

SECTION 504 TRAINING FOR SCHOOL PRINCIPALS

JANUARY 28, 2019

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TABLE OF CONTENTS

INTRODUCTION	1
QUESTIONS AND ANSWERS ABOUT SECTION 504	2
SECTION 504 – IDENTIFICATION, EVALUATION, AND PROVISION OF SERVICES TO QUALIFYING STUDENTS	6
SECTION 504 PROCESS FLOW CHART	13
SECTION 504 PLACEMENT CONSIDERATIONS	14
SECTION 504 TRANSPORTATION	16
STUDENT DISCIPLINE UNDER SECTION 504	17
SECTION 504 ACCOMMODATION GUIDELINES	18
STAFF SECTION 504 ROLES AND RESPONSIBILITIES	25
SECTION 504 CASE MANAGER GUIDELINES	26
SECTION 504 MEETING PLANNING	27
SECTION 504 EVALUATION GUIDELINES	28
SECTION 504 FORMS AND DIRECTIONS	29

INTRODUCTION

Section 504 of the Rehabilitation Act of 1973 was enacted to eliminate discrimination on the basis of disability in any program or activity provided by school districts or other educational providers who receive federal funding. Section 504 specifically prohibits a school district from excluding an “otherwise qualified individual with a disability” from participation in, or denied the benefits of, or be subjected to discrimination under any program or activity receiving federal funding. *See* 29 U.S.C. § 794.

Put simply, the purpose of Section 504 is to ensure that qualifying students are provided educational activities equivalent to their nondisabled peers. It is important to remember that Section 504 is not only a statute that prohibits discrimination, but it also requires school districts to provide appropriate educational services, which may include special education, related aids and services, and accommodations, to qualifying students.

The Office for Civil Rights (OCR) enforces several federal civil rights laws, including Section 504 of The Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990. The primary vehicle for OCR enforcement is through the process of complaint investigation and resolution. The determinations of OCR, and to some extent case law, provide guidance to school districts on how to handle the two-pronged legal requirements of Section 504 in the area of non-academic and extracurricular services and activities for students with disabilities. It is only through an awareness of OCR and court decisions that an educator can effectively discern the scope of their obligation to provide these opportunities “to the maximum extent appropriate,” in a manner that affords “an equal opportunity.”

QUESTIONS AND ANSWERS ABOUT SECTION 504

What is Section 504?	“Section 504” is Section 504 of the Rehabilitation Act of 1973, a federal civil rights statute protecting persons with disabilities from discrimination. Section 504 applies to all agencies that receive federal funds, including public schools.
How is “disability” defined under Section 504?	<p>Section 504 defines disability as a physical or mental impairment that substantially limits a major life activity.</p> <p>A <i>physical impairment</i> is a medical condition or disorder of bodily functions.</p> <p>A <i>mental impairment</i> is a cognitive, learning or psychological disorder.</p> <p>A <i>major life activity</i> includes seeing, hearing, speaking, walking, bending, learning, reading, concentrating, thinking, working, caring for oneself, performing manual tasks, and other similar types of activities.</p> <p>Major life activities also include bodily functions such as breathing, sleeping, neurological functioning, bowel/bladder functioning, and other bodily functions.</p> <p>A <i>substantial limitation</i> means that the student is significantly restricted as to the condition, manner or duration under which a student can perform a particular major life activity as compared to the average student population.</p>
What does Section 504 do for students with disabilities?	<p>Students with disabilities are <i>protected from discrimination</i> on the basis of disability if they have a mental or physical impairment that substantially limits a major life activity, or have a history of such an impairment or are treated as if they have such an impairment.</p> <p>Under Section 504, students with a mental or physical impairment that substantially limits a major life activity are entitled to a <i>free appropriate public education</i>, including regular education and other accommodations or supports that are designed to meet the individual educational needs of a student with a disability as adequately as the needs of nondisabled students are met.</p>
Who should be referred for Section 504 consideration?	Parents and teachers/school staff should refer any student who is suspected of having a physical or mental impairment and who is believed to need accommodations or supports to receive a free appropriate public education. School staff should refer a student if they know or suspect that the student, because of a disability, is not attending school, advancing from grade to grade, meeting the standards of personal independence or social responsibility expected of his or her age or cultural group, or otherwise needs special education or accommodations or supports to participate in or benefit from the District’s education program.
How is a referral made?	A parent or teacher may begin the referral process by talking to the school’s principal or assistant principal, a school counselor, or the school’s 504 coordinator. Referrals will typically go to the Assistance Team (A Team) or intervention team. Sometimes referrals will go directly to a 504 team or a special education team. Use the <i>Section 504 Referral</i> form.
Who makes decisions about whether a student has a disability under Section 504?	This decision is made by a team that includes someone who is knowledgeable about the student, about the evaluation data, and about placement or support options. Typically, parents are invited to participate as part of this team.

<p>What information does the team consider?</p>	<p>The team considers information from the parents and teachers/school staff along with any information from the student’s outside health or medical providers. If further testing is needed, the district will ask parents for their written consent for testing. Sometimes a school nurse will be involved in assessing the impact of a student’s disability at school and reviewing information from health or medical providers.</p> <p>For students who transfer in from another district, the team will consider information from the previous school or school district.</p> <p>Parents may be asked to provide a copy of previously conducted medical assessments. Parents may be asked to give written consent for the school to request medical, health, psychological, or other records. Parents may also be asked to get a medical statement or health assessment statement from the student’s health care provider.</p>
<p>What decisions does the team make?</p>	<p>The team must decide whether the student has a disability under Section 504 and document this on the <i>Section 504 Eligibility Determination</i>. If so, the team must then decide if the student needs a Section 504 Student Accommodation Plan to access his or her education.</p> <p>The team’s decisions are documented and parents are given a copy, along with a <i>Notice of Parent/ Student Rights</i> under Section 504.</p>
<p>What is a Section 504 Student Accommodation Plan?</p>	<p>The <i>Section 504 Student Accommodation Plan</i> documents the specific accommodations or supports the student needs to ensure that the individual needs of the student with a disability are met as adequately as the needs of non-disabled students. The comparison is to an average student in the general population. The Section 504 Accommodation plan is designed to provide <i>appropriate supports</i>, not necessarily all of the supports that would “maximize the student’s potential” or “the best supports”.</p> <p>The team makes an individual determination of the student’s educational needs and supports required. Like special education services, 504 plans must be implemented in <i>the least restrictive environment</i>.</p>
<p>Will every student with a disability under Section 504 have a Section 504 Student Accommodation Plan?</p>	<p>Most will, but not necessarily all. When considering whether a student has a disability under Section 504, the team cannot consider any factors such as medication, assistive devices such as hearing aides, or other individual supports or aids for the student (other than ordinary eyeglasses or contact lenses). <i>These are called “mitigating factors”</i>. These other supports that cannot be considered for purposes of eligibility could also include interventions through a tiered process (either academic or behavioral), health plans, or other supports such as counseling, access to CSCT, social skills groups, etc.</p> <p>In some cases, however, the student may not need a Section 504 Plan if the individual supports or aids (mitigating factors above) adequately allow access to the educational setting.</p>

<p>What are “accommodations”?</p>	<p>Accommodations are adjustments that are designed to lessen the impact of the student’s disability to provide access to the school program. There is no “list” of approved accommodations, but suggestions of options are provided for reference in this manual. Accommodations should be determined individually for each student.</p> <p>Accommodations are changes made in order to provide equal access to learning and equal opportunities to demonstrate what is known. The goal of an accommodation is to remove a barrier to the student’s learning and barriers to validly demonstrate mastery. An accommodation does not include anything that would fundamentally alter or lower expectations or a standard in instructional level, content, or performance criteria.</p>
<p>What are “modifications”?</p>	<p>A modification fundamentally alters or lowers expectations or standards in instructional level, content, or performance criteria or changes the curriculum. Modifications are made when appropriate to provide the student with learning experiences based on individual needs and abilities. Grading may be modified to change how a student is assessed.</p> <p>When determining whether something is a modification, consider whether it fundamentally alters or lowers the expectations or standards in the level, content, or performance criteria or changes the curriculum.</p> <p>Modification should not be part of a student’s 504 plan. Modifications may be appropriate and considered for students eligible under the IDEA.</p>
<p>Must the team accept the doctor or health care provider’s recommendations for accommodations?</p>	<p>While a doctor may be qualified to provide a medical diagnosis, it is important to remember that a doctor or medical provider’s recommendations are suggestions. The school team must consider multiple sources of information to determine whether the student has a disability and to decide what accommodations and services, if any, are needed. The suggestions of the doctor or health care provider must be considered, but they do not need to be adopted if they specifically relate to an educational service provided there is an equally-effective accommodation the school can provide that addresses the concern.</p>
<p>Is a Section 504 Student Accommodation Plan the same as an IEP?</p>	<p>No. An IEP (Individualized Education Program) is written for students who have disabilities under the Individuals with Disabilities Education Act (IDEA). These students must need special education services to be eligible for an IEP.</p> <p>A Section 504 Student Accommodation Plan is similar to an IEP but not as detailed. Students with disabilities under 504 who do not need special education services may have a 504 plan if they need accommodations or other supports in the school setting to access their education.</p>
<p>What happens if the team does not agree about whether the student has a disability or about what needs to be on the plan?</p>	<p>The team should try to reach consensus. If consensus is not possible, then the district members of the team (typically an administrator) will decide the matter. If the parent does not agree, the parent may pursue resolution options. The District should give the parent written notice of its proposal and why it is making that proposal as well as the parental notices provided in this manual.</p>

<p>What are the resolution options under Section 504?</p>	<p>The parent may ask for an informal meeting with a school principal or assistant principal to review the matter and share concerns.</p> <p>The parent or district staff may contact the District 504 Coordinator for consultation or facilitation.</p> <p>The parent may use the District’s Impartial Due Process Procedures or file a complaint with the federal Office for Civil Rights.</p>
<p>When should the student’s Section 504 Accommodation Plan be reviewed?</p>	<p>The plan should be reviewed at least annually.</p> <p>If the district is considering a significant change in placement, then a reevaluation and review should be conducted before that change.</p>
<p>What is a “significant change in placement”?</p>	<p>A significant change in placement is a placement that changes the nature, type or duration of the educational program for the student. A minor change in program such as a new teacher or moving to another classroom at the same level, or moving to another building in the same type of program would not be considered a significant change.</p> <p>Significant changes in placement occur because the student’s needs change or because the student has engaged in conduct that results in a disciplinary removal from school.</p>
<p>Are all suspensions and expulsions from school considered a significant change in placement?</p>	<p>No. A suspension or expulsion of more than 10 school days in a row would be considered a significant change in placement.</p> <p>Shorter suspensions that add up to more than ten school days may also be considered a significant change in placement if there is a “pattern” to the removals. “Pattern” is determined by looking at the length of each removal, how close the removals are to each other, and the total amount of time removed.</p>
<p>How is a “504 only” student protected from being suspended or expelled for conduct that is related to the student’s disability?</p>	<p>Before the school implements a suspension or expulsion that would be a change in placement, the school must hold a team meeting to do a <i>manifestation review</i> except in the case of misconduct involving drugs or alcohol (provided the student is disciplined in the same manner as a non-disabled student for the same conduct). The team considers:</p> <ul style="list-style-type: none"> • whether the student’s conduct <i>was caused by or had a direct and substantial relationship</i> to the student’s disability; and • whether the student’s conduct was <i>a direct result</i> of the school not implementing the student’s Section 504 Student Accommodation Plan. <p>If the team concludes that either of these are true, then the school may not impose the suspension or expulsion.</p> <p>If the team concludes that the conduct was not caused by or directly related to the student’s disability and not caused by lack of implementation of the 504 plan, the student may be disciplined in the same manner as students without disabilities. If a student is long term suspended or expelled at this point, the District is NOT required to provide services during the term of suspension or expulsion.</p>

SECTION 504 – IDENTIFICATION, EVALUATION, AND PROVISION OF SERVICES TO QUALIFYING STUDENTS

1. Identification

A parent or school personnel may bring a concern to the attention of school’s assistance or intervention team or 504 Coordinator. In addition, the District is required to identify students who may qualify for services under Section 504. This is called “**Child Find.**” This is accomplished by informing school personnel of the characteristics of disabilities, their effects, and the procedures for making referrals. This information should be shared with school personnel annually through District-wide or building-wide training.

