTS OF DISCRIMINATION,
POLICY 103 ATTACHMENT A**

**DISTRICT'S RESPONSE TO COMPLAINT OF DISCRIMINATION,
POLICY 103 ATTACHMENT B**

PUPIL SERVICES REFERRAL REQUEST

SECTION 504 ELIGIBILITY/PLAN

SECTION 504 SERVICE AGREEMENT

SECTION 504 ELIGIBILITY/RE-EVALUATION

PARENT PROCEDURAL SAFEGUARDS NOTICE

**NONDISCRIMINATION
IN SCHOOL &
CLASSROOM PRACTICES
POLICY 103**

MORRISVILLE BOROUGH SCHOOL DISTRICT

SECTION: PROGRAMS

TITLE: NONDISCRIMINATION IN
SCHOOL AND CLASSROOM
PRACTICES

ADOPTED: April 25, 2007

REVISED: August 22, 2012

	103. NONDISCRIMINATION IN SCHOOL AND CLASSROOM PRACTICES
<p>1. Authority SC 1310 Title VI 42 U.S.C. Sec. 2000d et seq Title IX 20 U.S.C. Sec. 1681 et seq 20 U.S.C. Sec. 1400 et seq 42 U.S.C. Sec. 12101 et seq 29 U.S.C. Sec. 701 et seq Title 22 Sec. 4.4, 12.1, 12.4, 14.101 et seq, 15.1 et seq</p>	<p>The Board declares it to be the policy of this district to provide an equal opportunity for all students to achieve their maximum potential through the programs offered in the schools regardless of race, color, age, creed, religion, gender, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability.</p> <p>The district shall provide to all students, without discrimination, course offerings, counseling, assistance, employment, athletics and extracurricular activities. The district shall make reasonable accommodations for identified physical and mental impairments that constitute handicaps and disabilities, consistent with the requirements of federal and state laws and regulations.</p> <p>The Board encourages students and third parties who have been subject to discrimination to promptly report such incidents to designated employees.</p> <p>The Board directs that complaints of discrimination shall be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations.</p> <p>No reprisals nor retaliation shall occur as a result of good faith charges of discrimination.</p>
<p>2. Delegation of Responsibility</p>	<p>In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Superintendent as the district's Compliance Officer.</p> <p>The Compliance Officer shall publish and post this policy and complaint procedure for students, parents/guardians, employees and the public to access. Non-discrimination statements shall include the position, and contact information of the Compliance Officer.</p>

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CLASSROOM PRACTICES - Pg. 2

	<p>The Compliance Officer is responsible to monitor the implementation of nondiscrimination procedures in the following areas:</p> <ol style="list-style-type: none">1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.2. Training - Provision of training for students and staff to identify and alleviate problems of discrimination.3. Student Access - Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.4. District Support - Assurance that like aspects of the school program receive like support as to staffing and compensation, facilities, equipment, and related matters.5. Student Evaluation - Review of tests, procedures, and guidance and counseling materials for stereotyping and discrimination. <p>The building principal or designee shall be responsible to complete the following duties when receiving a complaint of discrimination:</p> <ol style="list-style-type: none">1. Inform the student or third party of the right to file a complaint and the complaint procedure.2. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.4. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.
3. Guidelines	<p><u>Complaint Procedure – Student/Third Party</u></p> <p>Step 1 – Reporting</p> <p>A student or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the building principal.</p>

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CLASSROOM PRACTICES - Pg. 3

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal.

If the building principal is the subject of a complaint, the student, third party or employee shall report the incident directly to the Compliance Officer.

The complainant or reporting employee is encouraged to use the Reports For Complaints of Discrimination (103 Attachment A) form available from the building principal, but oral complaints shall be acceptable.

Step 2 – Investigation

Upon receiving a complaint of discrimination, the building principal shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the building principal to investigate the complaint, unless the building principal is the subject of the complaint or is unable to conduct the investigation.

Anytime the complaint involves a student or individual with a disability, the Principal will consult with the Director of Special Education and Pupil Services.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

Step 3 – Investigative Report

The building principal shall prepare a written report within fifteen (15) days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.

Findings of the investigation shall be provided to the complainant, the accused, and the Compliance Officer, utilizing the District's Response to Complaint of Discrimination form (103 Attachment B).

