



DEPARTMENT OF DEFENSE
EDUCATION ACTIVITY
4040 NORTH FAIRFAX DRIVE
ARLINGTON, VA 22203-1635

DoDEA Regulation 2500.14

Education Directorate

DoDEA Regulation 2500.14
October 30, 2007

DEPARTMENT OF DEFENSE EDUCATION ACTIVITY
REGULATION

SUBJECT: Nondiscrimination and Accommodation on the Basis of Disability in DoDEA
Conducted Education Programs and Activities

- References:
- (a) Director, Department of Defense Education Activity Memorandum, 04-E-007, "Nondiscrimination on the Basis of Disability in Programs and Activities," December 10, 2004 (hereby canceled)
 - (b) DoD Directive 1342.20, "Department of Defense Education Activity (DoDEA)," November 28, 2005
 - (c) Executive Order 13160, "Nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation and Status as a Parent in Federally Conducted Education and Training Programs," June 23, 2000
 - (d) Department of Justice Guidance Document, "Ensuring Equal Opportunity in Federally Conducted Education and Training Programs," January 18, 2001
 - (e) through (i) see enclosure 1

1. PURPOSE

This Regulation:

- 1.1. Is promulgated under the authority of reference (b).
- 1.2. Implements the prohibition of discrimination against people with disabilities, prescribed by references (c) and (d), and prescribes accommodation requirements and procedures to be employed to avoid discrimination on the basis of disability in DoDEA conducted education programs and activities for eligible students.
- 1.3. Assigns responsibilities for implementing the policy of nondiscrimination and accommodation on the basis of disability in education programs and activities conducted by DoDEA.

2. APPLICABILITY AND SCOPE

This Regulation:

2.1. Applies to the Office of the Director, Department of Defense Education Activity; the Director, Domestic Dependent Elementary and Secondary Schools, and Department of Defense Dependents Schools, Cuba (DDESS/DoDDS-Cuba); the Director, Department of Defense Dependents Schools, Europe (DoDDS-E); the Director, Dependents Schools, Pacific, and Department of Defense Domestic Dependent Elementary and Secondary Schools, Guam (DoDDS-P/DDESS-Guam); and all DoDEA District Superintendents, School Principals, Teachers, and Support Staff.

2.2. Applies to students who are enrolled or participating in programs and activities, under the authority of DoDEA Regulation 1342.13 (reference (e)), and DoD Instruction 1342.26 (reference (f)), that are directly administered by DoDEA and their sponsors/parents/guardians.

3. DEFINITIONS

Terms used in this Regulation are defined in enclosure 2.

4. POLICY

It is DoDEA policy that:

4.1. A student with a disability, or who has a record of a disability, or is regarded as having a disability, shall not be excluded from participating in, or be denied the benefits of, any DoDEA education program or activity; or be subjected to discrimination based solely on a disability.

4.2. DoDEA schools will implement reasonable accommodations upon establishing a student has a disability requiring accommodation.

4.3. Administration of programs under this Regulation is the responsibility of the Areas, districts, and school staff. Special education staff shall not be assigned responsibility for administration of the program under this Regulation.

5. RESPONSIBILITIES

5.1. The Associate Director for Education and Principal Deputy Director Department of Defense Education Activity, under the authority, direction and control of the Director, Department of Defense Education Activity, shall exercise overall responsibility for the implementation of this Regulation.

5.2. The Director, Domestic Dependent Elementary and Secondary Schools and Department of Defense Dependents Schools, Cuba; the Director, Department of Defense Dependents Schools, Europe; and the Director, Department of Defense Dependents Schools Pacific and Domestic Dependent Elementary and Secondary Schools, Guam; shall:

5.2.1. Ensure the dissemination of this Regulation to each district.

5.2.2. Provide technical assistance in the implementation for this Regulation.

5.2.3. Coordinate, implement, and evaluate professional development training on this Regulation.

5.2.4. Ensure availability of resources necessary to implement this Regulation.

5.2.5. Resolve appeals from district level decisions concerning student eligibility or accommodation under this Regulation and issue final decisions.