Scenario #1: Student with long history of tardiness, truancy, disrespect, defiance, and physical aggression. Student was disciplined steadily throughout his years in school, and he was eventually assigned to the alternative school. Despite all of this, he was passing his classes, albeit with low grades. In the middle of his senior year, he was evaluated by an outside evaluator who diagnosed conduct disorder and narcissistic and antisocial personality traits. Parent claims she sent the report to the school; school denied receiving any evaluation and stated parent never requested an evaluation. Student eventually sent to residential program by court. What should the school do? *Goshen (WY) County Schools*, 70 IDELR 135 (OCR 2017).

Each building in the District should have an assistance or intervention team of some sort. Any teacher, counselor or other school personnel, outside agencies, or a student’s parent may bring a concern to the school’s team, including concerns about students with possible disabilities. The person making the referral should put the concern in writing. Concerns from staff should be written on the *Referral Form*. The counselor or other school personnel should provide assistance to parents who have difficulty putting their concerns in writing.

The team meets to review the written concern, along with any accompanying evaluations, reports or other written materials. If the team determines there is a possibility that the student would qualify as disabled under the Individuals with Disabilities Education Act (IDEA) or Section 504, the team should make a referral to the special education or 504 team, as appropriate, for consideration of a formal evaluation, and forward all relevant documentation.

In cases where the student may qualify under one of the IDEA disability categories, the student should go through the special education “child find” process. There are some cases, particularly with respect to students with medical or health issues, that the intervention team process is unnecessary, and the student should be referred directly for an evaluation.

A district cannot use an intervention process to delay an evaluation that it has an obligation to perform. A district may not justify a delay on the basis that it is still collecting RTI data, or otherwise it would make RTI a precondition to an evaluation. If more information is needed to determine whether an evaluation is appropriate, referral to the intervention team is appropriate.

Remember, a suspicion of the need for services does not mean that the student will actually be eligible for services. Before eligibility is determined, an evaluation must be conducted.

2. Evaluation

The duty to evaluate is triggered by a suspicion that the student is disabled and in need of services. Keep in mind, however, that eligibility is no longer contingent upon the need for services.

The duty to evaluate DOES NOT depend on a parent request for evaluation. Evaluations must be conducted in a “reasonable” period of time after receiving consent. A district may not justify a delay on the basis that it is still collecting RTI data, or otherwise it would make RTI a precondition to an evaluation. A district also cannot ask a parent to consent to completion of the RTI process before an evaluation is completed.

An evaluation should be conducted if there is information indicating that the student has a mental or physical impairment that is affecting a major life activity (such as learning, concentrating, thinking, speaking, breathing, sleeping, other bodily functions, walking, hearing, seeing, etc.).

Scenario #2: Student is injured during field hockey practice and missed 47 of the next 53 school days. The school sought medical documentation for the absences, and the parents brought a letter from the doctor who stated that she was still experiencing symptoms, but could return to school gradually. The student continued to miss school and the parents sent a follow up report that indicated that the student could not return to school yet due to the symptoms. Three months passed before the school referred the student for a Section 504 evaluation. What should the school do? ***Derry Cooperative School District***, 118 LRP 22382 (OCR 2017).

The evaluation process begins with written parental consent on the *504 Prior Notice/Parent Consent to Evaluate* form. Once consent is secured, the school should review any existing information it has in its possession or the parent has provided. This includes the student’s files, current teacher reports, and other information from the parent. If the student was found not eligible for special education, but there is an indication that the student has a mental or physical impairment that may substantially limit a major life activity, Section 504 eligibility may be considered and that evaluation data may be used if it is close in time.

Even if the parent has provided documentation from an outside source – physician, mental health provider, outside evaluation – the District must still seek permission to conduct its own evaluation. The District may not have to conduct its own assessments if it has sufficient information from the review of files, which must include information provided by parents, and current teacher report of classroom performance including observations, to determine eligibility. If after review of the files and the reports of teachers, the team determines it still needs more information to determine eligibility, assessments and other evaluation materials should be considered.

To the extent that the District needs to conduct its own assessments and use other evaluation materials, these tests and materials must:

- be validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by the publisher of the test;
- be tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and
- be selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student’s aptitude

or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

Parental permission is required for the initial evaluation. OCR generally finds for the District if the parent refuses to grant consent to evaluate or provide access to information but still demands eligibility and/or services under Section 504.

If the parent does not respond to requests seeking consent to evaluation, the *Notice/Consent* may be sent home. If it is not returned, multiple, concerted efforts should be made to obtain it. Be sure to document all attempts to contact parents.

Remember:

- No medical diagnosis is necessary for Section 504 eligibility. A school cannot delay or avoid completing an evaluation because there is no medical diagnosis. If the school thinks a medical diagnosis is necessary in order to adequately conduct an evaluation and make an eligibility determination, it must ensure that this evaluation is conducted at no cost to the parent.
- The school cannot require the parent to produce medical documentation. School staff should ask if parents would be willing to share any medical documentation, but an evaluation cannot be avoided or delayed by waiting for the parents to produce any documentation.
- A school can conduct the Section 504 evaluation without a medical diagnosis if it believes it has other effective methods of determining the existence of a physical or mental impairment.
- What are "other effective methods?" A 504 team is not supposed to diagnose a student, but rather, it's responsibility is to identify disability so the team can meet the needs of the student. Other common methods include observations, behavior checklists, screening instruments, tests and grades.

If the student has a condition for which the school determines a medical diagnosis is necessary, it must seek consent from the parent to conduct this further evaluation. If the parent does not consent to this further medical evaluation (but has consented to a 504 evaluation) or refuses to provide medical information, the 504 Team is still obligated to proceed with the eligibility determination on the basis of the information available to the Team.

3. Consideration of Evaluation and Eligibility Determination

When the evaluations are complete, the case manager will arrange a meeting time with the parent to share the evaluation data and determine eligibility/non-eligibility. The notice of the meeting should be provided on a written form. Again, document all attempts to communicate with parents and set meeting times.

The 504 team considering any evaluation must include:

- Someone who is knowledgeable about the student;
- Someone who is knowledgeable about the evaluation data; and
- Someone who is knowledgeable about the accommodations/placement options.

Typically the team includes a principal or assistant principal, a school counselor and one of the student's teachers, along with the parent. The team composition will vary according to the concern/needs of the student. For a child with health concerns, the team should include a school nurse. The 504 coordinator or

case manager determines the appropriate individuals to comprise the team in a specific situation. Parents may invite individuals they believe have information about the student to a meeting.

At the meeting, the team meets to review the evaluation results and to complete the *Section 504 Eligibility Determination Report*. Keep in mind this may be done at a meeting to consider the information the District and parents initially had (i.e., existing records) if no additional assessment is needed to determine eligibility and need for a 504 plan. Based on the information from the evaluation and any information from the parents, the team decides:

- 1. whether the student has a disability under Section 504, and**
- 2. whether, as a result of that disability, the student needs a 504 Student Accommodation Plan.**

It is essential that team members understanding eligibility requirements and what can be considered in making an eligibility determination:

- The student's limitation does not need to be severe. A student is an individual with a disability under 504 if he has a physical or mental impairment that “substantially limits” a major life activity such as learning, reading, or concentrating.
- Mitigating measures are irrelevant. The impact of mitigating measures already employed such as medication, assistive technology, health plans, interventions or learned behavior modifications cannot be considered. The only exception is ordinary glasses or contacts.
- The disability does not need to be active. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. Students with depression or leukemia could qualify regardless of whether they are currently experiencing symptoms.
- The determination must be based upon consideration of a variety of sources – no one document or test should be the basis for eligibility. The team is obligated to consider a variety of sources, including aptitude and achievement tests, teacher observations, and other forms of evaluation data, and information from the parents – to make a determination. This includes not basing a determination on a doctor's diagnosis alone. Make sure to document the consideration of the different sources of information.
- Temporary impairments. A temporary impairment does not constitute a disability for purposes of Section 504 unless its severity is such that it results in a substantial limitation of one or more major life activities for an extended period of time. The issue of whether a temporary impairment is substantial enough to be a disability must be resolved on a case-by-case basis. Generally, impairments that are expected to last less than six months in their entirety are considered temporary. If the symptoms or effects from the condition will last longer, an evaluation may be necessary to determine eligibility.
- Single location impact. Schools are required to consider the ability to function outside the school environment for purposes of eligibility.
- Episodic Impairments. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. To serve episodic impairments, the team will have to determine which factors trigger the plan's provisions. For example, if a child has heat-induced asthma who needs assistance when the temperature gets to a certain point, the provisions of the plan would address those circumstances.

If the 504 Team does not find a student eligible after a careful review of all existing information about the student, the 504 Coordinator gives the parents written notice of that decision (including an explanation)

using the *Notice of Decision* form, along with a copy of the Section 504 Notice of Parent/Student Rights in Identification, Evaluation, and Placement.

If the 504 Team does find the student eligible after a careful review of all existing information about the student, the Team will proceed to determine if the student requires a Section 504 Student Accommodation Plan. In considering whether a Section 504 Student Accommodation Plan is necessary, the team may consider the impact of mitigating measures. Thus, if the mitigating measures are effective to address the student's needs or the school is not seeing any impacts of a student's disability in the school environment due to mitigating measures (i.e., student is taking medications outside of school that eliminate impacts of disability), a Section 504 Student Accommodation Plan may not be necessary. A team could consider developing a plan to include mitigating measures or to address accommodations in the event the mitigating measure is no longer available or effective.

If the team determines that a student needs a Section 504 Student Accommodation plan, the team must develop that plan. The team can develop the plan at the same meeting in which eligibility is determined or it can schedule a separate meeting for the development.

Quick Guide to 504 Eligibility and an Accommodation Plan:

1. Gather appropriate 504 team.
2. Review student's educational history, prior evaluations and present status.
3. Review any new evaluations.
4. Review what prompted 504 consideration at the present time.
5. Determine whether student has a mental or physical impairment under Section 504.
6. **If yes**, determine whether impairment substantially limits a major life activity.
7. **If yes**, determine whether student needs accommodations, services or supports to access the benefits of public education at a level similar to the average student. The team may consider medication or assistive devices when determining whether accommodations, services or supports are needed.
8. **If yes**, develop a 504 Student Accommodation Plan.
9. Provide parents a copy of all written evaluation documents, the Eligibility Determination Report, 504 Student Accommodation Plan and notice of rights.