Step 4 – District Action

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases and will not recur.

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Disciplinary actions shall be consistent with the Student Code of Conduct, Board policies and district procedures, applicable collective bargaining agreements, and state and federal laws.

Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days.
2. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.

**REPORT FORM
FOR COMPLAINTS
OF DISCRIMINATION**

POLICY 103, ATTACHMENT A

REPORT FORM FOR COMPLAINTS OF DISCRIMINATION

Complainant: _____
Home Address: _____
Home Phone: _____
School Building: _____
Date of Alleged Incident(s): _____

Alleged discrimination was based on: _____

Name of person you believe violated the district's nondiscrimination policy: _____

If the alleged discrimination was directed against another person, identify the other person: _____

Describe the incident as clearly as possible, including any verbal statements (i.e. threats, derogatory remarks, demands, etc.) and any actions or activities. Attach additional pages if necessary: _____

When and where incident occurred: _____

List any witnesses who were present: _____

This complaint is based on my honest belief that _____ has discriminated against me or another person. I certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge.

Complainant's Signature

Date

Received By

Date

**DISTRICT'S RESPONSE
TO COMPLAINT
OF DISCRIMINATION**

POLICY 103, ATTACHMENT B

School Building: _____ Incident Date: _____

Summary of Complaint:

_(see attached complaint).

Components Of Investigation:

Steps taken to resolve complaint:

Conclusion:

Compliance Officer: _____ Date: _____

Title: _____

Signature: _____ Date: _____

**PUPIL
SERVICES
REFERRAL
REQUEST**

MORRISVILLE BOROUGH SCHOOL DISTRICT
Pupil Services Referral Request

Student Name: _____

Birthdate: _____ Grade: _____

Parent/Guardian: _____

Phone: _____

Contact Person: _____

Location: _____

Services Currently Receiving:

☐ Special Education

☐ ESL

☐ IST

☐ Title I

☐ Speech

☐ OT

☐ PT

☐ Other: _____

Former Requests: Y / N (Circle)

Best time to see this student: _____

Screening/Assessment Requested

☐ Speech and Language

☐ ESL

☐ ADD/ADHD Screening

☐ Social Work

☐ Occupational Therapy

☐ Physical Therapy

☐ Nurse

☐ Co-op/Work Experience

☐ Enrichment/Gifted Screening*

☐ Cognitive/Academic Screening

☐ Other: _____

Brief Statement of Concern:

Date parent contacted regarding this concern and their response:

Briefly describe any previous attempts to address this concern:

Identify any outside agencies/resources involved:

Person Making Request

Supervisor Pupil Services/Special Education

Date of Request

Final Case Disposition and Date: _____

Action/Recommendation/Disposition on reverse side

SECTION 504
ELIGIBILITY/PLAN

MORRISVILLE BOROUGH SCHOOL DISTRICT

SECTION 504 ELIGIBILITY/PLAN

GENERAL INFORMATION

Student Name: _____ D.O.B: _____ Grade: _____

Address: _____ City: _____ State: _____ Zip Code: _____

Parent's Name(s): _____ Home Phone: _____

_____ Work Phone: _____

I. REFERRAL

1. Person(s) making referral: _____ Date _____

2. Describe nature of concern: _____

3. Describe any services and/or accommodations student is currently receiving or has received. _____

4. Evaluation Data:

Clinician: _____ Evaluation Date: _____

Results/Recommendation: _____

Physician: _____ Evaluation Date: _____

Results/Recommendation: _____

☐ Attached Physician's report and/or script.

II. ELIGIBILITY DETERMINATION

1. Is there a disability/handicap present that substantially limits one or more major life activities?

Yes ☐ No ☐

If yes, which major life activity is limited:
(Check one or more)

- | | | |
|--|-----------------------------------|---|
| <input type="checkbox"/> Caring for Self | <input type="checkbox"/> Walking | <input type="checkbox"/> Seeing |
| <input type="checkbox"/> Hearing | <input type="checkbox"/> Speaking | <input type="checkbox"/> Breathing |
| <input type="checkbox"/> Learning | <input type="checkbox"/> Working | <input type="checkbox"/> Other: (Describe)_____ |

Describe how the disability/handicap affects this major life activity: (Be Specific)

