

**CONECUH COUNTY
SECTION 504 POLICY HANDBOOK**

1. INTRODUCTION:

a. Section 504 of the Rehabilitation Act of 1973 requires school districts to provide the full range of special accommodations and services necessary for students with special needs to participate in and benefit from public education programs and activities. Section 504 prohibits discrimination against persons with disabilities by school districts receiving federal financial assistance. Students with disabilities must be provided with a free, appropriate, public education (FAPE). Section 504 regulations require identification, evaluation, provision of appropriate services, and procedural safeguards in every public school in the United States. All individuals who have disabilities under the Individuals with Disabilities Education Act (IDEA) are also considered disabled and therefore protected under Section 504. Where a school district is fulfilling responsibilities under the IDEA, in most cases it will be already meeting the standards of the Section 504 regulations. However, all individuals who have been determined to qualify under Section 504 may not be considered eligible under the IDEA. These individuals require a response from the regular education staff and curriculum. Although not eligible for IDEA services, they are nevertheless deemed eligible under Section 504 and the school district may have responsibilities toward them.

b. Section 504 protects all students with disabilities, defined as those having any physical or mental impairment that substantially limits one or more major life activities (including learning) whether or not they meet IDEA eligibility and even if they do not need to be in a special education program. If their disabilities substantially limit their ability to function at school, they are disabled within the meaning of Section 504 and must be provided with the accommodations and special services necessary to benefit from a free, appropriate, public education.

c. If a district has reason to believe that, because of a disability as defined under Section 504, a student needs either special accommodations or related services in the regular setting in order to participate in the school program, the district must evaluate the student if the student is determined to be disabled under Section 504, the district must develop and implement a plan for the delivery of all needed services. Again, these steps must be taken even though the student is not covered by the IDEA special education provisions and procedures.

d. The evaluation must be sufficient to accurately and completely assess the nature and extent of the disability, and the recommended services. Evaluations more limited than a full special education evaluation may be adequate in some circumstances and in some circumstances additional testing may be necessary.

e. The determination of what services are needed must be made by a group of people knowledgeable about the student. The group should review the nature of

the disability, how it affects the student's education, whether specialized services are needed, and, if so, what those services should be. The decisions about Section 504 eligibility and services must be documented in the student's file and reviewed periodically.

f. Under Section 504, the parent or guardian must be provided with notice of actions affecting the identification, evaluation, or placement of the student, and are entitled to an impartial hearing if they disagree with the district decisions in these areas. For disabilities covered only by Section 504, and not the IDEA, a Section 504 hearing will have to be made available.

g. It is also important to realize that Section 504 is not an aspect of special education. Rather, it is a responsibility of the comprehensive, general public education system. As such, building administrators and superintendents of schools are responsible for its implementation within districts. Special education administrators are participants but are not ultimately responsible for its implementation.

2. POLICY STATEMENT:

a. It is the policy of the Board of Education of Conecuh County to provide a free, appropriate, public education to each student with a disability within its jurisdiction, regardless of the nature or severity of the disability.

b. It is the intent of the district to ensure that students with disabilities under Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services. Students may be eligible under this policy even though they do not require services under the Individuals with Disabilities Education Act.

c. Due process rights of students and their parents under Section 504 will be enforced.

d. The Director of Student Services is the district coordinator of Section 504 activities.

ADMISSION TO CONECUH COUNTY SCHOOLS

1. Every child whose parent (including a legal guardian) has a legal, physical address in Conecuh County shall be admitted to the schools of the Conecuh County School District on one of these conditions:

(a) the child is four years of age for Pre-K as of September 1, or on the first day of school, except that a child who is not five years of age by the qualifying date and who transfers from a public school kindergarten of another state may be admitted into a Conecuh County kindergarten on a space-available basis by prior agreement of the Board,

(b) a child who is not five years of age by the qualifying date, and who transfers from a public school kindergarten of another state, may be admitted to first grade in Conecuh County schools after completing kindergarten in Conecuh County schools,

(c) the child is six years of age as of September 1, or on the first day of school, except that a child who is not six years of age by the qualifying date and who transfers from a first grade of a public school in another state may be admitted to first grade in Conecuh County by approval of the Board, and

(d) a child who is not six years of age by the qualifying date and who has completed or graduated from a mandated kindergarten program in another state shall be entitled to admission in Conecuh County schools regardless of age.