4. Section 504 Student Accommodation Plan

The Section 504 Accommodation Plan is the tool whereby the District meets its obligation to provide FAPE to the qualified person with a disability. While there is no explicit requirement that a Section 504 Plan be documented in writing, the purpose of doing such is to provide a summary of accommodations that the student will need in order to have equal access to the learning process, as well as the district's other programs, activities and services.

The hallmark of Section 504 is **accommodation**.

Scenario #3: Student took community college courses for dual credit, and the college required students to arrange for their own academic and testing accommodations. The

student had a 504 Plan in her high school that included extended time for tests as well as the use of a calculator. The student met with her high school counselor and the counselor gave her suggestions for communicating with the college instructor, but it was several months before the extra-time accommodation was provided. In the meantime, the student flunked the course. What should the school do? San Diego Unified School District, 118 LRP 17376 (2017).

The Section 504 Plan seeks to offer accommodations in order to provide equality and opportunity. Section 504 does not require that an educational institution lower its educational standards, but it does require an effort on the part of the district to accommodate the student's disability so they have access to the same level of education offered to the non-disabled student. An accommodation is no longer appropriate when it substantially or materially alters the program or seeks to lower the standards. If the student needs a 504 Student Accommodation Plan, the team develops the plan for the student and records the plan on the form. A team should develop the 504 plan at the meeting or, if not possible, within a few days of the meeting.

Scenario #4: Student with significant anxiety, OCD and ED tried out for the school's basketball team. The student did not ask for any accommodations and the coach was unaware of the student's disabilities or his 504 plan. The student was cut from the team, although other students with disabilities made the team. What should the school do?
Central Bucks School District, 116 LRP 5470 (SEA PA 2016).

When considering accommodations necessary for the student for purposes of receiving educational services, "reasonable" is not the standard. In the FAQ section of OCR's website, it describes "reasonable accommodation" as follows: "a term used in the employment context to refer to modifications or adjustments employers make to a job application process, the work environment, the manner or circumstances under which the position held or desired is customarily performed, or that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment; this term is sometimes used incorrectly to refer to related aids and services in the elementary and secondary school context or to refer to academic adjustments, reasonable modifications, and auxiliary aids and services in the postsecondary school context."

5. Review of the Section 504 Plan

Each student's 504 Plan must be re-evaluated periodically and before any significant change in placement or circumstances. Although there is no legal requirement that the Plan be reviewed annually, the best practice is annual review unless there is a need for an earlier review.

The team must also consider whether there is a need for a re-evaluation. While there is not requirement for a re-evaluation at least once every three years, districts must conduct "periodic" re-evaluations of students under Section 504. As part of this reevaluation, the 504 team should address, as appropriate:

- the need for additional evaluation information;
- the student's continued eligibility under Section 504; and
- the content of the Plan.

A reevaluation under Section 504 does not require consent but does require notice. However, the safest course of action is to seek consent, especially before conducting an intelligence test or a test of personality, including behavior checklists.

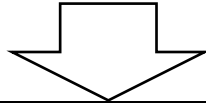
A significant change in placement, which requires consideration and revision, if appropriate, of the 504 plan, includes circumstances involving:

- expulsion;
- suspensions of more than 10 days in a row or more than 10 days in a school year if the removals are a “pattern;” or
- moving a student to an alternative education setting *to address needs arising from the disability*.

SECTION 504 PROCESS FLOW CHART

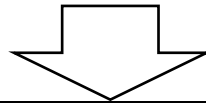
1. Refer the Student:

- Complete *Referral* Form and return to 504 Coordinator



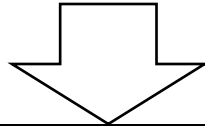
2. Decide Whether to Evaluate the student:

- Does the staff or parent suspect the student of having a physical or mental impairment and who is believed to need accommodations or supports to receive a free appropriate public education? If yes, proceed to an evaluation.
- Provide parent(s)/guardian(s) *Notice and Consent to Evaluate* Form.
- Obtain consent for initial evaluation.



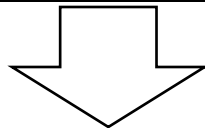
3. Evaluate the Student:

- Evaluate the specific areas of the student's educational needs.
- Team considering evaluations reviews all data made available to it, i.e., District evaluations, parent provided evaluations, teacher reports, reports cards, etc.



4. Determine Student's Eligibility:

- Complete the *Eligibility Determination Report* Form
- Provide parent(s)/guardian(s) *Notice of Parent/Student Rights, Section 504 Procedural Safeguards, and Section 504 and ADA Grievance Procedures*
- Provide parent(s)/guardian(s) written notice, with an explanation, of any decision that the student is not eligible.



5. Develop and Monitor Section 504 Plan (if team decides student is eligible and in need):

- Develop a *Section 504 Student Accommodation Plan*; may combine with eligibility meeting
- Case manager is responsible to monitor implementation and student progress.
- Provide parent(s)/guardian(s) a copy of Section 504 Accommodation Plan
- Obtain consent for initial placement.
- Review and revise the student's Section 504 Plan annually, providing parent(s)/guardian(s) *Notice of Parent/Student Rights and Procedural Safeguards*.
- Re-evaluate at least once every 3 years or whenever the student's needs change.

SECTION 504 PLACEMENT CONSIDERATIONS

Section 504 contains its own least restrictive environment (LRE) requirement, which requires a district to place a student with a disability with his or her non-disabled peers “to the maximum extent appropriate. In short, this means that the student with the disability is placed in the regular education environment unless the district demonstrates that the student’s education in the regular education environment, even with the use of accommodations, cannot be satisfactorily achieved.

The student’s placement must be based upon the student’s individual needs and must enable that student to receive a free appropriate public education (FAPE) under Section 504. Section 504 FAPE requires “the provision of regular or special education and related aids and services that (i) are designed to meet individual educational needs of handicapped persons as adequately as the needs of non-handicapped persons are met and (ii) are based upon adherence to procedures that satisfy” the requirements of Section 504. While Section 504 FAPE uses the term “special education” it does not have the same meaning as “special education” under the IDEA.

The student’s placement must be determined by the student’s 504 team, which includes individuals knowledgeable about the student’s disability, accommodations, and placement options.

There may be situations where a student’s 504 team determines that a student’s placement should not be in the regular education setting because the student cannot access education even with accommodations. This may be true in the case of students with significant medical needs. A district is not required to modify school programs to ensure that a student can attend a particular school where the services are available at another school within the district.

Placement outside the regular education environment must be based upon the student’s individual needs. A team may determine that a student with a disability needs home instruction for medical reasons to access education. Home instruction is usually a short-term placement but can be for longer periods of time based on the circumstances. In most situations, the case manager continues as case manager for the student and the school teachers continue to provide instructional materials for the student while home instruction is implemented. The duration or amount of homebound services cannot be limited because of uniform rules or unwritten district practice or “policy.”

Changing a student’s placement from school to homebound is a significant change that may require a re-evaluation of the student. Likewise, changing the student’s placement from homebound to school is also a change of placement that cannot be accomplished unilaterally by the district or without a re-evaluation of the student.

Students with episodic medical conditions may also require accommodations that provide education in different settings based upon the nature of the student’s condition.

A parent/guardian may also request homebound or an alternative placement based upon allegations of bullying or harassment. If that occurs:

- Investigate the alleged bullying. Conduct observations, follow regular investigative protocol.
- Convene a meeting to discuss the parents’ request. Discuss other options, including more intensive supervision.

- Try other interventions before considering a homebound placement. Because a homebound placement may violate least restrictive environment, it should be a last resort.
- If the parent brings a recommendation from a professional, ask to speak to that person. Remember a doctor's note is just that – it does not dictate placement but must be considered.
- Temporary. If the team does agree to a homebound placement, it should be on a temporary basis and there needs to be a plan to reintegrate or transition the student back to the school setting.

SECTION 504 TRANSPORTATION

Section 504 requires transportation be provided for students with a disability who need special transportation to access their education. To be eligible for special transportation, the student's disability must limit the student's ability to get to/from school with regular transportation or an existing bus stop. The 504 Plan must indicate that the student needs special transportation to access his or her education.

Processing Transportation Requests

- If either a parent or staff member raises the issue, the team must determine if special transportation is necessary for the student to access the educational program.
- The school nurse is asked to gather information for the team regarding any medically related transportation needs, obtaining written consent from the parent before contacting any medical provider of the student.
- The team considers the information provided by the school nurse and/or the parent when determining whether special transportation is necessary for the student to access the educational program.
- If the team determines special transportation IS NOT necessary for the student to access the educational program, the team will discuss it with the parent in the team meeting, and the notes of the meeting will serve as written notice of the team's decision. The parent will also be provided a copy of the notice of rights.
- If the team determines special transportation IS necessary for the student to access the educational program, the team will address it in the Plan, and provide the Transportation Supervisor (or the approved provider of transportation) with the following:
 - A copy of Plan that includes transportation;
 - The student's emergency contact information;
 - The anticipated duration for special transportation; and
 - Any special needs, such as wheelchair accessibility.

STUDENT DISCIPLINE UNDER SECTION 504

A student with a disability eligible under Section 504 may be disciplined for misconduct. A student with disabilities eligible under Section 504 may be suspended from school for a period up to ten days without such suspension being considered a change in placement. In addition, short term suspensions may amount to a change of placement if there is a pattern of removals. A suspension of any part of a school day counts as one day. Requiring a parent to pick up a child early from school due to misconduct will also count as a suspension.

Before a student with a disability eligible under Section 504 may be suspended or expelled for a period exceeding 10 days, except in the case of misconduct involving drugs or alcohol, the District must convene a manifestation determination meeting. *See Manifestation Determination Form*. If the student's conduct was not a manifestation of his or her disability, the student may be suspended for a period longer than 10 days or expelled from school provided that nondisabled students are subject to similar penalties for similar misconduct. In the event a student with a disability eligible under Section 504 is expelled, the District is not obligated to continue to provide services to the student upon expulsion unless it provides services to nondisabled students who have been expelled. This applies only to students who are eligible under Section 504 and not to students eligible for special education under the IDEA.

Section 504 does not protect active drug or alcohol use or possession. In the case of misconduct involving use or possession of drugs or alcohol, a student with a disability eligible under Section 504 may be disciplined in the same manner as a nondisabled student without going through a manifestation determination or applying any other protections afforded students under Section 504. This applies only to students who are eligible under Section 504 and not to students eligible for special education under the IDEA.