5.3. The DoDEA District Superintendents shall:

5.3.1. Ensure that each school within their district implements the policies and procedures required by this Regulation.

5.3.2. Ensure the availability of resources to meet the requirements of this Regulation.

5.3.3. Resolve appeals from school-level decisions for this Regulation.

5.4. The DoDEA School Principals shall:

5.4.1. Ensure that the sponsors/parents/guardians of enrolled students are provided a notice of the Department of Defense Education Activity policy of nondiscrimination based on disability, in the dependent education programs conducted by DoDEA.

5.4.2. Appoint an accommodation team to evaluate student records, determine a student's eligibility, and if appropriate, prescribe an Accommodation Plan.

5.4.2.1. Appoint members including persons knowledgeable about the student, disabilities, evaluations, and accommodations.

5.4.2.2. Designate an accommodation team leader to coordinate activities. The accommodation team leader may be a member or chairperson of the student support team.

5.4.3. Ensure that the accommodation team is in compliance with this Regulation.

5.4.4. Ensure that the sponsor/parent/guardian of a student who is referred for eligibility:

5.4.4.1. Is informed of the eligibility process; from referral, through Accommodation Plan development and implementation.

5.4.4.2. Is given a copy of enclosures 4 and 5 of this Regulation.

5.4.4.3. Provides written consent prior to testing or evaluation.

5.4.4.4. Provides written consent for the implementation of an Accommodation Plan that is developed by the accommodation team.

5.4.5. Ensure that:

5.4.5.1. Adequate technology support, physical workspace/conditions/services, and other resources are available to provide reasonable accommodations.

5.4.5.2. Accommodation team meetings are convened at least annually to review a student's Accommodation Plan.

5.4.5.3. Teachers of a student with an Accommodation Plan are informed of the plan.

5.4.6. Resolve and document conflicts raised by sponsors/parents/guardians of students who believe they have not received appropriate consideration under this Regulation and provide written documentation of how the issue is or is not resolved.

5.4.7. Coordinate decisions with the district superintendent when he or she believes a needed accommodation is unduly burdensome.

5.5. The DoDEA Accommodation Team Leader shall:

5.5.1. Coordinate all aspects of the accommodation team process:

5.5.1.1. Accept and process referrals for eligibility.

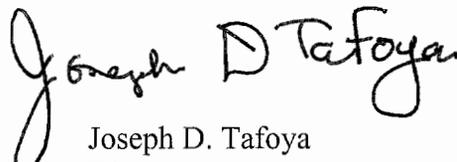
5.5.1.2. Ensure meetings are scheduled and participants informed.

5.5.1.3. Ensure the accommodation team's decisions are documented in writing and a copy of the written decision is given to the sponsor/parent/guardian.

5.5.2. Convene accommodation team meetings at least annually to review a student's Accommodation Plan.

6. EFFECTIVE DATE

This Regulation is effective immediately.


Joseph D. Tafoya
Director

Enclosures – 5

- E1. References, continued
- E2. Definitions
- E3. Identification Procedures
- E4. Sponsor/Parent/Guardian Rights
- E5. Noncompliance or Discrimination Complaint Process

Cancelled

E1. ENCLOSURE 1

REFERENCES continued

- (e) DoDEA Regulation 1342.13, "Eligibility Requirements for Education of Elementary and Secondary School-age Dependents in Overseas Areas," August 11, 2006
- (f) DoD Instruction 1342.26, "Requirement for Minor Dependents to Attend Department of Defense Domestic Elementary and Secondary Schools (DDESS)," March 4, 1997
- (g) DoD Instruction 1342.12, "Provision of Early Intervention and Special Education Services to Eligible Dependents," April 11, 2005
- (h) DoDEA Regulation 2051.1, "Department of Defense Education Activity Disciplinary Rules and Procedures," August 16, 1996
- (i) Director, Department of Defense Education Activity Memorandum 03-OCA-001, "Executive Order 13160 Guidance: "Ensuring Equal Opportunity in Federally Conducted Education and Training Programs," March 18, 2003

Cancelled

E2. ENCLOSURE 2

DEFINITIONS

E2.1. Accommodation. A support or service provided to help a student fully access the general education curriculum or subject matter. Accommodations do not substantially change the instructional level, content, or expectation that the student meet the performance criteria applied for all students. Accommodations can include changes in presentation and/or response format and/or procedures, instructional strategies, time/scheduling, environment, and equipment.