2. A parent seeking to enroll a child in the Conecuh County schools must present a current certification of immunization or testing for the prevention of communicable diseases designated by the State Health Officer, unless

(a) in the absence of an epidemic or the immediate threat of an epidemic, the parent of the child objects in writing on grounds that such immunization or testing conflicts with the parent's religious tenets and practices, or

(b) certification by a competent medical authority is presented that provides an individual exemption from the required immunization or testing.

3. A parent who seeks to enroll a student who is transferring into the Conecuh County School District should present a withdrawal from the student's former school, an immunization form, a good photo I.D. of the parent, and proof of residency in Conecuh County.

4. A student who applies for readmission to the Conecuh County School District will be subjected to any disciplinary proceeding that was pending when the student initially withdrew from the School District, and the time limits associated

with any such proceeding shall be tolled as of the date of the student's withdrawal from the school District. A student who applies for admission via transfer from another school district, or from a private school, alternative school, or other educational setting, will be subjected to any disciplinary penalty that had been imposed on the student at the time the student withdrew, or which would have been imposed but for the student's withdrawal, by the other school District, or private, alternative or other school setting. The Conecuh County Board of Education reserves the right to reject students who have suspended or expelled from other schools.

Ala. Code § 16-28-4, §16-30-1, §16-30-3, § 16-30-4

PROCEDURES FOR SUSPENSIONS AND EXPULSIONS

1. A school principal or assistant principal can suspend students from school.
2. Before a decision is made to suspend a student, the student will be informed of the reason for which suspension is being considered, and will be allowed to respond to those reasons. Written notice will be sent to the student's parent (or legal guardian) stating the reasons for which the student was suspended.
3. A student may be suspended immediately, without a chance to respond, when the student's presence threatens themselves or others, endangers school property, or seriously disrupts the orderly educational process. Principals may have a law enforcement agency remove uncooperative students. If immediate removal is necessary, the student's parents will be notified by telephone or in person, and the student will be given an opportunity to respond to the suspension as promptly as it reasonably possible under the circumstances.
4. A principal may suspend a student for up to ten days without board approval.
5. If an incident or violation causes the principal to recommend the expulsion of a student, the suspension shall remain in effect until the recommendation for expulsion is acted upon by the Board of Education.
6. During the suspension period suspended students cannot attend Conecuh County school functions or enter upon Conecuh County School District property for any reason. Students suspended from the Conecuh County School District may not participate in any school-related activity or event during the period of the suspension (*i.e.*, graduation, Baccalaureate, prom, club activities, athletics, senior class events, *etc.*). Suspended students may not attend extracurricular activities after school hours, including public activities such as football, baseball, volleyball, or basketball games, band concerts, theatrical productions, *etc.*
7. The teacher of a suspended student will be notified of the dates on which the suspension begins and ends. Suspended students will not receive credit for work or assessments during suspension periods. Suspended students will be allowed to make up six week, nine week, and semester examinations. Suspended students will also be allowed to submit assignments made prior to their suspension.
8. Expulsion is defined as the removal of the right and obligation of a student to attend public school under conditions set by the Conecuh County Board of Education. The principal has the authority to recommend to the Superintendent the expulsion of a student.
9. The Conecuh County Board of Education makes the final decision on an expulsion recommendation.

10. The school Principal is initially responsible for determining that an offense for which expulsion may be warranted has been committed. The facts and procedures regarding expulsion are listed below:

- a. Expulsion is the removal of a student's rights to attend public schools.
- b. The Conecuh County Board of Education has the inherent authority to expel students when necessary to maintain order and discipline in the schools.
- c. The Principal has the authority to recommend expulsion to the Superintendent. The Superintendent has the authority to recommend expulsion to the Board of Education.