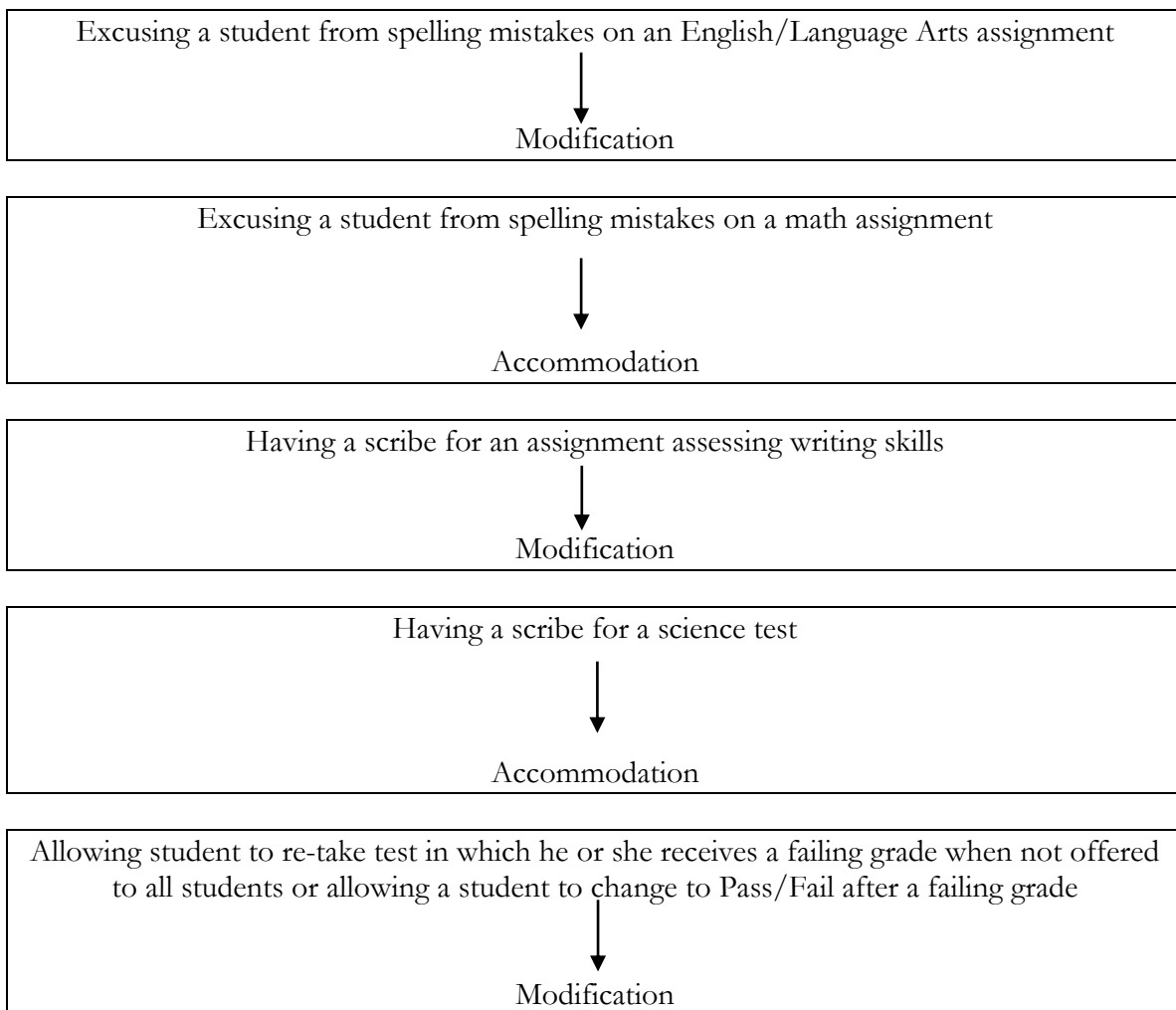
SECTION 504 ACCOMMODATION GUIDELINES

An accommodation is designed to provide a student with a disability equal access to and opportunities for learning. An accommodation does not fundamentally alter or lower expectations or a standard in the instructional level, content, or performance criteria. The goal of an accommodation is to remove a barrier to the student's learning and barriers to validly demonstrate mastery. The student is graded based upon the same bases as all other students.

Modifications, on the other hand, should not be part of a student's 504 plan. A modification fundamentally alters or lowers expectations or standards in instructional level, content, or performance criteria or changes the curriculum. Modifications are made when appropriate to provide the student with learning experiences based on individual needs and abilities. Grading may be modified to change how a student is assessed. Modifications may be appropriate and considered for students eligible under the IDEA. Modification is the hallmark of special education as that term is used in the IDEA.

When determining whether something is a modification, consider whether it fundamentally alters or lowers the expectations or standards in the level, content, or performance criteria or changes the curriculum.

For instance . . .



Allowing a student more time on a test, separate testing space, or shortening a test (provided all content upon which all students are tested is included)



Accommodation

Allowing a student to drop a class after the class has completed and grades are issued



Modification

Allowing a student whose impairment is active and is unable to complete coursework due to the impairment to withdraw from a class prior to the end of the quarter/semester



Accommodation

Remember: a student who is receiving services under Section 504 must complete all state requirements to graduate. Waiver of additional requirements mandated by the District may be considered on a case-by-case basis pursuant to District policy, but state graduation requirements cannot be waived for a student under Section 504.

If school staff believe that modifications are necessary for a student, staff should consider referring the student for an evaluation under IDEA.

Each student's 504 Team needs to determine the appropriate accommodations that will meet the student's needs as adequately as the needs of his/her nondisabled peers. Keep in mind that it may be necessary to provide accommodations outside of the regular school day if the activity is school-sponsored. This includes field trips, extracurricular activities, after-school programs.

There is no “one-size fit all” accommodation. The list below contains only options that may or may not be appropriate for any one child depending on his or her unique needs. This list is not intended to be an exhaustive list or a list of what is approved. The options provided herein should not limit individual 504 teams from establishing an accommodation plan that includes accommodations not listed below.

**DO NOT PROVIDE THIS LIST TO THE TEAM AS WHAT IS AVAILABLE.
THIS IS A JUST A REFERENCE GUIDE.**

Options for Accommodations for any student with a disability (Note: these are options that may be applicable to the student who has any physical or mental impairment that substantially limits a major life activity)

- Providing study carrel
- Providing headset/CD/player to muffle noise or produce “white” noise or soothing sounds for student
- Seat student away from doors/windows
- Seat student near certain “model” student or teacher
- Simplify or shorten directions
- Providing directions in both oral and in written formats
- Asking student frequent questions throughout lesson/assignment to check comprehension, attention to task
- Changing response format (e.g., from verbal to physical, saying to pointing) without modifying curriculum
- Providing sequential directions (label as first, second, third, etc.)
- Use of manipulatives/hands-on activities
- Demonstrating/modeling
- Reduction of assignment/number of items on a task without modifying curriculum
- Highlight relevant words/features
- Providing guided practice
- Providing additional practice trials
- Increasing allotted time/deadline for a task, assignment, test (extension should be individualized based upon student need)
- Increase wait time
- “Cooling off” period
- Individualized behavior plan
- Additional time to complete assignments with option of staff support
- Providing review of student’s work by teacher
- Asking student to summarize at the end of a lesson
- Adapting test items for differing response modes (e.g., multiple choice, matching, fill-in-the-blank, etc.) if appropriate
- Movement breaks to assist with focus
- Establishing routines for handing work in, heading papers, etc.
- Use of clock/timer to show allotted time
- Providing visual cues (e.g., posters, desktop number lines, etc.)
- Block out extraneous stimuli on written material
- Providing and/or allowing use of study guide

- Providing critical vocabulary list in advance/pre-teach
- Providing essential fact list if appropriate
- Giving points/credit for class participation
- Providing paper/materials with dotted lines or graphs for student work
- Providing transition directions
- Assignment of one task at a time
- Providing discussion questions before reading passage
- Use of word markers to guide reading
- Alter sequence of presentation
- Enlarging or highlighting key words on assignments/tests
- Altering physical room arrangement
- Temperature controls
- Adjusting lighting
- Stand-up desks
- Providing daily/weekly assignment sheets/logs
- Posting daily/weekly schedule
- Providing pencil grips
- Shorten projects into daily tasks
- Teacher use of physical cues (e.g., one finger indicating “first,” two fingers indicating “second”)
- Pausing while speaking
- Teacher use of verbal cues (e.g., “don’t write this down,” “this is important”)
- Teacher changes tone of voice, whisper, etc.
- Weekly/periodic collection of student notes for teacher review
- Organize test material to go from easy to hard
- Reduce length of assignment by assigning only even/odd numbered items
- Use of computer/tablet without modifying curriculum
- Reducing paper/pencil tasks
- Providing and/or use of organizers (e.g., cartons or bins or color-coding system) for desk materials or classwork
- Providing content/lecture summaries
- Use of student’s name before asking a question
- Use of extra spaces between lines of print
- Use of raised-line paper
- Providing and/or use of calculator
- Circling of math computation sign
- Use of hand signals as cues (e.g., attention, response)
- Laminating materials
- Providing alternative location for assignment completion or testing (monitored)
- Providing weekly/periodic progress reports to parents
- Use of magnification devices
- Providing audio versions of books if available
- Providing materials in larger print
- Providing scribe except for assignments/test grading writing
- Reading test to student except when testing reading skills
- Providing duplicate set of books, materials for student to keep at home
- Providing frequent breaks
- Varying activities often
- Providing note-taking assistance
- Grading for content rather than spelling when appropriate and not modifying curriculum (i.e., science, math)
- Permit use of spellcheckers/electronic spellers when appropriate (i.e., not for assignments/tests where spelling is graded)
- Assistance with use of planner
- Permit open-book examination if appropriate

Additional Options for Accommodations for Students with Medical Conditions Other than Asthma/Allergies

Please note that these options are in addition to any other accommodations (whether or not listed above) that may be appropriate for the student. School nurse should be included in the team discussion regarding appropriate accommodations.

- Emergency plan if appropriate regarding student's condition, treatments
- School nursing services (including medication administration, monitoring)
- Assistance with medication administration as allowed by law
- Excusing absences due to medical condition
- Addressing restroom use
- Providing packet of work/assignments to complete when the student is absent due to the medical condition
- Providing access to food and/or drinks in all school settings
- Allowing use of service animal
- Transportation services
- Homebound services

Additional Options for Accommodations for Students with Diabetes

Please note that these options are in addition to any other accommodations (whether or not listed above) that may be appropriate for the student. School nurse should be included in the team discussion regarding appropriate accommodations.

- Emergency plan, including emergency administration of insulin or glucagon
- School nursing services (including medication administration, monitoring)
- Assistance with medication administration as allowed by law
- Allowing student to carry medication as allowed by law
- Allowing student to test blood sugar in classroom or other convenient location
- Assistance with blood sugar monitoring
- Providing access to food and/or drinks in all school settings
- Addressing restroom use
- Allowing use of a service animal
- Staff training regarding diabetes and emergency procedures
- Excusing absences due to diabetes

Additional Options for Accommodations for Students with Mobility/Hearing/Visual Impairments

Please note that these options are in addition to any other accommodations (whether or not listed above) that may be appropriate for the student.

- School nursing services (including medication administration, monitoring)
- Assistance with medication administration as allowed by law
- Mobility assistance (between classes, up and down stairs, getting on and off the bus, carrying items, setting up equipment)
- Access to elevator if available
- Changing classroom location (i.e., assigning classroom to first floor instead of second floor)
- Use of visual and/or audible alarm systems
- Closed caption videos

- Allowing use of service animal
- Alternative materials (i.e., braille or audio books)
- Alternative response modes for assignments or tests (verbal, typed)
- Assistance with instruction to accommodate impairment (e.g., teaching student to type with one hand)
- Allowing student to leave materials in each classroom
- Educational Sign Language Interpreter if needed?