E2.2. Accommodation Plan. A written plan developed by the accommodation team specifying the nature of the student's disability(ies) and the major life activity(ies) it limits, the basis for determining the disability(ies), the educational impact of the disability(ies), the area(s) for accommodation(s), and the accommodation strategies and documentation concerning how the student's progress will be determined. (See enclosure 6)

E2.3. Accommodation Team. A group of DoDEA educators, including persons knowledgeable about the student, disabilities, evaluations, and accommodation options; that determines eligibility and develops a DoDEA Accommodation Plan. The accommodation team may be a sub-component of the student support team.

E2.4. Accommodation Team Leader. A staff member designated by the administrator to coordinate all accommodation team activities within the school and who is responsible for coordinating all aspects of the referral, eligibility, and accommodation processes. A team leader is often a school counselor, school nurse, general education teacher, school psychologist or a person who is a member of the student support team.

E2.5. Disability. A physical or mental impairment that substantially limits one or more major life activities. (See paragraph E2.8.)

E2.5.1. Students with a temporary disability may qualify as long as the disability substantially interferes with a major life activity.

E2.5.2. Students who use illegal drugs do not meet the definition of disability and may be denied services under this Regulation.

E2.5.3. Not all students with a disability as defined by this Regulation meet the definition for a special education disability under DoD Instruction 1342.12 (reference (g)), hereinafter referred to as a 1342.12 disability.

E2.6. Eligibility for Services. A student who is eligible for reasonable accommodation services is a student who meets enrollment eligibility criteria for DoDEA schools under DoDEA Regulation 1342.13 (reference (e)), and DoD Instruction 1342.26 (reference (f)), and who has been determined by the accommodation team to have a disability under this Regulation.

E2.7. Has a Record of Such Impairment. The student has a documented history of a disability known or made known to the school.

E2.8. Major Life Activities. Major life activities are basic activities that the average person in the general population can perform with little or no difficulty. Major life activities include, but are not limited to; walking, seeing, hearing, speaking, breathing, learning, performing manual tasks, and caring for oneself.

E2.9. Mental or Physical Impairment. A mental or physical impairment may include any physiological disorder or condition, cosmetic disfigurement, anatomical loss affecting one or more body systems, or mental or psychological disorder. Mental or physical impairments are not limited to specific diseases or categories of medical conditions.

E2.10. Reasonable Accommodation. The delivery of such supplemental or auxiliary services or aids designed to accommodate the known limitation of a person with a disability, unless the accommodation would impose an undue hardship or burden on the operation of the school. Accommodations need to take into account both the functional limitations of the individual and the alternative methods of performing tasks or activities which would permit people of varying abilities to participate without jeopardizing outcomes. Examples of reasonable accommodations include, but are not limited to; modified homework assignments, provision of readers or audio tapes of text books, changes in the time or method of testing, or changes in seat assignments.

E2.11. Regarded as Having an Impairment. A student who is perceived by others as having a disability.

E2.12. Student Support Team. A school-based, problem-solving team composed primarily of general education teachers who work together to develop and implement interventions for struggling learners to improve their academic and social achievement in school. A problem-solving process is used by the team in order to determine the most appropriate interventions. This team supports and helps students, teachers, and sponsors/parents/guardians. Some other commonly used titles for these teams are school assistance team, teacher assistance team, and child help team.

E2.13. Substantially Limits. The disability is a barrier to the student performing one or more major life activities, as compared to an average student in the school population. This may be evaluated by considering the manner, conditions, and duration in which a student performs a major life activity in comparison to how non-disabled students perform the same activity.

E3. ENCLOSURE 3

IDENTIFICATION PROCEDURES

E3.1. Purpose. This enclosure outlines the steps needed to implement the policy of nondiscrimination on the basis of disability in programs and activities conducted by DoDEA.

E3.2. Screening. A student may be identified at any time by a sponsor/parent/guardian, teacher, student, counselor, administrator, other school personnel, medical personnel, or community agency staff that:

E3.2.1. Believes he or she is observing a student's substantially limited performance in one or more major life activities that is believed to be caused by a physical or mental impairment, or

E3.2.2. Observes that a student's record indicates that the student has previously been eligible for special education or an Accommodation Plan.

E3.3. Referral.