2. Are there any medical and/or other relevant factors? ☐ Yes ☐ No Explain:

3. Is further information necessary? ☐ Yes ☐ No

a) If yes, what information is needed?_____

b) Person responsible for obtaining information: _____

c) Projected time to reconvene meeting:_____

III. SUMMARY

1. Is student eligible for services under Section 504/Chapter 15? ☐ Yes ☐ No

2. Does this student require a 504 Service Agreement? ☐ Yes ☐ No

If yes, by what mental and/or physical condition:_____

If "yes", proceed to Section IV – *Provision of Services* and describe accommodation and services needed. If the answer to #1 or 2 is "no" proceed to Section V Participants/Signatures.

IV. PROVISION OF SERVICES

Student: _____

1. Specific Accommodation Needed

<i>Accommodations Needed</i>	<i>Responsible Party</i>

2. Date of projected review of plan: _____

V. PARTICIPANTS IN THIS EVALUATION OR REVIEW:

1. Committee Signatures

_____	_____
_____	_____
_____	_____

2. PARENT STATEMENTS:

☐ I received a written notice of my rights under Section 504

☐ I agree my child is not eligible for services

☐ I agree with this Section 504 Plan as it is written

☐ I do not agree (State Reason) _____

Note: If this issue cannot be resolved, you have the right to request a Section 504 review meeting or impartial hearing.

Parent Signature: _____ Date: _____

3. The district will provide the services as described: (LEA/School Representative)

(Name)

(Signature)

(Title)

SECTION 504
SERVICE AGREEMENT

MORRISVILLE SCHOOL DISTRICT
Department of Special Education
550 W. Palmer Street
Morrisville, PA 19067

504 Service Agreement

ACKNOWLEDGEMENT

To: General Education/Special Area Teachers
CC: File Copy
From: _____ (Clinician, Counselor, Psychologist)
Subject: 504 Service Agreement
Date: _____

Attached is a copy of _____'s 504 Service Agreement. Accordingly, this student is entitled to the accommodation delineated in this plan. It is your responsibility pursuant to the State and Federal Regulations to be cognizant of and deliver these accommodations.

The nature and scope of these accommodations is designed to allow the student "access" to all activities; and provide them every opportunity to gain educational benefit.

If you have any questions or concerns before signing this form and passing it on to the next person on the list, please let me know. Your signature indicates that you have read and understand these special accommodations and modifications for instruction and are willing to implement them.

A copy of the student's 504 Service Agreement is available in both the Guidance and Pupil Services Offices for future reference. However, feel free to make a copy of any relevant information for your personal confidential records.

Thank you.

Print Name

Signature

Date

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Return completed form to the staff listed above

**Section 504
Eligibility
Review/
Reevaluation**

MORRISVILLE BOROUGH SCHOOL DISTRICT

SECTION 504 ELIGIBILITY

REVIEW/RE-EVALUATION

Student: _____ D.O.B.: _____ Grade: _____

- Does student continue to be eligible? ☐ Yes ☐ No

If "no" comments: _____

- If student continues to be eligible, is a Service Agreement needed? ☐ Yes ☐ No

Only if the student continues to be eligible and needs a Services Agreement, complete section entitled Provision of Services. If the answer is "No" proceed to the signature portion of this form.

➤ PROVISION OF SERVICES

- Specific Accommodation Needed

<i>Accommodations Needed</i>	<i>Responsible Party</i>

- Committee Members: (Signature of Participants)

_____	_____
_____	_____
_____	_____
_____	_____

- Parent agrees: ☐ Yes ☐ No _____
(Signature) (Date)

- LEA/School Representative Agrees: ☐ Yes ☐ No _____
(Signature) (Date)

Copy to Student File and Parent

**PARENTAL
PROCEDURAL
SAFEGUARDS
NOTICE**

Morrisville Borough School District
Parent Procedural Safeguards Notice
Section 504 of the Rehabilitation Act of 1973
Chapter 15 of the Regulations of the Pennsylvania State Board of Education

Parents of school-age children who have or are thought to have disabilities as defined in Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 and the Americans with Disabilities Act, 42 U.S.C. § 12102, have the following procedural rights in the Commonwealth of Pennsylvania:

Request for Assistance from the Pennsylvania Department of Education

- (a) Parental request for assistance. Parents may file a written request for assistance with the Pennsylvania Department of Education, Bureau of Special Education, Division of Compliance Monitoring and Planning, 333 Market Street, 7th Floor, Harrisburg, PA 17126-0333, 800-879-2301, if one or both of the following apply:
 - (1) The school district is not providing the adaptations, modifications, related aids, and services specified in the student's service agreement; or
 - (2) The school district has failed to comply with the procedures applicable to the identification and evaluation of, development and revision of a service agreement for, or change in the educational placement of a child with or thought to have a disability, as those procedures are described in Chapter 15 of the regulations of the Pennsylvania State Board of Education, 22 Pa. Code Ch. 15 (available at <http://www.pacode.com/secure/data/022/chapter15/chap15toc.html>).
- (b) Resolution of parental request. The Department will investigate and respond to requests for assistance and, unless exceptional circumstances exist, will, within 60 calendar days of receipt of the request, send to the parents and school district a written response to the request. The response to the parents' request shall be in the parents' native language or mode of communication.

Informal Conference

At any time parents may file a written request with the school district for an informal conference with respect to identification or evaluation of a student, or the student's need for related aid, service or accommodation. Within (10) school days of receipt of the request, the school district shall convene an informal conference. At the conference, every effort shall be made to reach an amicable agreement.

Formal Due Process Hearing

If the matters raised by the school district or parents are not resolved at the informal conference, the district or parents may submit a request for a hearing. Hearing request forms are available from the Office for Dispute Resolution at <http://odr.pattan.net/dueprocess/RequestForms.aspx> or at 800-879-2301. The hearing shall be held before an impartial hearing officer and shall be governed by the following procedures:

- (a) The hearing for a school aged child with a disability or thought to be a child with a disability shall be held in the school district at a place and time reasonably convenient to the parents and child involved.

- (b) The hearing shall be an oral, personal hearing and shall be closed to the public unless the parents request an open hearing. If the hearing is open, the decision issued in the case, and only the decision, shall be available to the public. If the hearing is closed, the decision shall be treated as a record of the student and may not be available to the public.
- (c) The decision of the hearing officer shall include findings of fact, discussion and conclusions of law. Although technical rules of evidence will not be followed, the decision shall be based solely upon the substantial evidence presented at the hearing.
- (d) The hearing officer shall have the authority to order that additional evidence be presented.
- (e) A written or at the option of the parents, electronic verbatim record of the hearing shall, upon request, be made and provided to parents at no cost.
- (f) Parents may be represented by legal counsel and accompanied and advised by individuals with special knowledge or training with respect to the problems of children with disabilities.
- (g) A parent or parent's representative shall be given access to educational records, including any tests or reports upon which the proposed action is based.
- (h) A party may prohibit the introduction of evidence at the hearing that has not been disclosed to that party at least (5) business days before the hearing.
- (i) A party has the right to compel the attendance of and question witnesses who may have evidence upon which the proposed action might be based.
- (j) A party has the right to present evidence and testimony, including expert medical, psychological or educational testimony.
- (k) A party to a hearing has the right to obtain written, or, at the option of the parents, electronic findings of fact and decisions.
- (l) The decision of the hearing officer regarding a child with, or thought to have, a disability may be appealed to a court of competent jurisdiction. In notifying the parties of the decision, the hearing officer shall indicate the courts to which an appeal may be taken.
- (m) If, within sixty (60) calendar days of the completion of the administrative due process proceedings under this chapter, an appeal or original jurisdiction action is filed in State or Federal Court, the administrative order shall be stayed pending the completion of the judicial proceedings, unless the parents and school district agree otherwise.

Maintenance of Service Agreement

The school district will not modify or terminate your child's current service agreement, if any, without your written consent, pending completion any of the procedures outlined above that you chose to initiate.

Additional Rights and Protections

- (a) You have the right to inspect and review all relevant school records and to meet with appropriate school officials to discuss the issues associated with evaluating or accommodating your child.
- (b) You must agree to the identification of your child as a child with a disability and, if adaptations, modifications, services, or related aids are required for your child during school hours or at school-related activities or events, you must execute a service agreement before the school district can provide such supports.

If you have any questions concerning the foregoing procedural rights, contact the Office of Student Services at 215-736-5926.