

Ventura County Special Education Local Plan Area (SELPA)
Mary E. Samples, Assistant Superintendent



SECTION 504/AMERICANS WITH DISABILITIES ACT HANDBOOK

Guidelines for Implementing:

- **Section 504 of the Rehabilitation Act of 1973 and (504) 34 C.F.R. Part 104**
- and -
- **American with Disabilities Amendments Act and Amendments of 2008 (ADA) 42 USC 12101 effective January 1, 2009**

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SECTION 504 SERVICE PLAN HANDBOOK

TABLE OF CONTENTS

SELPA's responsibility under 504

Section 504 Process Flowchart

Guidelines:

- Eligibility
- Referral
- Evaluation
- Service Plans
- Review
- Inappropriate Uses of ADA/504 Plans
- Discipline

Forms/Resources:

- Child Find Brochure (*not yet included*)
- Section 504 Team Checklist
- Parent/Guardian Rights Under Section 504 of the Rehabilitation Act of 1973
- Receipt of Parent/Guardian Rights
- Consent for Evaluation for Eligibility
- Consent for Release of Information for 504 Evaluation
- Notice of Section 504 Team Meeting
- Section 504 Team Meeting Summary
- Section 504 Eligibility Summary
- Rubric for Establishing Level of Impact of Disability on School Activities
- Section 504 Service Plan
- Section 504 of Manifestation of Disability on Behavior Summary
- Notice to Parents Regarding Section 504 Evaluation on Services

Appendices:

- IDEA & Section 504: A Comparison
- Legal Requirements for Identification of Children with ADHD