Additional Options for Accommodations for Students with Behavioral/Mental Health Conditions

Please note that these options are in addition to any other accommodations (whether or not listed above) that may be appropriate for the student.

- Use of positive behavior plan with positive reinforcements and incentives
- Regular review of reinforcements
- Use of behavioral contract
- Frequent review of established rules
- Access to and use of “time-out,” “cool down,” or “safe” space
- Access to counseling
- Allowing student to have access to cell phone to call parents or other identified person
- Allowing student to leave class early to avoid large groups of students between classes
- Providing student with access to a staff member with whom the student can “check in”
- Providing optional areas for the student to eat, use the restroom, or change clothes if appropriate for the student and requested by the student. It is not recommended that school officials suggest this as an accommodation, but if requested by the student/parents, it should be considered.

Additional Options for Accommodations for Students who cannot or will not come to school

There are situations where students are unable because of a medical condition to come to school even with accommodations. There are also students who, because of a mental health impairment, will not come to school. For those students who have mental health impairments who “avoid” school, the accommodations listed above for students with mental health impairments should be considered in conjunction with any accommodations changing the student’s placement (i.e., implementation of behavior plans, access to safe space, etc.).

Section 504 has a LRE (least restrictive environment) requirement that mandates that 504-eligible students be educated with their nondisabled peers to the maximum extent appropriate. Separate education should only occur if a student is unable to access educational services as adequately as his/her nondisabled peers even with accommodations.

Options when the student cannot or will not come to schools can include:

- Transferring the student to a different school within the district if appropriate and in compliance with policy. This includes transferring the student to an alternative program if appropriate for the student. Alternative programs are required to consider enrolling students with disabilities in the same manner as any other student and not take into consideration the student’s disability or need for accommodations.
- Enrollment of the student at the district’s expense in another district if that district can more adequately meet the needs of the student. For instance, districts with newer buildings may be more

adequately equipped to educate students with severe allergies if the resident district has older buildings where the allergen cannot be effectively addressed.

- Transportation services.
- Shortened school day. Note: 504-eligible students must complete minimum requirements to graduate. Thus, it is not possible for a student to graduate based upon completion of goals in any plan like an IDEA-eligible student. The student must meet the minimum requirements to graduate (with or without accommodations). This means that shortened school days should be generally considered as a temporary alternative used to re-introduce the student to the school environment. If necessary for the student because of a medical condition, other options discussed below will likely be necessary to ensure that the student is provided the opportunity to earn credit.
- Homebound tutoring. Note: unless the student is not able to come to school because of a medical condition, homebound tutoring should be used as a temporary alternative. It is not necessary that homebound services replicate what would be provided in the school environment, but should be appropriate for the student and allow the student to continue to progress. A combination of homebound tutoring and a shortened school day may be appropriate in order to gradually re-introduce the student to the school environment. It is recommended that a transition plan be discussed and implemented to re-introduce the student to the school environment when the student has been out of school for a significant amount of time.
- Enrollment in courses through the Montana Digital Academy. If there is a District policy that limits credits that can count, a change of policy may be necessary to allow for waiver of the limitation at the discretion of the Superintendent or Board.
- Enrollment in another correspondence/online program for obtaining credits. If there is a District policy that limits credits that can count, a change of policy may be necessary to allow for waiver of the limitation at the discretion of the Superintendent or Board.
- Waivers of requirements/credits in accordance with Montana law and District policy. Although state minimum credit requirements cannot be waived under Section 504 for a student to graduate, there may be requirements or credits required by the District that can be waived.
- Use of videoconferencing systems to allow student to participate in classes while at home. This option requires that the system be reliable and effective in that the student is able to see and hear the teacher and have access to materials discussed.

Because eligibility for services under Section 504 occurs if a student has any physical or mental impairment that substantially limits a major life activity, there are many impairments that are not specifically addressed herein (i.e., ADHD). The student's 504 team should consider accommodations that will ensure that that student's needs are as adequately addressed as the needs of nondisabled students. The 504 team can consider accommodations contained herein or can provide for other accommodations not listed that may still be appropriate.

STAFF SECTION 504 ROLES AND RESPONSIBILITIES

Role of 504 Coordinator – *coordinates 504 services in the school*

- Participates in district-wide training on Section 504 implementation.
- May act as 504 case manager for individual.
- Acts as contact person in school when questions arise about 504 issues.
- Participates on student assistance/intervention teams when necessary.
- Ensures that staff are using current Section 504 forms and following current procedures.
- Coordinates transition of 504 students transferring into and out of the school.
- Acts as contact person for district and Office for Civil Rights (OCR) student-related Section 504 complaints.

Role of 504 Case Manager - *coordinates 504 process for individual students*

- Schedules meetings and sends notices, including periodic reviews as indicated on plan.
- Gathers necessary information for meetings.
- Writes up 504 documents.
- Provides copies of documents to parents and puts in student's cumulative file.
- Provides information to all teachers that need to know about 504 plan contents, including when the student's schedule or classes change.
- Verifies implementation of 504 plan and is available to problem-solve when issues or concerns arise.
- Schedules periodic review at least annually (unless a different timeline is in the plan) or sooner if needed, and before any significant change in placement.

SECTION 504 CASE MANAGER GUIDELINES

Meeting Checklists

Before the Meeting:

- ___ When dealing with parents who are new to the school or new to the 504 process, initiate contact to explain the purpose of the meeting and identify any questions and concerns.
- ___ Schedule a meeting with the team, including the parents.
- ___ Send the meeting notice reminding parent of date, time and location of meeting.
- ___ Gather pertinent information to be shared at the meeting: updates from teachers, assessment reports, medical/health information, etc.
- ___ Develop a meeting agenda.
- ___ Arrange for any necessary interpreters or accommodations for meeting participants.
- ___ Complete portions of the Section 504 Eligibility Determination Report that can be completed before the meeting.
- ___ Bring all current forms to the meeting.

During the Meeting:

- ___ Introduce the participants and their roles.
- ___ Clarify the purpose of meeting.
- ___ Review the agenda.
- ___ Identify the note-taker for meeting (if using one).
- ___ Facilitate the student's input or participation.
- ___ Lead the group through agenda – do time-checks as needed.
- ___ Complete the Section 504 Eligibility Determination Report (if new to 504).
- ___ Complete the Section 504 Student Accommodation Plan (if needed), or revise as needed.
- ___ Provide copies of the Report and Plan to parents or inform them of how they will get a copy.
- ___ Provide the Statement of Parent/Student Rights to parent (keep signed copy for Cumulative File).
- ___ Thank everyone for participation and cooperation.

After the Meeting:

- ___ If using meeting notes, review and put final copy in cumulative file, along with a copy of the Eligibility Determination Report and Plan.
- ___ If parents did not receive all of the documents at meeting, provide copies. Send written notice if necessary.
- ___ Be sure all teachers know and understand their responsibilities under the Plan.
- ___ Calendar check-ins to monitor implementation of the Plan. Keep a log of contacts related to implementation of Plan.
- ___ Calendar annual review date, and at least one month earlier to begin the “before meeting” review process.

SECTION 504 MEETING PLANNING

Who is on the Guest List?

When should the parent be invited?

- A parent, guardian, or person in parental relationship to the student should **always** be invited.

When should the school counselor be included?

- When the counselor is the case manager, or has personal or professional knowledge that would help the team make appropriate decisions for the student.

When should a general education teacher be included?

- When the student is participating in general education.

When should the school nurse be included?

- When there are medical or health issues involved.
- When the parent is asking for health related accommodations at school, including transportation.
- When the team will be reviewing reports from a medical doctor or other health practitioner.

When should the school psychologist be included?

- When the school psychologist was involved in a recent evaluation of the student.
- When the school psychologist's expertise is necessary for the team to make appropriate decisions for the student.

When should the building administrator be included?

- When the building administrator is the case manager.
- When the parent is asking for unusual accommodations that raise concerns (i.e., staffing, space) or fiscal considerations.
- When safety issues are involved.
- When special transportation is likely to be needed.

When should a motor team (OT or PT) representative be included?

- When the student has a motor impairment and will likely need accommodations or supports for the motor impairment.
- When the OT or PT recently evaluated the student and identified motor needs.
- When the parent has requested motor team services or adaptations

When should the Speech Language Pathologist be included?

- When it appears that there are physical factors that contribute to a speech or language problem.

SECTION 504 EVALUATION GUIDELINES

The team decides what assessments are needed to determine whether a student has a disability under Section 504. Although there are no required procedures, the table below contains recommended evaluation procedures. Students who are suspected of having a disability under the IDEA should be evaluated for special education eligibility before consideration of a disability under Section 504.

Suspected Condition	Recommended Evaluation for Disability Determination
Health condition, e.g. asthma, cancer, epilepsy, diabetes, hepatitis, etc.	<p>A medical statement including a diagnosis of the condition by a physician licensed by the Montana Board of Medical Examiners, or a Physician’s Assistant or Nurse Practitioner acting within the scope of his or her license** (either to be provided by parent or obtained by the District at District expense), AND</p> <p>A school nursing assessment</p> <p>(Rule out Other Health Impairment under IDEA if need for special education and related services is suspected.)</p>
Chronic physical conditions, such as cerebral palsy, spina bifida, hearing or vision impairments	<p>A medical statement including a diagnosis of the condition by a physician licensed by the Montana Board of Medical Examiners, or a Physician’s Assistant or Nurse Practitioner acting within the scope of his or her license (either to be provided by parent or obtained by the District at District expense), AND</p> <p>An evaluation conducted by the District.</p> <p>(Rule out Other Health Impairment, Orthopedic Impairment, Vision Impairment, or Hearing Impairment under IDEA if need for special education and related services is suspected.)</p>
Psychological conditions, such as ADD/ADHD, depression, obsessive-compulsive disorder, post-traumatic stress disorder, etc.	<p>A medical statement including a diagnosis of the condition by a psychiatrist or other physician licensed by the Montana Board of Medical Examiners, or a Physician’s Assistant or Nurse Practitioner acting within the scope of his or her license, OR a diagnosis by a licensed clinical psychologist (either to be provided by parent or obtained by the District at District expense); AND</p> <p>As needed, an evaluation by a school psychologist including a review of information submitted by the parent and new measures, as needed, such as behavior rating scales, structured observations, and interviews.</p> <p>(Rule out Emotional Disturbance or Other Health Impairment if need for special education and related services is suspected.)</p>
Learning disorder (e.g. dyslexia)	<p>Individual assessments as needed.</p> <p>(Rule out Specific Learning Disabilities if need for special education and related services is suspected.)</p>

SECTION 504 FORMS AND DIRECTIONS

SECTION 504 PROCEDURAL SAFEGUARDS

_____ School District has an internal resolution procedure to provide a prompt and impartial review of complaints pertaining to the identification, location, evaluation, and placement of students with known or suspected disabilities relating to educational services. Section 504 complaints may include, but are not limited to, disagreements with the decision of the District's Section 504 Team regarding identification, evaluation, educational program or placement, and accommodation of a student.