11. When an incident or violation of school regulations occurs that may result in a recommendation for expulsion, the following procedures shall apply:

- a. The student shall be made aware of the accusations and shall be granted the opportunity to respond.
- b. Upon determining that a recommendation for expulsion is a possibility, the principal shall suspend the student and notify the student's parent(s)/guardian.
- c. The principal will invite the parents to school for a conference, at which time the information of the investigation shall be discussed.
- d. Upon completing an investigation and determining that a recommendation for expulsion is appropriate, the principal shall notify the parent and Superintendent in writing of the Principal's recommendation.
- e. The Superintendent shall review all pertinent information relevant to the Principal's recommendation for expulsion. The Superintendent shall determine if the recommendation for expulsion is necessary and appropriate. The Superintendent shall notify the parents in writing of the Superintendent's decision. The Superintendent shall also, in writing, inform the parents of their right to request an expulsion hearing before the Conecuh County Board of Education. The parent shall have five school days to request such a hearing dating from its receipt of this notice.
- f. If the parents request an expulsion hearing before the Conecuh County Board of Education, they will be granted at least 10 days between the notification of a hearing date and the date set for the hearing. This 10 day timeframe may be shortened by mutual agreement of the parents and the Superintendent of the Conecuh County School District.
- g. These procedures should not be delayed by the refusal or inability of the student or the student's parent to participate in a timely manner.

12. At the Board meeting in which expulsion of a student will be considered, the student will have the right to be present, to call witnesses on the student's behalf, to ask questions, to cross examine witnesses, and to be represented by counsel. Expulsion hearings will occur in executive session.

a. The Board will first allow the Superintendent, principal, and other witnesses requested by the Superintendent to present testimony and exhibits relevant to the recommended expulsion and to report findings which resulted in the recommendation. After witnesses have presented their testimony, the student, the student's parent, or person representing the student will be permitted to question the witness about their testimony and exhibits.

b. Upon completion of the presentation of the Superintendent's case, the student will be allowed to present witnesses and evidence relevant to the student's expulsion.

c. Immediately following the presentation on behalf of the student, the Superintendent will recommend to the Board the formal action which is deemed appropriate and just.

d. The School Board will then excuse the parties and witnesses and will deliberate on the action recommended by the Superintendent. On the Board and Board attorney will be present. During the deliberations, there will be no extraneous information received pertaining to the recommended expulsion. The School Board will vote in an open meeting based upon matters presented to it during the hearing.

13. A student who is expelled is prohibited from attending school in the Conecuh County School District during the period of the expulsion.

14. A student will not receive credit for an incomplete course that the student withdraws from because of being expelled.

15. A student cannot request make-up work for credit lost during the period of the expulsion.

16. A student expelled from the Conecuh County School District is no longer eligible for participation in a school-related activity or event during the period of the expulsion (*i.e.*, graduation, Baccalaureate, prom, club activities, athletics, senior class events, *etc.*).

17. A students who is expelled may not attend extracurricular activities after school hours

including public activities such as football, baseball, volleyball, or basketball games, band concerts, theatrical productions, *etc.* and may not enter upon Conecuh County School District property.

18. An audio recording will be made of the expulsion hearing before the Board, and it and any filings and exhibits related to the expulsion hearing shall be preserved for three years from the date of the final decision to expel a student.

19. Exceptional students may be expelled. However, expulsion will result in a change of placement for which the IEP Committee must be convened to consider an alternative instructional program.