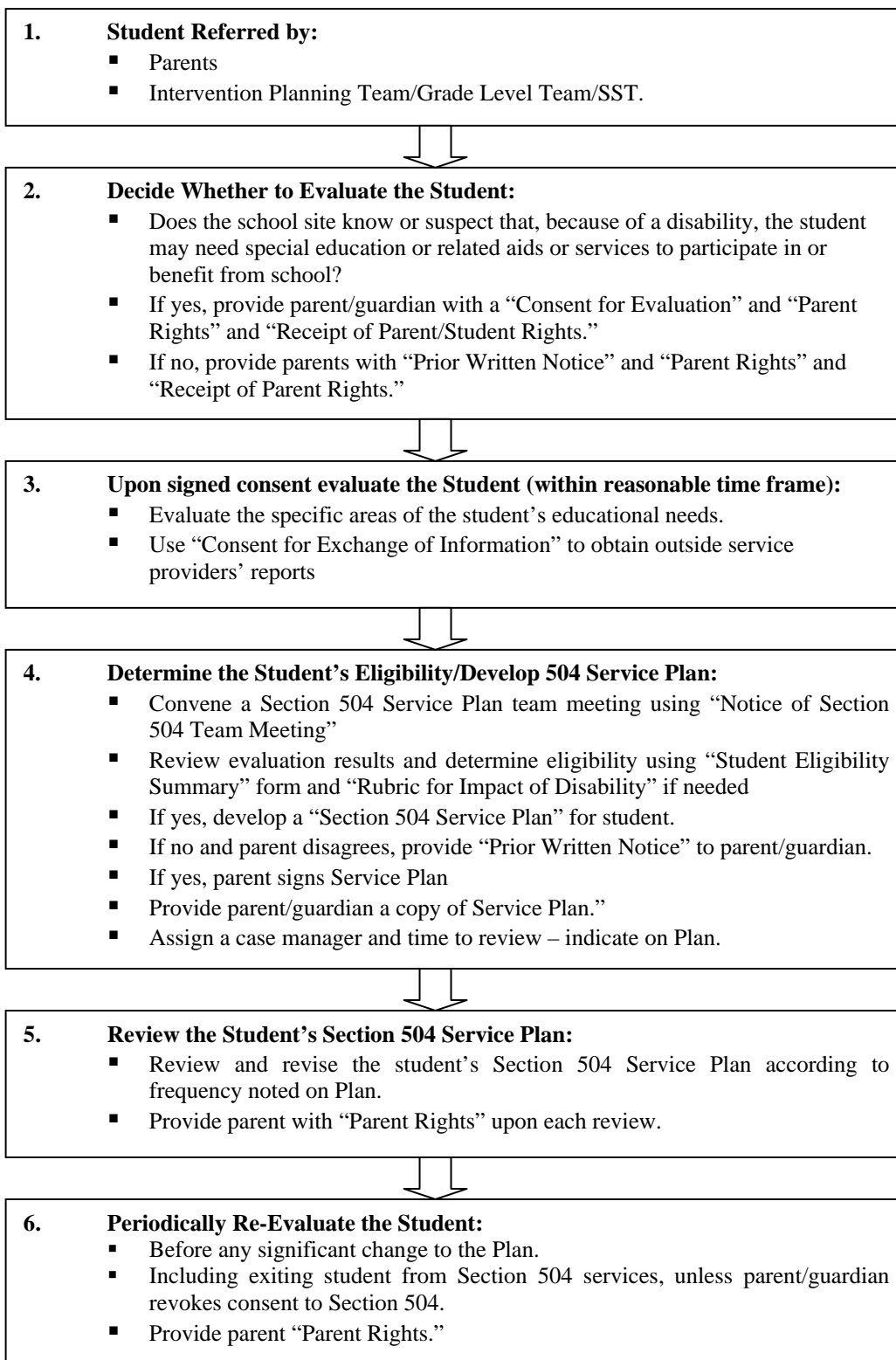
SELPA's RESPONSIBILITIES UNDER 504

Accommodations, supports and interventions for students eligible solely under Section 504 of the Rehabilitation Act and Americans with Disabilities Act do not fall under the jurisdiction of the Ventura County SELPA. The SELPA is mandated to coordinate and facilitate services to students under the Individuals with Disabilities Education Act (IDEA-2004) only.

However, as 504 eligibility, requirements and services often overlap with those in the IDEA, the SELPA is frequently called upon to provide information and clarification about 504. Some students may be eligible for protections and services under IDEA and 504, others are eligible under 504 only.

These Guidelines are not officially adopted by the member school districts in the Ventura County SELPA. However, they are designed to provide information about 504 and are made available to use and/or adopt if desired.

Section 504 Process Flow Chart



GUIDELINES

Section 504 of the Rehabilitation Act of 1973 ("Section 504") is Congress' directive to schools receiving any federal funding to eliminate discrimination based on disability from all aspects of school operation. It states, "*No otherwise qualified individual with a disability ..., shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance....*" Because the school districts in the Ventura County SELPA are recipients of federal funding, they are required to provide eligible students with disabilities with equal access (both physical and academic) to services, programs, and activities offered by its schools.

In addition, this handbook will assist districts in compliance with Americans with Disabilities Amendment Act of 2008, which brought ADA and 504 into close conformity. Section 504 and ADA are civil rights statutes which bar discrimination based on disability. At each school, the responsibility for ensuring Section 504 compliance rests with the District, and the principal or assistant principal.

There were two original main purposes to Section 504. The first purpose of Section 504 is to protect students from discrimination under federal law. The ADA provides the same protections. The laws assure access to educational services and the learning process that is equal to that given to students who do not have disabilities. All students who have a physical or mental impairment which substantially limits one or more major life activities, have a record of such an impairment, or are regarded as having such an impairment, are protected from discrimination under Section 504 and ADA.

Section 504 also requires districts to provide a free appropriate public education ("FAPE") to those students who actually have a physical or mental impairment, that substantially limits, one or more major life activities. The provision of FAPE is accomplished through the creation and implementation of a Section 504 Service Plan. Only those students who satisfy all three of these criteria are eligible for, and are provided, regular or special education and related aids and services under Section 504. The ADA does not require provision of FAPE through a plan.

The purpose of this Section 504 Handbook is to provide guidance for students who may be, or are, eligible for FAPE in the form of a Section 504 Service Plan.

Child Find

Each school district is required to make information about 504 available to all families in the district. In addition, school personnel are required to identify and refer students who have or are suspected of having a disability which would make him/her eligible for services under 504. The brochure "Are You Concerned About Your Child?" should be widely distributed in the schools.

Eligibility

A student shall be eligible for a Section 504 Service Plan if they satisfy all of the following criteria:

(1) Physical or Mental Impairment

A student must actually have a mental or physical impairment. A physical or mental impairment means: any physiological disorder or condition, cosmetic disfigurement, or

anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional, and specific learning disabilities. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. The law does not limit eligibility to specific diseases or categories of medical conditions.

(2) Substantially Limits

The student's physical or mental impairment must substantially limit one or more major life activities. Section 504 does not specifically define the term "substantially limits." It is subject to interpretation on a case-by-case basis. Nevertheless, an impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

Whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as: medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; or learned behavioral or adaptive neurological modifications. Thus, the ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

(3) Major Life Activities

Major life activities include, but are not limited to, caring for one's self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. Learning, reading, concentration, thinking, and communication are typically, but not always, the major life activities utilized to determine Section 504 eligibility in the schools.