As part of an informal approach to complaint resolutions, the District wants parents, students and other District patrons to have the opportunity to make concerns known to the District and for the District to have the opportunity to respond and resolve concerns as rapidly as practicable at the program site level.

Filing a complaint is a protected activity. Discrimination against any individual because he or she reported Section 504 violations, or made a complaint, testified, assisted or participated in Section 504 investigations, proceedings or hearings is prohibited. Coercion, intimidation, threats or interference with anyone because he or she exercised or enjoyed Section 504 rights, or helped or encouraged someone else to do so, is prohibited.

Nothing herein precludes a parent from making an inquiry or filing a complaint with the Office for Civil Rights.

Procedural Safeguards

If the parent of a student who qualifies under Section 504 for special instruction or related services disagrees with a decision of the District with respect to: (1) the identification of the child as qualifying for Section 504; (2) the District's evaluation of the child; and/or (3) the educational placement of the child, the parents of the student are entitled to certain procedural safeguards.

The District shall provide written notice to the parent or legal guardian of a Section 504 student, prior to initiating an evaluation of the child and/or determining the appropriate educational placement of the child, including special instruction and/or related services.

Upon request, the parent or legal guardian of the student shall be allowed to examine all relevant records relating to the child's education and the District's identification, evaluation, and/or placement decision.

Impartial Due Process Procedures

1. The parent of the student may make a request in writing for an impartial due process hearing. The written request for an impartial due process hearing shall identify with specificity the areas in which the parent or legal guardian is in disagreement with the District.
2. Upon receipt of a written request for an impartial due process hearing, a copy of the written request shall be forwarded to all interested parties within 3 business days.
3. Within 10 business days of receipt of a written request for an impartial due process hearing, the District shall select and appoint an impartial hearing officer who has no professional or personal interest in the matter. In that regard, the District may select a hearing officer from the list of special education hearing examiners available at the Office of Public Instruction, the county superintendent or any other person who would conduct the hearing in an impartial and fair manner.

4. Once the District has selected an impartial hearing officer, the District shall provide the parent and all other interested parties with notice of the person selected.
5. Within 5 business days of the District's selection of a hearing officer, a pre-hearing conference shall be scheduled to set a date and time for a hearing, identify the issues to be heard, and stipulate to undisputed facts to narrow the contested factual issues.
6. The hearing officer shall, in writing, notify all parties of the date, time, and location of the due process hearing.
7. Anytime prior to the hearing, the parties may mutually agree to submit the matter to mediation. A mediator may be selected from the Office of Public Instruction's list of trained mediators.
8. At the hearing, the District and the parent may be represented by counsel.
9. The hearing shall be conducted in an informal but orderly manner. Either party may request that the hearing be recorded. Should either party request that the hearing be recorded, it shall be recorded using either appropriate equipment or a court reporter. The parents shall present their case first, followed by the District. Witnesses may be called to testify, and they will be subject to cross examination. Documentary evidence may be admitted and the hearing officer shall make all decisions relating to the relevancy of all evidence intended to be presented by the parties. Once all evidence has been received, the hearing officer shall close the hearing. The hearing officer may request that both parties submit proposed findings of fact, conclusions, and decision.
10. Within 20 business days of the hearing, the hearing examiner should issue a written report of his/her decision to the parties. Appeals may be taken as provided by law.

Legal References: 34 CFR 104.31-38 Procedural Safeguards

SECTION 504 AND ADA GRIEVANCE PROCEDURES

_____ School District has adopted internal grievance procedures providing for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (Section 504) or the Americans with Disabilities Act (and its amendments) (ADA). Section 504 and the ADA prohibit the discrimination against individuals on the basis of disability or handicap.

Section 504 and the ADA prohibit a school district from excluding an “otherwise qualified individual with a disability” from participation in, or be denied the benefits of, or be subjected to discrimination on the basis of that disability. Under Section 504 and the ADA, an individual with a disability is: (1) who has a physical or mental impairment which substantially limits one or more major life activities; (2) who has a record of such an impairment; or (3) is regarded as having such an impairment. All references to “disability” refer to disability or handicap and encompasses both Section 504 and the ADA.

These procedures do not pertain to the identification, location, evaluation, and placement of students with known or suspected disabilities relating to educational services. Inquiries relating to the identification, location, evaluation, and placement of students with known or suspected disabilities relating to educational services should also be directed to _____.

Section 504 and ADA Coordinator

Inquiries concerning discrimination under Section 504 or the ADA may be referred to the building administrator or:

[Nondiscrimination coordinator and contact information]

Inquiries may also be referred to the Office of Civil Rights, United States Department of Education.

Filing a Complaint

An individual believing that he or she has been the victim of disability discrimination should file a complaint with the building administrator or the Section 504 Coordinator within 30 days of the incident(s) giving rise to the allegations. If the individual wishes to invoke the formal complaint procedures (see formal complaint procedures section), the complaint should be made in writing. An individual wishing to invoke the informal resolution process may make a complaint in writing or verbally.

An individual wishing to make a complaint will be provided with a copy of these procedures.

Informal Resolution

An individual alleging disability discrimination by an employee, student, or third party may access an informal mechanism to attempt to resolve the situation. The individual making the complaint is not required to invoke any informal mechanisms to resolve the situation. The decision to invoke the informal resolution process is voluntary.

If the individual wishes to attempt to work out the problem directly with the alleged perpetrator, a school representative will be available to assist. The individual may also request mediation with a designated mediator present to assist the individual and alleged perpetrator reach a resolution.

The individual has the right to end the informal resolution process at any time. If the individual wishes to end the informal process prior to reaching a resolution or is not satisfied with the resolution reached, the individual has the right to commence a formal complaint at any time.

Formal Complaints

An individual may make a formal complaint of disability discrimination in accordance with the procedures described above. The complaint should be in writing and should specify the allegations which the individual believes constitute disability discrimination. The individual has the right to contact law enforcement to determine if criminal activity occurred.

Investigation

The District shall conduct an adequate, reliable, and impartial investigation into the allegations. Even if no formal complaint has been filed, the District may still conduct an investigation to determine whether disability discrimination has occurred when it has knowledge of allegations of disability discrimination. Any investigation by the District shall be in addition to any criminal investigation that may occur. Determinations resulting from the investigation shall be made on a preponderance of the evidence standard (i.e., it is more likely than not that disability discrimination occurred).

Parties (the alleged victim and alleged perpetrator(s)) will have an equal opportunity to present relevant witnesses and other evidence. The investigation shall allow for both the alleged victim and alleged perpetrator to provide information separately. If written statements are provided, each party shall have the opportunity to review such statements, subject to the disclosure of such information under the Family Educational Rights Privacy Act ("FERPA") and Montana law.

Either party may have a representative or lawyer present during the investigations; however, the representative or lawyer is not allowed to speak or ask questions during any investigatory interviews. The representative or lawyer may request clarification of any questions, but may not answer, advise his or her client how to answer, or ask any substantive questions.

Notice of Outcome

Both the alleged victim and alleged perpetrator shall be notified in writing regarding the outcome of the investigation. Subject to FERPA and Montana law, an alleged victim may be notified about sanctions imposed on another individual found to have engaged in discrimination or harassment when that sanction directly relates to the individual. This may include an order that the perpetrator stay away from the victim.

Time Frames

The District shall complete its investigation within 60 days of receipt of the complaint or knowledge of allegations of disability discrimination. With the consent of the parties and the Section 504 Coordinator, the investigation may be extended for an additional 15 days in extenuating circumstances. The investigator shall contact both parties once it appears that the investigation will require a longer period of time. The Notice

of the Outcome of the investigation will be sent within that 60-day period, unless extended as described herein.

Appeals

Any party who is not satisfied with the findings from the investigation may appeal to the Executive Regional Director as designated by the Notice of Outcome. The appeal must be made within ten (10) days of receipt of the Notice of Outcome. Within three (3) days of receipt of any appeal by either party, the Executive Regional Director shall notify the nonappealing party regarding the appeal. Within five (5) days of receipt of notice of any appeal, the nonappealing party may present argument opposing the appeal in writing. Within twenty (20) days of receipt of the initial appeal, regardless of whether the nonappealing party has submitted any opposition to the appeal, the Executive Regional Director shall issue a written decision to both parties affirming or rejecting the investigation findings.

Remedies

The District shall take all reasonable and necessary prevent the recurrence of any harassment and to correct its discriminatory effects on the individual and others. Any individual participating in a disability discrimination investigation shall notify the building administrator or Section 504 Coordinator if he or she believes that he or she is being retaliating against for participating in the investigation. The District prohibits retaliation against individuals making complaints under these procedures and participating in any investigation that may ensue.

Section 504 Notice of Parent/Student Rights

The following is a description of the rights granted by federal law to students with disabilities. The intent of the law is to keep you fully informed about decisions relating to your child, and to inform you of your rights if you disagree with any of these decisions.

You have the right to:

1. Have your child take part in, and receive benefits for public education programs without discrimination because of his/her disability;
2. Have the District give you notice of your rights under federal law;
3. Receive notice with respect to identification, evaluation, or placement of your child;
4. Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the provision of regular education or special education and related aids and services that are designed to meet the individual needs of students with disabilities as adequately as the needs of non-disabled students are met.
5. Have your child educated in facilities and receive services comparable to those provided non-disabled students;
6. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, the evaluation data, and placement options;
7. Have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the District;
8. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district;
9. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program and placement;
10. Obtain copies of educational records at a reasonable cost, unless the fee would effectively deny you access to the records;
11. A response from the District to reasonable requests for explanations and interpretations of your child's records;
12. Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading, or otherwise in violation of the privacy rights of your child.
13. Request an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational program or placement. You may take part in the hearing, and have an attorney represent you. Hearing requests must be made to the District's 504 Coordinator _____;
14. File a local grievance following the _____ School District grievance procedure.

Your child's 504 case manager is: _____
Name/phone number

Copy given to parents on: _____ by _____
dd/mm/yy signature/position

Section 504 Notice of Parent/Student Rights in Identification, Evaluation and Placement

Purpose

- The purpose of this form is to provide parents and adult students with notice of their procedural safeguards under Section 504.
- This form should be provided to parents of “504 only” students upon initial disability determination under Section 504. If the team finds that the student has a disability under Section 504, the rights statement should be given to the parents periodically, typically at least once a year in conjunction with review of the 504 Student Accommodation Plan.

Directions

1. Write in the name and phone number of the Section 504 case manager for the student. This would be the parent’s first point of contact for matters related to the student’s Section 504 plan.
2. Provide a copy to the parent and keep a copy in the student’s cumulative folder.

Section 504 Referral

Student: _____ Date: _____

School: _____ Date of Birth: _____

Teacher: _____ Grade: _____

Parent: _____ Phone: _____

Address _____

Referred by _____ Position: _____

Reason for Referral: _____

Interventions Attempted: _____

Has the student ever been referred, evaluated, and/or received services from special education?
____ Yes ____ No If Yes, explain: _____

Referral action: _____

Section 504 Coordinator

Date

Section 504 Referral

Purpose

- The purpose of this form is to provide information for referral to the student assistance team.
- This form should be provided to the 504 Coordinator to convene the student assistance team to determine whether it is appropriate to refer the student for an evaluation under 504 and/or special education. Parental consent is not necessary to refer the student to the student assistance team.
- If the assistance team determines that there is sufficient information to refer the student for a formal evaluation, the *Notice and Consent to Evaluate* form should be provided to the parent.