REFERRAL TO AN ALTERNATIVE LEARNING ENVIRONMENT

1. The Conecuh County School District provides an alternative learning environment for students who have behavioral problems. The alternative learning environment (Genesis School) is a structured program designed to provide a learning environment in which students may develop the skills necessary for success in the regular school program. The Program reports directly to the Superintendent and is under the direction of the Board.
2. Admission to the Genesis is voluntary and requires the written consent of the student's parent (or legal guardian) and the consent of the Board. Enrollment in the Program shall be for a period agreed upon by the Board and the student's parent, which must be at least 90 calendar days.
3. A student participating in the Program may not enter any other campus or facility of the School District or attend an event sponsored by the School District, unless permission granted.
4. If a student is enrolled in Special Education, participation in the Program will be addressed in the student's IEP, and the IEP will be implemented while the student is in the Program. All Special Education students will have a transition plan implemented to facilitate the student's re-entry into the regular school program.
5. The Board may recommend that a student attend the Program in lieu of other disciplinary action. When this occurs, if the student fails to satisfactorily complete the program, then the Board may reinstate the disciplinary action contemplated or pending at the time of the student's admission to the Program. In such cases, all deadlines for the disciplinary action will have been tolled when an written agreement for the student to participate in the program was made.
6. If a student transfers to the School District while participating in an alternative program at another school, the student will be considered for enrollment. The student must participate in the Program for the balance of the period assigned by the school or school district from which the student came. If no term is defined, the student shall participate in the Program for 90 days.
7. The Conecuh County Code of Student Conduct and the Board's policies are applicable at all times to participants in the Program. A violation of these by a student in the Program will result in additional disciplinary action against the student, which may include expulsion.

TRANSFERS INTO THE SCHOOL DISTRICT

1. Students transferring into any Conecuh County school must meet all eligibility requirements for enrollment, including but not limited to age, residence, and immunizations. No student suspended, expelled, or pending suspension or expulsion from the school previously attended may transfer into a Conecuh County School, except that the parent (or legal guardian) of such a student who establishes residence in Conecuh County may make a written request for admission, outlining the specifics of the suspension or expulsion to the Superintendent and principal for review and consideration by the Board. The vote of the Board shall be final.

2. The following placement procedures shall apply to students transferring into the School System:

a. A student transferring from a public or non-public school accredited by an accrediting agency recognized by the Southern Association of Colleges and Schools (SACS) will have credits and current class/grade placement accepted without validation upon the receipt of official transcript(s).

b. A student transferring from a non-accredited public, private, parochial or home school must follow these procedures:

i. Grades 1-8 - Using all official records and nationally standardized tests from the sending non-accredited public, private, parochial or home school, the principal (or her/his designee) shall determine placement. If there is a question about a transfer student's placement, the student may be assigned to an initial grade level as determined by the principal for a three to six week evaluation period. Based on the student's performance during this evaluation period, placement may then be changed to a different grade level for a probationary period. Final grade placement will be determined after this probationary period.

ii. Grades 9-12 - Students transferring from a non-accredited public, private, parochial or home school shall be placed in a grade based on demonstrated ability and record of attendance and work done in the school previously attended. In accordance with Southern Association of Colleges and Schools (SACS) accreditation standards, credit for courses pursued in a non-accredited school must be validated.

iii. Academic core courses (English, math, science, and social studies) for grades 9-12 must be validated. The validation is required for the highest level for which placement is sought. If a grade-level course is validated, all preceding courses in that content area are validated.

3. Except in case of bona fide change of residence or other circumstances equally valid for making an exception, a student is not to be graduated from high school unless the student has been in continuous attendance therein during the entire high school year immediately preceding the date of graduation.

4. The local school principal is responsible for accomplishing the following procedures when enrolling a transfer student. These procedures must be complete as soon as is practical, and in all cases within two weeks of enrollment, unless the Superintendent has agreed otherwise.

a. Contact officials of the school from which the student is transferring to determine eligibility for continued attendance and to secure official records.

b. Secure a valid immunization certificate, birth certificate, and social security number and/or a copy of the card or a School System Security Number.

c. Obtain a transfer document from the student and/or parent/guardian which certifies dates of attendance and gives the former school's address.

d. Require the student or parent/guardian to complete the School System Enrollment Form.

e. Provide the student with a student handbook and/or explain orally school rules and regulations.

f. Obtain the student's transcripts and records from the school previously attended.

g. Provide the student an opportunity to apply for free or reduced meals.

h. Assign student to an appropriate bus, if applicable.