Referral

When a student is exhibiting academic, participation, attendance, social and/or behavioral problems the student's school should consider interventions through its professional team process, which may be student Study Team (SST), Professional Learning Community (PLC), Grade Level Team, or Intervention Progress Team (IPT). This consideration should result in one of three things: general education interventions (such as tiered interventions in a Response to Instruction and Intervention model), a referral to assess for Section 504 eligibility, and/or a referral for a special education evaluation pursuant to the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA"). If it is determined that the student should go through Section 504 Eligibility Review, copies of all intervention planning and reporting forms should be forwarded to site personnel responsible for developing the 504 Evaluation Plan. The parents should be given a copy of the "Consent for Evaluation for 504 Eligibility" a copy of

the “Section 504 Parent and Student Rights,” and “Receipt of Rights Under 504.” Parents also may refer the child for 504 consideration at any time.

Evaluation

The District shall evaluate a student who, because of a disability or suspected disability, needs, or is believed to need, special education or related services before taking any action with respect to the initial placement of the student in general or special education and any subsequent significant change in placement.

Once the district receives the signed “Consent for Evaluation” and “Receipt of Rights” forms, the evaluation begins. There is no timeline in the law as to how quickly the evaluation shall be completed, although the law implies it must be “reasonable.” Case law seems to support a 60 day timeline as “reasonable” (Lowelville, [OH] Local School District 2003) and 90 days as not reasonable (Lundenberg School District, [VT], 1994). Therefore, adhering to a 60 day timeline is wise.

When selecting tests and other evaluation materials, the district will ensure that they are: validated for the specific purpose for which they are used; administered by trained personnel in conformance with the instructions provided by their producer; tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; 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).

An assessment must be administered in the student's native language. The district may administer and use formal and informal measures as deemed necessary. Evaluation data may draw upon information from a variety of sources, including, but not limited to, observations, testing, reports, district evaluations, medical records, letters from doctors, health care plans, school records, etc.

If a medical assessment is necessary to determine the presence of a disability, the district must ensure that the student receives the assessment at no cost to the parents. A parent may choose to use his or her own resources to obtain a medical evaluation or arrange with the district for reimbursement for evaluation costs, however in no instance may a parent be required to pay for such an evaluation. (Rose Hills, [KS] Public Schools, USD #394, 46 IDELR 290 [OCR 2006])

As part of the evaluation process, the district may consider reports from doctors, therapists and others. Use “Consent for Release of Information for 504 Evaluation” for parent consent for exchange of information.

Once the evaluations are completed, the District will schedule a 504 Team meeting to review the evaluations and to determine whether the student is eligible for a Service Plan under Section 504. The “Section 504 Student Eligibility Form” will be used. There is a rubric which goes with the Eligibility Form to determine the level of impact of the disability.

The team will decide whether the student has a physical or mental impairment that substantially limits one or more major life activities.

If the team determines that the student is eligible to receive a FAPE under Section 504, the team will develop a Section 504 Service Plan.

The team is made up of a group of individuals, including persons knowledgeable about each of the following: the student; the meaning of the evaluation data being reviewed; and available options for accommodations, supports and services. The team will generally include the parent/guardian and at least one of the student's general education teachers, and, may include other teachers, individuals who can interpret the instructional implications of the assessment results, intervention team members, counselors, related service providers, the student, other school staff and administrators, and individuals who have knowledge or special expertise regarding the student. Names of team members will be noted at the top of the Eligibility Form, and areas of knowledge will be checked.

504 Service Plan

Note on the plan the specific accommodations or interventions to be provided. Refer to the rubric for areas in which there is "substantial" or "extreme" impact, and consider supports in those areas. It is always best to consider supports and accommodations which can be provided efficiently and with the least impact on the student.

Refer to the SELPA documents "**A+ - Access, Accommodations, Acceptance**" and "**90 Ways to Help Students with ADHD**" for simple ideas. Work with parents and the student to brainstorm ideas they may have to address the student's needs.

Always start with ideas of supports that can be provided at little or no extra cost using existing resources at the school, for example, changes in the way the information is presented or how the student is allowed to respond, or physical changes to the educational environment.

Sometimes elements in a 504 service plan will result in additional costs to the district or school, such as additional adult support, specialists or changes to the school building. Although there is no funding stream to school districts for these costs, failure to provide the services or supports would be a violation of the law.

Occasionally, a student who is eligible under 504 will need Special Education and Related Services to address his or her needs. In this case, an evaluation for eligibility under the IDEA may be warranted.