Directions

3. Provide the basic demographic information for the student.
4. Provide the identity of the individual making the referral. This can be a staff member or the parent.
5. Identify the reasons for referral and supports and interventions attempted.
6. Identify whether the student has previously been referred, evaluated, or received special education and the nature of such referral/evaluation/services.
7. Based upon the determination of the student assistance team, an administrator or the 504 Coordinator must provide the determination of whether the student is being referred for a formal evaluation or whether additional information or interventions are appropriate.

Section 504 Meeting Notice

Date:

TO:

FROM:

This letter is to advise you of a 504 meeting for _____.

The purpose of this meeting is to:

- Review evaluation results and consider 504 eligibility
- Review 504 plan
- Other: _____

Meeting is scheduled for

Date:

Time:

Location:

Your attendance at this meeting is important. If you cannot attend, you may request to have the meeting rescheduled.

Enclosed are Section 504 Parent/Student Rights in Identification, Evaluation and Placement.

Sincerely,

Section 504 Coordinator/Case Manager/Phone number

Enclosure

Section 504 Meeting Notice

Purpose

This is form to inform parents of the date, time and location of Section 504 meetings. The 504 coordinator or case manager should talk to the parent first, in person or on the phone, and use the form as written confirmation. Keep a parent contact log documenting date, time and summary of phone calls, and print out email for file if the email is used to inform parent of meeting date, time and location.

Directions

1. Enter date of notice and demographic information for student and parent.
2. Indicate the purpose of the meeting by checking the appropriate box or boxes.
3. Enter the information about the meeting date, time, and location.
4. Include a copy of the Section 504 Parent Rights in Identification, Evaluation and Placement.
5. The remaining information is to be completed by the parent. Parent cannot be required to return the form before a meeting is held. If the parent has verbally or otherwise in writing indicated he or she will attend the meeting, that is sufficient. If parent indicates he or she will not attend, attempts should be made to ascertain the reasons. If the parent refuses to attend, this should be documented and the meeting can proceed. If parent does not specifically refuse to attend, attempts should be made to reschedule the meeting.
6. Keep a copy of the meeting notice in the student's file.

SECTION 504 PARENT PERMISSION FOR 504 EVALUATION

Student's Name: _____ Birth Date: _____

School: _____ Grade: _____

1. Notice:

A referral for a Section 504 educational evaluation has been requested in order to determine the cause, extent or possible remediation for a suspected disability. The reasons for this referral are documented on the Referral Form. The purpose of the referral is to determine whether your child is eligible for services under Section 504 of the Rehabilitation Act of 1973. The District seeks your consent to conduct assessments as designated below to assist with the determination of whether your child has a disability under Section 504 and needs a 504 Accommodation Plan. If there has been a previous determination that your child has a disability under Section 504, your consent for a re-evaluation as designated below is requested.

Proposed personnel/assessment/techniques

The following personnel will conduct the evaluation:

The assessment areas may include:

_____ Aptitude _____ Achievement _____ Emotional _____ Behavioral _____ Physical _____ Communication

_____ Other (list) _____

The evaluation techniques may include:

_____ Classroom Observations _____ Individual Tests (including intelligence or personality) _____ Interviews

_____ Rating Scales _____ Review of Records

_____ Other (list) _____

2. PERMISSION:

A 504 conference will be held to discuss the results of the evaluation and any educational program recommendations. You have the right to consent or deny permission I understand the reasons for the referral and the description of the evaluation process and have checked the appropriate area below.

_____ Permission is given for the educational evaluation.

_____ Permission is denied.

_____ I have received a copy of the Notice of Parent/Student Rights.

Parent/Guardian Signature

Phone Contact

Date

Please contact _____ at _____ if you have any questions.

FOR SCHOOL USE ONLY

Date form is received by the school's representative ____/____/____

School representative signature: _____

Make copies for: school, parent, school counselor, 504 Coordinator. Place copy in Student's file.

Section 504 Parent Permission for Section 504 Evaluation

This form is used to document notice of an evaluation under Section 504 and parent consent or refusal. This form is typically because the 504 team needs more information and:

1. No special education evaluation is conducted because the student does not have a suspected disability under the IDEA; or
2. The student was found not eligible under the IDEA.

Directions

A. Demographics:

1. Student's name
2. Student's Birthdate
3. Student's school
4. Grade Level

B. Referral and Evaluation Information

1. List those staff members who may be involved in the evaluation, including performing individual assessments if appropriate. The case manager and classroom teacher should be included. If the issue is a medical issue, consider adding the school nurse.
2. Check the areas that will be assessed based upon the referral and student needs.
3. Check the types of assessments/techniques that will be used based upon the referral and student needs.

C. Parent Consent

1. Explain to parents that consent is voluntary. Ask parents if they have any questions about the assessment procedures. Ask parents to check whether they are giving consent or denying consent.
2. Ask parents to sign, date and provide phone numbers.
3. Write in 504 case manager or 504 coordinator, as appropriate as contact person, with phone number.
4. Enclose copy of Section 504 Notice of Parent/Student Rights and give copy of signed document to the parents. Ask parents to acknowledge receipt of these rights on the form.
5. Keep copy in the student's cumulative file.

Section 504 Eligibility Determination Report

Student's Name:	Grade:	Date of Birth:
Parent:	Date of Meeting:	
School:	School Contact Person:	Position:

Eligibility Team Members: (fill in names and check whether knowledgeable about the :)			
Team Member	Child	Meaning of Evaluation Data	Accommodations/Placement Options
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Educational History and Present Educational Placement Status:

<p>Sources reviewed for evaluation. (Sources can include, but are not limited to, teacher input, student work samples, report card, home and health history, curriculum-based assessments, state test results, discipline history, cognitive assessments, and parent information. Medical reports are not required if provided should include either a psychological or physician's report)</p>	
Source:	<u>Date:</u>

Results of Assessments:

Present Learning and Education Performance Description:	
Current Classes and Grades:	
School Attendance (describe):	
Other relevant information:	

1. Does the student have a physical or mental impairment? _____ Yes _____ No
If so, describe the physical or mental impairment:

2. Is the impairment:

<input type="checkbox"/> Temporary	<input type="checkbox"/> Episodic	<input type="checkbox"/> Intermittent	<input type="checkbox"/> In remission
------------------------------------	-----------------------------------	---------------------------------------	---------------------------------------

If so, describe frequency, intensity, and expected duration of impairment:

3. In terms of frequency, intensity, and duration, does the impairment, when in an active state, substantially limit* a major life activity when compared to how the average, non-disabled student performs the activity?
 Yes No

If so, describe how the activity/ies is/are substantially limited:

*The term “substantially limit” means that the student is:
 a) unable to perform a major life activity that the average student of approximately the same age can perform
OR
 b) restricted as to the condition, manner or duration under which a particular life activity is performed as compared to the average student of approximately the same age.

4. Check the major life activity that is affected by the impairment:

<input type="checkbox"/> Seeing	<input type="checkbox"/> Hearing	<input type="checkbox"/> Caring for One’s Self	<input type="checkbox"/> Breathing
<input type="checkbox"/> Walking	<input type="checkbox"/> Learning	<input type="checkbox"/> Performing Manual Tasks	<input type="checkbox"/> Working
Thinking	Concentrating	Reading	Speaking

Major bodily function (specify):

Other (specify):

6. The 504 Team determines that the student is:
 _____ Eligible for 504 _____ Not Eligible for 504

6. Does the student need accommodations, services, or supports to access the benefits of public education at a level similar to the average student?

_____ Yes (complete a 504 Accommodation Plan)
 _____ No Explain:

The parent/guardian has received a copy of the eligibility notice and a copy of the Parents’ Rights Notice.

Signatures:	Date:
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Section 504 Eligibility Determination Report

Directions

- A. Demographics (may be completed before the meeting)
 1. Enter student name, date of birth, current grade assignment, parent, date of 504 team meeting, school, school contact person, and position of contact person.
- B. Eligibility Team Members. For each participant indicate *all* areas of knowledge relative to this meeting: Knowledge of the student, of the evaluation data, and knowledge about accommodations/placement options. The team needs to include membership that represents each area of knowledge. Each participant may have one or more area of knowledge relative to this student. When a parent is participating, the parent may identify the areas of knowledge the parent believes he or she brings to the meeting.
- C. Educational history and present educational placement status (may be completed before the meeting)
 1. Summarize schools attended and any significant events related to the current disability determination.
 1. Include information about any previous 504 or IDEA/special education eligibility (and duration).
 2. Include current educational placement and what prompted 504 consideration at this time.
- D. Sources of Evaluation information (include date and descriptor)
 1. List all sources of information considered (may be completed before meeting, but add any additional sources provided at the meeting).
- E. Results of Assessments:
 1. Summarize relevant results. (May be completed before the meeting.)
- F. Present learning and education performance description: (may be completed before the meeting)
 1. Current classes and grades: list or attach (if attached, write in “see attached”)
 2. School attendance: summarize
 3. Other relevant information: Add as appropriate. May be left blank or write in “N/A”.
- G. Team determinations
 1. Does student have a physical or mental impairment under Section 504?
 - a. A DSM diagnosis or medical diagnosis will be considered an impairment under Section 504.
 - b. In some situations, a school team may identify a condition that is consistent with a physical or mental impairment under Section 504 without an actual diagnosis. School staff should not “diagnose” but may identify “behaviors consistent with...”
 2. Identify if the student’s impairment is temporary, episodic, intermittent, or in remission. Temporary impairments do not generally make a student eligible for services under Section 504 unless the impairment (or effects thereof) are anticipated to last longer than 3 months. Episodic, intermittent, or impairments in remission need to be analyzed in their active state.
 - a. If the impairment is temporary, episodic, intermittent, or in remission, describe the frequency, intensity, and expected duration of the impairment.
 3. Does the student’s impairment substantially limit one or more major life activities (when an impairment is in its active state)?
 - a. If yes, check appropriate box.

- b. A substantial limitation means that the person is restricted as to the conditions, manner or duration in performing the major life activity as compared to an average student.
 - c. For the purposes of determining whether a student's impairment substantially limits a major life activity, do not consider mitigating circumstances (such as medication, assistive devices, previous interventions, health plans) except regular eyeglasses or contact lenses.
 - d. If yes, describe how the activity is substantially limited.
 - e. Mitigating measures, aside from prescribed glasses or contact lenses, cannot be considered for purposes of determining eligibility.
4. Identify the major life activity(ies) affected by the impairment. Check all that apply.
 5. Identify whether the team determines whether the student is eligible for 504.
 6. If the student is eligible, the team needs to discuss whether the student requires accommodations, services, or supports in the form of a Section 504 Accommodation plan.
 - a. Mitigating measures may be considered in determining the need for a Section 504 Accommodation plan. However, the team should consider whether a change in the mitigating measure may necessitate a plan.

