

## **Procedural Safeguards of Section 504 of the Rehabilitation Act of 1973 and Americans with Disabilities Amendments Act of 2008.**

Section 504 of the Rehabilitation Act of 1973 and Americans with Disabilities Amendments Act of 2008, states that:

*No otherwise qualified individual with a disability in the United States....shall, solely by reason of his or her 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.... (See 29 U.S.C. 794(a))*

The Acts define an individual with a disability as anyone who:

Has a physical or mental impairment which substantially limits one or more major life activities. Major life activities include (but are not limited to): learning, walking, seeing, hearing, speaking, eating, sleeping, standing, lifting, communicating, concentrating, reading, breathing, working, caring for one's self, thinking, performing manual tasks, lifting, and bending. **(See 34 C.F.R. Section 104.3)**

### **Appropriate Notice**

The Teacher Advisory Team (TAT) along with the student's adviser will meet to determine eligibility and develop an accommodation plan for eligible students. Upon application, parents will receive written notice that this meeting will occur. The process generally takes 2-4 weeks upon receipt of application.

### **Periodic Review**

Each student found eligible for accommodations under Section 504 must have a periodic review in order to determine continued eligibility for the accommodations as identified in their plan. Section 504 does not determine how often a 504 plan is to be reviewed. New Trier High School collects information from faculty members teaching students with 504 plans. In light of this information, each student's plan and their use of the accommodations in the plan is reviewed annually at the end of the school year. Parents will receive written notice prior to any proposed changes to any accommodation plan.

### **Provision for Review of Records and Decisions**

Parents have a right to review their child's records. Parents also have a right to counsel. Parents have a right to request a hearing if they disagree with the District's identification, evaluation, or provision of accommodations or if they disagree with proposed changes in or

termination of accommodations under Section 504 of the Rehabilitation Act of 1973 and Americans with Disabilities Amendments Act of 2008. These Acts provide for a parental appeal to the 504 Coordinator to review the decision of the whole committee and, if the parent is still dissatisfied, an impartial appeal hearing related to decisions or actions regarding accommodation plans. If the family requests a hearing, they may participate in the hearing and have an attorney represent them. Hearing requests must be made to the 504 Coordinator in writing and must be signed by the person requesting the hearing, specifying what they think is in error and what remedy they seek. The Director of Special Education shall select a person to serve as the Impartial Hearing Officer in all such appeals.