The 504 regulations do not specify a frequency of review, but note that districts should establish procedures for "periodic" review of plans. Note on the plan how often and by when the plan will be reviewed. In addition, a re-evaluation is required before a "significant change in placement." Case law (Harlowton [MT] Public Schools 1997) defines significant change in placement as "a substantial and fundamental change in the student's educational program." Use the "Consent for Evaluation" form.

Inappropriate Uses of 504 Service Plans

- A parent/guardian and/or doctor presents the school with a disability diagnosis and a Section 504 Service Plan is written without first determining if the disability causes substantial limitation of a major life activity.

- A student is placed on a Section 504 Service Plan solely because the parent/guardian wants the student to have additional time on college qualifying examinations (e.g., ACT, SAT).
- A student is placed on a Section 504 Service Plan because the student has a record of impairment or is regarded as being impaired, but the student does not actually have a disability that substantially limits a major life activity.
- A student fails to qualify for special education and related services under the IDEA, but is automatically provided with a Section 504 Service Plan.
- A student is automatically placed on a Section 504 Service Plan when the student no longer qualifies for special education services under the IDEA without first qualifying based on Section 504 criteria.
- A student is placed on a Section 504 Service Plan as an alternative way to receive special education and related services because the parent/guardian refuses to “label” his/her child by including him/her in a special education program; this may also apply in cases where parent/guardian has revoked consent to special education.

Discipline

In disciplinary situations, students who have a Section 504 Service Plan may be suspended expelled or placed in an alternative interim setting to the same extent these options would be used for children without disabilities. School personnel may also consider any unique circumstances on a case-by-case basis when determining whether a disciplinary removal is appropriate for a child with a disability who violates a code of student conduct.

However, Section 504 requires that, after a child with a disability has been suspended from his or her current placement for or ten (10) school days in the same school year, prior to any subsequent days of suspension prior to moving forward toward expulsion, a manifestation determination meeting must be held. The child’s parent/guardian must be invited to participate as a member of this manifestation determination meeting. At the meeting, the team will determine (based upon a review of all relevant information in the student’s cumulative file, the Section 504 Service Plan, any teacher observations, and any relevant information provided by the parent/guardian) whether the student’s alleged behavior was a manifestation of his/her disability by answering these questions:

- Whether the conduct in question was caused by, or had a direct and substantial relationship to the student’s disability; or,
- Whether the conduct in question was the direct result of District’s failure to implement the student’s current Section 504 Service Plan.

If the team answers yes to either question, the alleged misconduct shall be determined to be a manifestation of the student’s disability. However, if the team answers no to both questions, the alleged misconduct shall be determined not to be a manifestation of the student’s disability and the district may take disciplinary action against the student, such as continuing to suspend or recommending for expulsion, in the same manner as it would with a child without disabilities.

If the student’s behavior is determined to be a manifestation of his or her disability, the district develops a positive behavior support plan for the student. If a positive behavior support plan

has already been developed, the district will review the plan and modify it as necessary to address the behavior in question.

However, regardless of whether a student's behavior was a manifestation of the student's disability, the district may determine, following assessment, that a change of placement is appropriate for the student. The district may proceed with this change of placement following notice to the parents; consent is not required for a change of placement pursuant to Section 504.

SECTION 504 FORMS

Section 504 Team Checklist

Student's Name:	Grade:	Age:	Date of Birth:
School:	Site Chairperson:		
Parent/Guardian(s) Name:		Phone: (Home)	(Work)
Address:	(Street)	(City)	(State) (Zip Code)

Referral Received from School Team Parent Date: _____

Consent for Evaluation for Eligibility Date Sent: _____

Date Received: _____

Consent for Release of Information (if applicable) Date Sent: _____
 Agency Name(s) _____ Date Received: _____

Notice of Parent/Guardian Rights Date Sent: _____

Receipt of Parent/Guardian Rights form Date received: _____

Evaluation conducted Date completed: _____

Notice of Section 504 Team Meeting Date Sent: _____

Date Received: _____

Initial 504 Service Plan Meeting: Date: _____
 Review Evaluation Results
 Determine Eligibility
 Develop Section 504 Service Plan

Section 504 Service Plan Review Meeting Date Scheduled Date _____

If Student is not found eligible or parents disagree:
 Provide parent/guardian with Notice to Parents Date _____
 Provide parent with Notice of Parent/Guardian Rights Date _____

Section 504 of the Rehabilitation Act of 1973 Notice of Parent/Guardian Rights and Procedural Safeguards

This is a notice of your rights under Section 504 of the Rehabilitation Act of 1973 ("Section 504") with respect to actions regarding the identification, evaluation or educational placement for students who, because of a disability, need or are believed to need special instruction or related services.