H. Have team members sign or list participants.

I. Place a copy of the report in the Student's File

Section 504 Notice of Decision

Date:

TO:

FROM:

This letter is to advise you:

- Your child was evaluated and determined to not qualify as eligible for services under Section 504.
- Your child was re-evaluated and determined to no longer qualify as eligible for services under Section 504
- Other: _____

The basis or reason(s) for this decision are: _____

This decision was based upon the following information, assessments, report, record, or other data: _____

The following is other information relevant to this decision: _____

N/A

Enclosed are Section 504 Parent/Student Rights in Identification, Evaluation and Placement.

Sincerely,

Section 504 Coordinator/Case Manager/Phone number

Section 504 Notice of Decision

Purpose

This is the form in which to provide written notice to the parents of a determination that a student is not eligible for services after an initial evaluation or has been determined to no longer qualify for services after a re-evaluation.

Directions

1. Insert the date, parent name and address, and name of staff member completing the form.
2. Check the box associated with the reason for providing written notice. This form will be mostly used where there has been an evaluation and the student is determined to not be eligible. Written notice may be required in other situations – please contact the Section 504 Coordinator if there are questions as to whether this form should be used for other situations.
3. Explain the reasons for the decision. For instance, the student could be found to not be eligible because he or she does not have a physical or mental impairment or the student's impairment does not substantially limit a major life activity.
4. Identify the sources of information or record or report or assessment or other data used as a basis for the decision.
5. Explain any other information considered or options considered but rejected.
6. Enclose copy of Section 504 Notice of Parent/Student Rights and give copy of signed document to the parents.
7. Keep copy in the student's cumulative file.

Section 504 Student Accommodation Plan

Student Name: _____ Birth Date: _____

Grade: _____ School: _____ Initial Plan _____ Annual Review _____

504 Eligibility Determination Date: _____ Annual Review Date: _____

Describe the effects of the student's disability on the student's access to education or in the education setting:

Intervention/Strategy/Accommodation	Setting*	Implementer	Date	Comments

*** The student will be served in the least restrictive environment, which is generally the regular school/general curriculum setting. If not, the reasons are:**

The following individuals participated in the development of this plan and acknowledge that the student's parents have received a copy of their Parent Rights Notice:

_____	Date: _____
_____	Date: _____
_____	Date: _____
_____	Date: _____

Section 504 Student Accommodation Plan

Purpose

The purpose of this form is to document: the accommodations, services and supports to be provided for the student; that the decision was made by a knowledgeable team; and, for initial plans, that the parents gave written consent for implementation of the plan.

Directions

1. Complete demographic information
2. Enter the date of the disability determination (Section 504 Eligibility Determination Report).
3. Typically, the anticipated review date is not more than one year after the 504 meeting to develop the 504 plan. A team may decide that a shorter review period is appropriate or, in some circumstances, a longer time period. Teams should be cautious about extending the review period longer than one year.
5. Be specific when describing the effect of the disability on access to the educational program. Each statement should be based on assessment findings.
6. Be specific about the necessary accommodations/interventions/supports. Be specific about the setting, staff member(s) responsible for implementing the plan, applicable dates (which would include any interim accommodations), and any other comments.
7. The educational placement should be in the least restrictive (most typical) setting where the student can access his or her education given the student's individual needs. A student should be removed from a regular educational environment only "when it is demonstrated that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily." If the student only requires the accommodation, intervention, or support in a particular setting, be specific about all settings. Make sure to consider all relevant school settings, including transportation and participation in activities and athletics and field trips, regardless of whether it occurs on or off school property.
8. Enter names or signatures for team participants.
9. OCR has interpreted Section 504 to require parent consent for initial provision of services under Section 504.
10. Keep copy in the student's cumulative file.

504 Manifestation Determination Form

Student's Name: _____ Meeting Date: _____

Date of Birth: _____ Grade: _____

Meeting Participants (list or sign)	Area of Knowledge Relative to this Meeting		
	Student	Evaluation Data	Accommodations/ Placement options
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Manifestation Review

1. Behavior subject to disciplinary action:		
2. Student's disability (504):		
3. Consideration of all relevant student information, including: Check appropriate boxes		
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Evaluation and diagnostic results <input type="checkbox"/> Observations of the student <input type="checkbox"/> All relevant information in the student's file </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Relevant information provided by the parent <input type="checkbox"/> Current 504 plan and placement <input type="checkbox"/> Other: </td> </tr> </table>	<input type="checkbox"/> Evaluation and diagnostic results <input type="checkbox"/> Observations of the student <input type="checkbox"/> All relevant information in the student's file	<input type="checkbox"/> Relevant information provided by the parent <input type="checkbox"/> Current 504 plan and placement <input type="checkbox"/> Other:
<input type="checkbox"/> Evaluation and diagnostic results <input type="checkbox"/> Observations of the student <input type="checkbox"/> All relevant information in the student's file	<input type="checkbox"/> Relevant information provided by the parent <input type="checkbox"/> Current 504 plan and placement <input type="checkbox"/> Other:	

Manifestation Determination

For each statement answer "Yes" or "No" and explain.	Check the appropriate box
1. The conduct in question was the direct result of the district's failure to implement the student's 504 plan. Explain:	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. The conduct in question was caused by or had a direct and substantial relationship to the student's disability(ies). Explain:	<input type="checkbox"/> Yes <input type="checkbox"/> No

<input type="checkbox"/> Yes	The conduct/behavior is a manifestation of the student's disability. Check "yes" if at least one answer to the above questions is Yes.
<input type="checkbox"/> No	The conduct/behavior is not a manifestation of the student's disability. Check "no" if both answers to the above questions are No.

Signature/Title: _____ Date: ____/____/____

Section 504 Manifestation Determination Form

Purpose

“504 only” students have similar protections in the discipline context as students with disabilities under the IDEA. The purpose of this form is to document the manifestation determination meeting and decision for “504 only” students.

This form must be used if the school is proposing disciplinary action that would be considered a change in placement. A change in placement includes:

- Disciplinary removals of more than ten consecutive days (an expulsion or other long-term removal); or
- A series of disciplinary removals that adds up to more than ten days and is a “pattern” of removals based on the length of each suspension, the proximity of the suspensions to one another, and the total amount of time the student has been suspended.

A manifestation determination meeting is NOT required if the student is a current user of alcohol or illegal drugs and the disciplinary removal is for a violation involving alcohol or illegal drugs.

Directions

1. Enter demographic information.
2. Enter names or signatures of meeting participants and indicate all areas of knowledge for each participant relative to this student.
3. Manifestation review:
 1. Briefly describe the behavior that prompted the proposed disciplinary action.
 2. Enter the student’s mental or physical impairment (e.g. ADHD, diabetes, etc.)
 3. Check all appropriate boxes. Team must consider multiple sources of information.
4. Manifestation determination
 1. Answer the two questions listed on the form.
 2. If the answer to at least one of the questions is “yes”, the behavior is considered to be a manifestation of the student’s disability, and the district may not take the proposed disciplinary action.
 3. If the answer to both questions is “not”, the behavior NOT a manifestation of the student’s disability, and the district may take the proposed disciplinary action, as long as the action is not more harsh than what would be imposed on a nondisabled student in the same situation.
 4. Sign form, list title, add date and telephone number.
 5. Give parents a copy of the form and put copy in student’s cumulative file.

Section 504 EXIT/TRANSFER FORM

Student's Full Name	ID Number
Date of Birth	Grade
School	Signature of Person Completing Form/Date

Student meets following criteria:

- Transferred to _____
School/District Name
- Graduated on _____
- No longer enrolled in District
Reason if known: _____
- Student qualifies for Special Education under IDEA
Date of IDEA eligibility determination: _____
- Other: _____

Section 504 Exit/Transfer Form

Purpose

This form should be used where the student is transferring to another district and will no longer receive Section 504 services within the District because the student graduated, is no longer enrolled within the District, qualifies for services under IDEA, or any other reason.

Directions

1. Complete the demographic information about the student and insert the staff member's name who is completing the form.
2. Indicate the reason for the transfer or exit.
 - a. If the student is transferring to another school district, insert the name of the school and district if known.
 - b. If the student is graduating, insert the date of graduation.
 - c. If the student is no longer enrolled for any other reason than transfer or graduation, indicate that reason and write in the reason if known.
 - d. If the student qualifies for IDEA eligibility, indicate the date that IDEA eligibility was determined.
 - e. Insert any other reason the student is being exited from Section 504 services
3. Place a copy in the student's cumulative file.

SECTION 504 REVOCATION OF CONSENT

Student Name: _____ Birth Date: _____

Grade: _____ School: _____ Date: _____

To the Parent/Guardian of (or Adult Student) _____

By signing this form, You, the parent/guardian or adult student age 18 or older, hereby revoke consent to the District to the provision of services pursuant to Section 504 and understand and acknowledge the following:

1. The District is not required to convene a 504 meeting or develop a 504 Accommodation Plan for you or your child.
2. You and your child will no longer be entitled to protections he or she received when identified as a child eligible for 504 services (see attached Parent and Student Rights).
3. The District will not be considered to be in violation of the requirements to make a free appropriate public education available to your child because of the failure to provide further 504 Accommodations.
4. You may not seek to mediation, impartial due process, or other means to override your decision or other decisions relating to your child's educational program or placement.
5. Your child will be subject to all of the same requirements that apply to general education students, such as academics, statewide and districtwide assessments, extracurricular activities, graduation requirements, discipline, and all other general education requirements.
6. The District will not provide 504 Accommodations to your child upon receipt of this revocation.
7. The District is not required to amend your child's records to remove any reference to your child's receipt of 504 Accommodations because of revocation of consent.

504 Coordinator/Building Principal **Date:** _____

Parent Revocation: I REVOKE my consent for my child to continue to receive Section 504 Services and Accommodations.

Parent/Guardian **Date:** _____

Student Revocation: I am an adult student age 18 or older and I REVOKE my consent to receive Section 504 Services and Accommodations.

Student **Date:** _____

Section 504 Revocation of Consent

Purpose

The purpose of this form is to document a parent's or adult student's revocation of consent for Section 504 services. The parent must sign this to revoke consent. If the parent does not sign the form and the student has been identified as eligible for services under Section 504, the student remains eligible and remains entitled to accommodations. Even if the parent or adult student verbally indicates a revocation, the student's 504 plan must be implemented until the signed revocation is received.

Directions

1. Complete demographic information
2. The District 504 Coordinator, building principal, or building 504 coordinator must sign and date the form.
3. The form provides the parent or adult student notice of the consequences of the revocation. It is recommended that a 504 coordinator or building principal communicate with the parent or adult student to ensure that there is understanding of the effect of signing the form and to ascertain whether there are any questions.
4. In addition to providing the form to the parent or adult student, a copy of the Parent/Student Rights and Procedural Safeguards must be provided to the parent or adult student.
5. Maintain a copy of the form signed by the school official in the building 504 file and the student's cumulative file.
6. If the parent or adult student returns the signed form revoking consent, place a copy of the signed revocation in the student's building 504 file and cumulative file. Stop implementing the student's 504 plan.

If the parent or adult student revokes consent, the student is no longer protected by any Section 504 requirements, including any disciplinary protections. This means that the student is disciplined in the same manner as a nondisabled student and is not entitled to a manifestation determination before any disciplinary removal longer than 10 days is implemented.

However, if the parent or adult student later requests accommodations or an evaluation, the school must evaluate the student for eligibility for Section 504 in the same manner as it would conduct an initial evaluation.