WITHDRAWAL FROM CONECH COUNTY SCHOOLS

1. Students and their parents (or legal guardians) who live within the area served by the Conecuh County School District are subject to the compulsory attendance laws of the state of Alabama. Under these laws, no student under the age of 17 residing within the geographical area served by the Conecuh County School District shall be permitted to withdraw from school without a certificate of exemption.

2. A student otherwise required by state law to attend school may withdraw from the Conecuh County schools under these circumstances:

- a. the student's parent moves out of Conecuh County,
- b. the student's parent is employed by a school district in another county or state and commutes daily from Conecuh County,
- c. the student will attend a private school or will be home schooled,
- d. the student must withdraw for medical reasons, or
- e. for any other legitimate reason as determined by the Board.

3. When a student withdraws, the principal (or the principal's designee) at the school from which the student is withdrawing is responsible for the following actions:

- a. Completing of the state-approved Withdrawal Form (Form 55416), with a copy given to the parent or student, if the student is 17 or older. If the parent or student does not pick up a copy of the Form from the school, the Form shall be mailed to the parent's last known mailing address.
- b. Identifying the name and address of the school where the withdrawing student will be enrolled, if applicable;
- c. Requiring the student's parent to come to the school to approve the withdrawal if the student is under 16 years of age.
- d. Ensuring that the student has returned all textbooks and library books;
- e. Ensuring that all financial obligations are paid before the student withdraws;
- f. Giving the student's Immunization Form to the student's parent, or the student if the student is 17 or older. If the parent or student does not pick up the Immunization Form, the Immunization Form will be sent to the parent's last known mailing address.

g. Giving the student's report card (or grade report form) to the student's parent, or to the student if the student is 17 or older. If the parent or student does not pick up the report card, the report card will be sent to the parent's last known mailing address.

4. A student who is 17 or older may withdraw from a Conecuh County school before graduation provided that:

a. The child's parent consents in writing to the withdrawal,

b. An exit interview is conducted during which the student and the student's parent are advised that withdrawal from school probably will reduce the student's future learning potential and increase the student's likelihood of being unemployed in the future. During the exit interview, the student must be given information supplied by the State Department of Education about the detrimental impacts and effects of early withdrawal from school, along with training and employment opportunity programs, provided such information is available.

5. A school may not withhold from a student's parent, or the student, if the student is a legal adult, the student's official records.

6. Pursuant to the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. §1232g; 34 CFR Part 99), official records of students transferring to other schools may be released without the written consent of parents to the following:

a. Other school officials who have a legitimate educational interest in the records;

b. Officials of other schools in which a student seeks or intends to enroll upon the condition that the student's parent be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record; or

c. All other exceptions pursuant to state and federal laws and regulations, including FERPA.

7. Withdrawal from school may not be used as a vehicle for a student to avoid disciplinary action. A student who withdraws as a student from a Conecuh County school while disciplinary action is pending against the student may be readmitted to a Conecuh County school provided that the student:

a. Meets the school admission criteria set forth in Policy JBC and other applicable policies, and

b. the disciplinary action pending against the student is resumed. Disciplinary action is considered pending where the student or the student's parent has received verbal or written notice that disciplinary action will be or has been initiated against the student. For example, where a student has received verbal or written notice that an expulsion proceeding is being initiated, and then withdraws from school before or during the proceedings, upon readmission to a Conecuh County school, the student shall be subject to same expulsion proceeding previously pending, and all deadlines thereto will be tolled from the date of withdrawal until the student's readmission.

Ala. Code §§ 16-28-3, 16-28-3.1 and 16-28-6; 20 U.S.C. § 1232g.