PURPOSE

It is the intent of the [INSERT DISTRICT NAME] ("District") to locate, identify, evaluate and provide a free appropriate public education ("FAPE") under Section 504 of the Rehabilitation Act of 1973 ("Section 504") to each student with a disability within its jurisdiction regardless of the nature or severity of the disability. Further, the District will provide regular or special education and related aids and services that are designed to meet the needs of each disabled students as adequately as the needs of non-disabled students. In addition to providing a FAPE to students with disabilities under Section 504, the District will not discriminate against students with a physical or mental impairment which substantially limits one or more major life activities, have a record of such an impairment, or those being regarded as having an impairment. Protections for these students are provided for elsewhere under District Board Policies and Regulations, state and federal law. (See District Board Policy 1312.3.)

Students who, because of a Section 504 disability, need or are believed to need regular or special education and services are addressed in this policy.

Students who are identified as eligible for special education and related services under the criteria set forth in the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA") are not addressed under this policy, as the needs of such students are provided for elsewhere under District Board Policies and Regulations, state and federal law, and Special Education Local Plan Area ("SELPA") procedures.

DEFINITIONS AND ELIGIBILITY

1. A student with a disability is one who:
 - a. Has a physical or mental impairment that substantially limits one or more major life activities, including learning;
 - b. Has a record of such an impairment; or
 - c. Is regarded as having such an impairment.

However, only students qualifying under subdivision (a) (*i.e.*, those with an actual physical or mental impairment that substantially limits one or more major life activities) are entitled to a FAPE and a Section 504 Service Plan under Section 504.

2. A physical or mental impairment means: any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including

speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional, and specific learning disabilities. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. The law does not limit eligibility to specific diseases or categories of medical conditions.

3. The term substantially limits shall be interpreted consistently with the findings and purpose of the Amendments to the Americans with Disabilities Act ("ADA") that went into effect on January 1, 2009. An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

Whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as: medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; or earned behavioral or adaptive neurological modifications. Thus, the ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

4. Major life activities include, but are not limited to, caring for one's self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. Learning, reading, concentration, thinking, and communication are typically, but not always, the major life activities utilized to determine Section 504 eligibility in the schools.

LOCATION AND NOTIFICATION PROCEDURES

1. The District shall annually undertake reasonable measures to locate and identify every qualified disabled student residing within the District's jurisdiction who is not receiving a public education, and to notify those students and their parent/guardian of the right to a FAPE under Section 504.
2. Location and notification procedures may include the District's annual notice, personal contacts, posting of notices, newspaper advertisements, press releases, and communications with public and private community agencies.
3. When a student is identified, he or she should be referred to the school's Section 504 Site Chairperson, following the procedures set forth below.

IDENTIFICATION AND REFERRAL PROCEDURES

1. Any student may be referred, in writing, by parent, guardian, teacher, counselor, related service provider, other school staff, and/or community agency to the school's Section 504 Site Chairperson.
2. Based upon a review of relevant and available information regarding the student referred or based upon a meeting of the school site's Student Study Team or Section 504 Service Plan team, the District shall determine whether an evaluation under Section 504 is appropriate. The District shall evaluate any student who, because of disability, needs, or is believed to need, regular or special education or related aids and services.
3. If the request for evaluation is denied, the District or the school site's Student Study Team or Section 504 Service Plan team will inform the parent/guardian of the decision through prior written notice in writing and provide him/her with a copy of his/her parent/guardian rights and procedural safeguards under Section 504.
4. If the District or the school site's Section 504 Service Plan team determines an evaluation under Section 504 is appropriate, the team will forward a letter and/or an assessment plan requesting consent for evaluation of the student to the parent/guardian, along with a copy of the District's notice of parent/guardian rights and procedural safeguards under Section 504.

EVALUATION, ELIGIBILITY AND PLACEMENT DETERMINATIONS

1. The evaluation of students suspected of having a disability under Section 504 will be carried out by qualified evaluators selected by the District.
2. When selecting tests and other evaluation materials, the District will ensure that they are: validated for the specific purpose for which they are used; administered by trained personnel in conformance with the instructions provided by their producer; tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; 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).
3. The District may administer and use formal and informal measures as deemed necessary. If the team is going to conduct formal assessment and/or observations in order to determine eligibility, then the team must obtain informed and written consent from the parent/guardian before the student is evaluated.
4. Additionally, if the student's Section 504 Service Plan team determines that a medical examination is necessary for a Section 504 determination, the District is responsible for the costs of the examination.
5. Once the evaluations are completed, the District will schedule a Section 504 meeting to consider the results of the evaluations; and, the student's Section 504 team will determine whether the student is eligible under Section 504 by deciding whether the student has a physical or mental impairment that substantially limits one or more major

life activities. A Section 504 team meeting shall be convened within a reasonable time period of receiving the parent/guardian's consent to assess.