E3.3.1. A referral may be initiated by a sponsor/parent/guardian, teacher, student, counselor, administrator, other school personnel, medical agency, or community agency staff.

E3.3.2. A referral must be in writing or presented orally by a sponsor/parent/guardian if the sponsor/parent/guardian is unable to write.

E3.3.3. A referral may be to the school's accommodation team or the case study committee (CSC) depending on the perceived nature and effect of the disability. It is not a requirement for a student to complete the student support team (SST) or accommodation team process before a referral is submitted to the CSC for a special education evaluation.

E3.3.3.1. Referrals to the accommodation team are submitted to the accommodation team leader, who may also be the SST leader.

E3.3.3.2. The accommodation team usually provides interventions or accommodations before a student is referred to special education employing an Accommodation Plan. (See attachment E3.A1.)

E3.3.4. Referrals to the accommodation team address the student's need for access to curriculum, facilities, and equal treatment. Some examples of when a student may be identified and considered for referral to the accommodation team are the student who:

E3.3.4.1. Enrolls with an Accommodation Plan,

E3.3.4.2. Has a major health concern that substantially limits a major life activity,

E3.3.4.3. Requires physical accommodations to access the facility,

E3.3.4.4. Continues to display academic and/or behavior problems after receiving services from the student support team, or

E3.3.4.5. Has been referred to the special education CSC, but the decision is not to evaluate, or has been evaluated for special education and determined ineligible.

E3.3.5. Referrals to the CSC may be appropriate when the student requires additional evaluation to determine the extent of the student's disability or the educational condition appears to meet the definition of disability under (reference (h)). Some examples of conditions that suggest a student referral to special education are the student who:

E3.3.5.1. Enrolls in school with an active Individualized Education Program (IEP),

E3.3.5.2. Enrolls in school with an expired IEP,

E3.3.5.3. Enrolls in school with a partially completed evaluation for special education, or

E3.3.5.4. Demonstrates poor academic performance over several school years and the record shows failure in improvement with interventions.

E3.4. Notice of Rights. The accommodation team leader ensures the sponsor/parent/guardian is provided a copy of their rights (enclosure 4) and the complaint process (enclosure 5), following a referral or when a sponsor/parent/guardian or student initiates contact with the accommodation team leader.

E3.5. Review of Referral.

E3.5.1. The accommodation team leader schedules a meeting of the accommodation team to review the referral.

E3.5.2. The accommodation team will review the referral and the student's cumulative file, and consult with a sponsor/parent/guardian, teacher, student, counselor, administrator, other school personnel, medical personnel, or community agency staff to collect information and documentation relative to the referral. Examples of relevant information include, but are not limited to:

E3.5.2.1. Formal and/or informal data provided by sponsor/parent/guardian.

E3.5.2.2. Formal and/or informal data provided by the classroom teacher(s).

E3.5.2.3. Comprehensive review of school records.

E3.5.2.4. Medical report from appropriate specialist.

E3.5.2.5. Previous Accommodation Plan.

E3.5.2.6. Individual test results from a special education evaluation.

E3.6. Permission to Test. Testing determined necessary may be conducted after parental consent is obtained. (See attachment E4.A1.)

E3.7. Eligibility.

E3.7.1. The accommodation team leader establishes the date and notifies participants of the eligibility meeting.

E3.7.2. Participants required at the eligibility meeting include persons who have knowledge of the DoDEA standards and curriculum, evaluation, and accommodation options, and at least one member must have knowledge of the student. The sponsor/parent/guardian and the student may participate in the eligibility meeting.

E3.7.3. After a review and careful consideration of all information, the team will make the following determinations:

E3.7.3.1. Does the student have a physical or mental impairment?

E3.7.3.2. Does the impairment substantially limit a major life activity in the educational setting?

E3.7.4. A student is eligible for a reasonable accommodation when both questions in subparagraph E3.7.3. above are answered in the affirmative.

E3.7.4.1. A disability does not guarantee eligibility for an Accommodation Plan.

E3.7.4.2. The accommodation team leader will ensure the team's determination is documented in writing and a copy of the written decision is given to the sponsor/parent/guardian.

E3.7.4.3. The accommodation team may follow up with a recommendation for referral to other support services in the school; if the student is determined ineligible for accommodations.