6. The Section 504 team is made up of a group of individuals, including persons knowledgeable about the student, the meaning of the evaluation data being considered, and placement options. The team will generally include student's parent/guardian and at least one of the student's general education teachers; and, may include: other teachers, individuals who can interpret the instructional implications of the assessment results, SST members, counselors, related service providers, the student, other school staff and administrators, and individuals who have knowledge or special expertise regarding the student. The determination of whether an individual has knowledge or special expertise regarding the pupil shall be made by the party who invites the individual to be a member of the Section 504 Service Plan team.
7. The Section 504 Service Plan team, in deciding whether a student is eligible for a Section 504 Service Plan, will collect and carefully interpret evaluation data and in a making placement decision, the team will draw upon information from a variety of sources, including, but not limited to, observations, testing, reports, District evaluations, medical records, letters from doctors, health care plans, school records, school administration, school counselors, teachers and paraprofessionals that work with the student, the parent/guardian, and when appropriate, the student.
8. No final determination of whether the student will or will not be identified as a student with disabilities within the meaning of Section 504 will be made without first inviting the parent/guardian of the student to participate in a Section 504 team meeting concerning such determination. The parent/guardian will receive reasonable notice of all Section 504 team meetings.
9. If the Section 504 team finds the student ineligible under Section 504, this decision shall be documented in writing, at which time the parent/guardian shall be notified of his/her parent/guardian rights and procedural safeguards under Section 504, including the right to an impartial hearing.
10. For students who are determined, through the evaluation process, to be eligible under Section 504, an Eligibility Summary will be completed and the team shall develop a Section 504 Service Plan.
11. The Section 504 Service Plan will describe the regular or special education; related aids and services; and, accommodations and/or modifications that are needed in order to provide the student with a FAPE, and how the placement, services, and accommodations and/or modifications will be provided to the student and by whom.
12. A copy of the plan shall be maintained in the student's cumulative file and in the District's Section 504 file. All school staff who work with the student shall be informed of the elements of the student's Section 504 Service Plan.
13. The parent/guardian must consent to the student's Section 504 Service Plan prior to the implementation of the plan; however, they do not need to consent to future changes in services in order for those changes to take place. Students who are eligible under Section 504 do not have a right to "stay put" in cases when a dispute arises.

14. A student with a disability shall be placed in a regular education environment of the District, unless the Section 504 Service Plan team determines that his/her education in such a placement cannot be achieved satisfactorily with the use of supplementary aides and services. The student with a disability shall be educated with non-disabled students to the maximum extent appropriate.
15. The parent/guardian shall be notified in writing of the final decision concerning the placement, services, and accommodations and/or modifications to be provided, if any, and of his/her parent/guardian rights and procedural safeguards pursuant to Section 504, including the right to an impartial hearing.

REVIEW OF STUDENT PROGRESS

1. The Section 504 Service Plan team will meet according to frequency described in the service plan to review the progress of students with disabilities and the effectiveness of the student's Section 504 Service Plan to determine whether services are appropriate, and that the needs of students with disabilities are being met as adequately as the needs of nondisabled students.
2. Should a parent/guardian request a Section 504 meeting, the District will convene one within a reasonable time period of the receipt of the request.
3. Prior to any subsequent significant change in placement, a reevaluation of the student's needs will be conducted. The parent/guardian will receive reasonable prior written notice of any meeting convened to propose a significant change in placement.
4. The Section 504 Service Plan team may also determine that the student no longer has a mental or physical impairment that substantially limits a major life activity. If the Section 504 Service Plan team so determines, the record of the Section 504 Service Plan team meeting will state the basis for the team's decision.

DISCIPLINE

In disciplinary situations, students who have a Section 504 Service Plan may be suspended or placed in an alternative interim setting to the same extent these options would be used for children without disabilities. School personnel may also consider any unique circumstances on a case-by-case basis when determining whether a change in placement (in this context a disciplinary removal) is appropriate for a child with a disability who violates a code of student conduct. This change of placement may be to an appropriate interim alternative education setting, another setting, or suspension for not more than five (5) consecutive school days. Additionally, removals of not more than ten (10) cumulative school days in the same school year for separate incidents of misconduct may be made.

After a child with a disability has been suspended from his or her current placement for ten (10) school days in the same school year, during any subsequent days of suspension, child is entitled to a manifestation determination meeting within ten (10) school days of the District's decision to suspend further. The child's parent/guardian must be invited to participate as a member of this manifestation determination meeting. At this meeting, the team will determine (based upon a review of all relevant information in the student's cumulative and files, the Student's Section 504 Service Plan, any teacher observations, and any relevant information provided by the parent/guardian) whether the student's alleged behavior was a manifestation

of his/her disability by answering the inquiry required by the IDEA. As of the 2008-2009 school year, the questions are::

- Whether the conduct in question was caused by, or had a direct and substantial relationship to the student's disability; or,
- Whether the conduct in question was the direct result of District's failure to implement the student's current Section 504 Service Plan.

If the team answers yes to either question, the alleged misconduct shall be determined to be a manifestation of the student's disability. However, if the team answers no to both questions, the alleged misconduct shall be determined not to be a manifestation of the student's disability and the District may take disciplinary action against the student, such as expulsion, in the same manner as it would with a child without disabilities. If the student's behavior is determined to be a manifestation of his or her disability, the District must implement a behavioral support plan for the student. In this situation, if a behavioral support plan has already been developed, the District will review the plan and modify it as necessary to address the behavior in question. However, regardless of whether a student's behavior was a manifestation of the student's disability, the District may determine, following assessment, that a change of placement is appropriate for the student. The District may proceed with this change of placement following notice to the parents; consent is not required for a change of placement pursuant to Section 504.

PROCEDURAL SAFEGUARDS

1. The parent/guardian shall be notified in writing of all actions regarding the identification, evaluation, and educational placement of a student who, because of a disability, needs, or is believed to need, special instruction or related services pursuant to Section 504. Notifications will include a statement of parent/guardian rights to:
 - a. Examine relevant records. Upon parent/guardian request, records may be reviewed at the school site or at the District Office. Copies of student records may be obtained within five (5) business days of the request pursuant to District policies.
 - b. Have an impartial hearing with opportunity for participation by the parent/guardian and his/her counsel.
 - c. Seek review in federal court if the parent/guardian disagrees with the hearing decision.
2. Notifications shall also set forth the procedure for requesting an impartial hearing. Requests shall be made to: District Section 504 Administrator, [INSERT DISTRICT NAME], [INSERT DISTRICT OFFICE ADDRESS] or [INSERT DISTRICT PHONE NUMBER]
3. If a parent/guardian disagrees with the identification, evaluation or placement of a student with disabilities under Section 504, he/she may initiate the following procedures. The parent/guardian is encouraged to utilize Levels One and Two, but he/she may proceed directly to Level Three if he/she so chooses.

LEVEL ONE: In writing, the parent/guardian may request a meeting with the Section 504 Service Plan team in an attempt to resolve the disagreement. This meeting shall be held within ten (10) school days after receiving the parent/guardian's request. This time frame may be extended by mutual agreement of the parties.

LEVEL TWO: If disagreement continues, the parent/guardian may request, in writing, a meeting with the District Section 504 Administrator for [INSERT DISTRICT NAME]:

District Section 504 Administrator
[INSERT DISTRICT NAME]
[INSERT DISTRICT ADDRESS]
Ph: [INSERT DISTRICT PHONE NUMBER]
Fax: [INSERT DISTRICT FAX NUMBER]

This meeting shall be held within a reasonable period of time after receiving the parent/guardian's request.

At the request of either the District or the parent/guardian, and on mutual agreement of the parties, the parties may pursue dispute resolution through mediation. If the parties agree to mediation, a time line will be set for the convening of the mediation.

The District shall choose the neutral mediator; and, the cost of the mediation, if any, shall be paid by the District.

LEVEL THREE: If the disagreement is not resolved, or upon initial request, a due process hearing may be requested by the student's parent/guardian ("Section 504 due process hearing"). The proceedings will be presided over and decided by an impartial hearing officer.

Impartial hearing officer means a person selected by the District to preside at a due process hearing to assure that proper procedures are followed and to assure the protection of the rights of both parties. To ensure impartiality of the hearing officer, the hearing officer shall not be employed by or under contract with the District in any capacity at the time of the due process hearing, nor shall the hearing officer have any professional or personal involvement that would affect his or her objectivity or impartiality.