E3.8. Accommodation Plan Meeting.

E3.8.1. The accommodation team leader establishes the date and time for the meeting and notifies participants.

E3.8.2. The accommodation team is composed of no fewer than three members who have knowledge of the DoDEA standards and curriculum, the meaning of the evaluation, and accommodation options. At least one member must have knowledge of the student.

E3.8.2.1. The accommodation team may or may not consist of the same individuals who participated in the eligibility meeting, but a similar participant composition is recommended.

E3.8.2.2. The sponsor/parent/guardian and, as appropriate, the student, should be invited to attend the meeting.

E3.8.3. The accommodation team determines the educational accommodation(s) needed by the student and completes an Accommodation Plan.

E3.8.4. Sponsor/parent/guardian consent to implement the Accommodation Plan is documented and the sponsor/parent/guardian is provided a copy of the plan.

E3.8.5. The requirements of the Accommodation Plan are disseminated by the accommodation team leader who notifies the administrators, teachers, and staff who work with the student.

E3.8.6. The educational accommodations are implemented by the student's teachers as outlined in the student's Accommodation Plan. One member of the accommodation team should be designated to monitor the implementation of the plan and progress of the student.

E3.8.7. Each student's Accommodation Plan must be reviewed no less than once a year.

E3.8.7.1. The team may review a student's Accommodation Plan without the sponsor/parent/guardian being present.

E3.8.7.2. If a change is made to the student's Accommodation Plan, the team will send a written notice to the sponsor/parent/guardian.

E3.9. Accommodation Plans.

E3.9.1. Accommodation Plans must be tailored to the individual needs of the student. Most accommodations involve small adjustments to ensure the student has access to learning opportunities (e.g., adjust student seating, modify recess or physical education, provide study guides, organizational tools, assistive devices, modify student's assignments and tests, provide a peer tutor/helper, modify lesson presentation and assignments, etc).

E3.9.2. Implementation of most Accommodation Plans occurs within the general education classroom.

E3.9.3. Accommodations may not be unduly burdensome to the school. Accommodations are reasonable so long as they are reasonably calculated to assist the student to overcome a limitation caused by disability and are not unduly burdensome to the school.

E3.10. Records Management. A student's Accommodation Plan is a general education record and filed in the student's cumulative folder.

E3.11. Sponsor/Parent/Guardian Appeals of Eligibility Determinations and Accommodation Decisions.

E3.11.1. Informal Complaint. The best resolution of sponsor/parent/guardian concerns and complaints occurs at the school level. Therefore, the first step in resolving a complaint involves the sponsor/parent/guardian working informally with the principal, accommodation team leader, and other appropriate staff to reach a shared consensus.

E3.11.2. Formal Complaint. A sponsor/parent/guardian has the option, if he or she is unable to resolve the matter informally, to make a formal complaint by submitting a written complaint to the principal or designee. The principal or designee reviews the complaint and attempts to facilitate resolution of the concern. Actions taken or decisions made by the school in response to a complaint will be documented in writing.

E3.11.3. Appeal. A sponsor/parent/guardian has the option to appeal an unsatisfactory school-level disposition of his or her complaint to the district, and ultimately, to the Area Office point of contact (POC) for the implementation of the accommodation process.

E3.11.3.1. The appellate review authority will review the record to determine whether: the school level decision was based on record evidence and that the decision was not arbitrary or capricious.

E3.11.3.2. Actions taken to resolve a particular complaint or decision made by the district office or the Area Office in response to a complaint will be documented in writing.

E3.12. Discipline. A school may discipline a student who has a disability under this Regulation the same as the school would discipline any non-disabled student for similar misconduct as prescribed by DoDEA Regulation 2051.1 (reference (h)).

E3.13. Complaints of Noncompliance with this Regulation and of Discrimination on the Basis of Disability Against a Student Eligible for Enrollment in a DoDEA Conducted Education Program or Activity. When a sponsor/parent/guardian believes that the school has failed to adhere to the procedures of this Regulation in making a determination about his or her child's eligibility or accommodation, or has engaged in discrimination against his or her child based on the child's disability, after exhausting formal complaint procedures under subparagraph E3.11.2 and appeal procedures under subparagraph E3.11.3 above, the sponsor/parent/guardian may file a complaint of discrimination with the DoDEA Office of Compliance and Assistance in accordance with the procedures described in enclosure 5.

Attachment - 1

E3.A1. DoDEA Form 2500.14-F1, "DoDEA Accommodation Plan"

E3.A1. ENCLOSURE 3 – ATTACHMENT 1

DODEA ACCOMMODATION PLAN

SCHOOL: _____

PRIVACY ACT STATEMENT

AUTHORITY: 20 U.S.C. 921-932 and 10 U.S.C. 2164, as amended; E.O. 9387 (SSN) and 13160 (Nondiscrimination); and the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

PRINCIPAL PURPOSE(S): The information will be used within the DoD to determine the appropriate accommodations to be made to the educational programming for a particular child to ensure the child receives a free public education.

ROUTINE USE(S): Disclosure of information on this form is authorized by 5 U.S.C. 552a(b)(2) within DoD when required to perform an official duty, and outside DoD by 5 U.S.C. 552(b)(3) in accordance with the "Blanket Routine Uses" universally published at <http://www.defenselink.mil/privacy/notice/osd>.

DISCLOSURE: Disclosure to the Agency of the information requested on this form is voluntary, but failure to provide all requested information may result in the delay or denial of student services.

Date: _____

Student: _____

Grade: _____ Subject(s)/Class(es): _____

Date of Implementation: _____ Review Date: _____

Identify the nature of the student's disability(ies) and the major life activity(ies) it limits.

Describe the basis for determining the disability(ies): (medical and/or other pertinent evaluations, if any)

Describe the educational impact of the disability(ies): (relate information/data provided by teacher, progress reports, school history)

DODEA ACCOMMODATION PLAN

Identify area(s) for accommodation(s):

- | | |
|---|--|
| <input type="checkbox"/> Classroom/Curriculum Tests | <input type="checkbox"/> Classroom Assignments |
| <input type="checkbox"/> Projects | <input type="checkbox"/> Homework |
| <input type="checkbox"/> Transition Activities | <input type="checkbox"/> Note taking |
| <input type="checkbox"/> Environment | <input type="checkbox"/> Grading |
| <input type="checkbox"/> System-wide Assessment Program | <input type="checkbox"/> Other (specify) |

Describe the accommodation(s) that will be provided for the student. (Attach additional sheets as needed.)

1. _____
2. _____
3. _____
4. _____

Student progress will be documented by:

1. _____
2. _____
3. _____
4. _____

Signatures:

Sponsor/Parent/Guardian: _____

Student: _____

Administrator: _____ Counselor: _____

Teacher: _____ Teacher: _____

Designated Monitor: _____ Other: _____

SUMMARY OF DISCUSSION: (optional)

E4. ENCLOSURE 4

SPONSOR/PARENT/GUARDIAN RIGHTS

E4.1. Sponsor/parent/guardian rights and responsibilities help ensure that the needs of students are addressed and that the sponsor/parent/guardian are involved in the decisions concerning the student.

E4.2. Sponsor/parent/guardian rights are not diminished when a student is determined to need an Accommodation Plan.

E4.3. Sponsor/parent/guardian rights include the right to:

E4.3.1. Participate in the planning of the student's education.

E4.3.2. Provide information about the student that can be used in the development of educational interventions.

E4.3.3. Ensure that written permission is given by the sponsor/parent/guardian or the student who is age 18 or over, before any testing is conducted. (See attachment E4.A1.)

E4.3.4. Participate in the determination of the student's eligibility when the student is under the age of 18, or the student aged 18 or over has consented to sponsor/parent/guardian participation.

E4.3.5. Participate in the development of the student's Accommodation Plan.

E4.3.6. Examine relevant records relating to decisions regarding the student's identification, evaluation, and educational program.

E4.3.7. File a formal written complaint to any decision affecting eligibility or accommodation made by the school under this Regulation to the principal or designee.

E4.3.8. Appeal, in writing, an unsatisfactory school-level response to the complaint filed with the school, under E4.3.7 above, to the district superintendent or designee, and to a further appeal of an unsatisfactory district level decision to the Area Office POC for the accommodation process.

E4.3.9. After exhausting complaint and appeal procedures under paragraph E3.11., file a complaint of discrimination if the Agency fails to follow the procedural requirements of this Regulation, or discriminates against his or her student based on the student's disability. (See enclosure 5)

E4.4. Sponsor/parent/guardian responsibilities include the duty to:

E4.4.1. Actively participate in the student's education.

E4.4.2. Participate in meetings regarding the student and be prepared to discuss issues of concern to the sponsor/parent/guardian or student.

E4.4.3. Ask questions and receive understandable explanations of the events affecting the student.

E4.4.4. Provide the school with all the relevant information that is needed in planning and programming for the student.

E4.4.5. Inform school personnel about any changes in the student's life, both positive and negative, including areas of growth, changes in health and medication, and difficulties the student is having.

E4.5. The student has the right to participate in school programs and activities, including extracurricular programs and activities, to the maximum extent appropriate, free of discrimination based upon the student's disabilities and at the same level as students without disabilities. Accommodations must be reasonable and may not be unduly burdensome to the school.

Attachment – 1

E4. A1. DoDEA Form 2500.14-F2, "DoDEA Consent for Assessment under Nondiscrimination and Accommodation on the Basis of Disability"

E4.A1. ENCLOSURE 4 - ATTACHMENT 1

**DoDEA Consent for Assessment under
Nondiscrimination and Accommodation on the Basis of Disability**

SCHOOL: _____

PRIVACY ACT STATEMENT

AUTHORITY: 20 U.S.C. 921-932 and 10 U.S.C. 2164, as amended; E.O. 9387 (SSN) and 13160 (Nondiscrimination); and the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

PRINCIPAL PURPOSE(S): The information will be used within the DoD to determine the appropriate accommodations to be made to the educational programming for a particular child to ensure the child receives a free public education.

ROUTINE USE(S): Disclosure of information on this form is authorized by 5 U.S.C. 552a(b)(2) within DoD when required to perform an official duty, and outside DoD by 5 U.S.C. 552(b)(3) in accordance with the "Blanket Routine Uses" universally published at <http://www.defenselink.mil/privacy/notice/osd>.

DISCLOSURE: Disclosure to the Agency of the information requested on this form is voluntary, but failure to provide all requested information may result in the delay or denial of student services.

Student Name: _____

Date: _____

Teacher: _____

Work Phone: _____

Dear Sponsor/Parent/Guardian,

Your child was referred to the school problem-solving team for the following concern(s):

The team recommends collecting further information to determine your child's eligibility for a DoDEA Accommodation Plan. The information will be used to plan a more effective education for your child. The findings will be reported to you. The team recommends administration of the following assessment(s):

Your signed consent is required to conduct this assessment.

I give my consent for this assessment. I understand that my consent is voluntary and may be revoked at any time.

Sponsor/Parent/Guardian: _____

Date: _____

Date: _____

Please return this form to: _____

School contact number: _____

E5. ENCLOSURE 5

NONCOMPLIANCE OR DISCRIMINATION COMPLAINT PROCESS

E5.1. DoDEA is obligated to investigate complaints that allege a violation of Executive Order 13160, June 23, 2000, using established agency procedures (references (c) and (d)).

E5.2. Sponsor/Parent/Guardian Appeals. Enclosure 3 of this Regulation describes the Agency's informal and formal process for resolving individual complaints or appeals of decisions concerning a student's eligibility for accommodation based on the student's disability or the accommodation offered or denied.

E5.3. Non-Compliance and Discrimination Complaints. If the procedures in enclosure 3 of this Regulation are not followed, or the complaint alleges that an element of DoDEA discriminated against a student based on the student's disability, a sponsor/parent/guardian may file a complaint, in accordance with DoDEA Memorandum 03-OCA-001 (reference (i)), with the DoDEA Chief, Compliance and Assistance (CCA).

E5.3.1. The DoDEA Office of Compliance and Assistance (OCA) will process and attempt to resolve complaints at the lowest possible level prior to commencing a formal investigation.

E5.3.2. When appropriate, the CCA will consolidate complaints alleging noncompliance or discrimination with other like or related claims or matters being processed under other authority. Generally, no complaint filed under this enclosure will be referred for formal investigation until the informal and formal appeal procedures prescribed in paragraph E3.11. have been exhausted.

E5.3.3. Complaints filed under this enclosure may not be filed anonymously.