The steps involved in initiating and implementing a Section 504 impartial hearing are as follows:

- a. The parent/guardian shall have the right to an impartial hearing with an opportunity for participation by the parent/guardian and representation by counsel.
- b. A request in writing for a Section 504 due process hearing must be filed in the office of the District Section 504 Administrator.

Section 504 Administrator
[INSERT DISTRICT NAME]
[INSERT DISTRICT ADDRESS]
Ph: [INSERT DISTRICT PHONE NUMBER]

Fax: [INSERT DISTRICT FAX NUMBER]

- c. A request for a Section 504 due process hearing must be in writing and received by the District within ninety (90) days from the time the parent/guardian received written notice of the decision leading to the request for such hearing. Upon receipt of such a request from the parent/guardian, the District may schedule a Section 504 Service Plan team meeting, and make relevant personnel available within a reasonable time period. A parent/guardian or student making an oral request may be assisted by the District in making a written request.
- d. A request for a Section 504 due process hearing shall contain the following:
 - i. A statement requesting a hearing.
 - ii. The specific nature of the decision(s) made by the District the Section 504 Service Plan team with which the parent/guardian disagrees.
 - iii. The specific relief the parent/guardian seeks.
 - iv. Any other information the parent/guardian believes will assist in understanding the request.
- e. Within a reasonable time following receipt of a written request for hearing, the District Section 504 Administrator will select an impartial hearing officer.
- f. A hearing officer selected by the District must satisfy the following requirements:
 - i. Be qualified to review District decisions relating to Section 504.
 - ii. Not be an employee of, or under contract with, the District in any capacity other than that of a hearing officer at the time of the due process hearing.
 - iii. Not have any professional or personal involvement that would affect his or her impartiality or objectivity in the matter.
- g. Hearing notifications shall be given to the parent/guardian at least twenty (20) calendar days prior to the date set for the hearing. The notice shall contain a statement regarding the time and place for the hearing as well as the name of the hearing officer. This notice shall be accompanied by a copy of the District's notice of parent/guardian rights and procedural safeguards pursuant to Section 504.
- h. Within sixty (60) calendar days of receipt of the parent/guardian's request for a Section 504 due process hearing, the hearing shall be conducted. Within ninety (90) calendars of the receipt of the parent/guardian's request, a written decision shall mailed to all parties. This time frame may be extended by mutual agreement of the parties.
- i. A party to the hearing shall be afforded the following rights:

- i. The right to be accompanied and advised by counsel and by individuals with special knowledge or training relating to the problems of students who have a disability within the meaning of Section 504.
- ii. Receipt of notice from the other party or parties, at least ten (10) calendar days prior to the hearing, that they will utilize the services of an attorney, except for good cause shown.
- iii. The right to prohibit the introduction of evidence at the hearing that has not been disclosed to the other party or parties at least five (5) calendar days prior to hearing except for good cause shown.
- iv. The right to present evidence, written and oral.
- v. The right to produce outside expert testimony.
- vi. The right to written findings of fact, conclusions of law, and a decision prepared by the hearing officer.
- vii. The right to a written or electronic verbatim record of the hearing prepared at the expense of the individual requesting such record.

In cases where foreign language translation is necessary, a translator shall be provided by the District. This translator may be a current District employee.

- j. The parent/guardian involved in the hearing will be given the right to:
 - i. Have the student present at the hearing;
 - ii. Open the hearing to the public, but not the press, should they so choose; and
 - iii. Have an opportunity to participate in the impartial hearing.
- k. The hearing officer shall render a decision pursuant to the legal standards set forth in 34 Code of Federal Regulations part 104 and related law.
- l. Either party may seek review of the hearing officer's decision by timely filing with a court of competent jurisdiction.
- m. The cost of the hearing officer shall be borne by the District. Reimbursement of attorneys' fees, expert witness fees, and other costs is available only as authorized by law.
- n. All written correspondence shall be provided in English and/or translated into the primary language of the home at the request of the parent/guardian. If translation of written correspondence is requested, the District shall provide said translation within a reasonable time period of the receipt of parent/guardian's request for translation of written correspondence.

The school Section 504 Site Chairperson is _____. Should you have any concerns or questions about your parent/guardian rights and/or procedural safeguards pursuant to Section 504, you may contact this individual at _____. If an issue cannot be resolved at the school site level, and should you wish to discuss the matter further, you may contact the District Section 504 Administrator at [INSERT DISTRICT ADDRESS], [INSERT DISTRICT PHONE NUMBER]

For information regarding a student's right to be protected from discrimination, including grievance procedures, please refer to District Board Policy 1312.3.

RECEIPT OF PARENT/GUARDIAN RIGHTS UNDER SECTION 504

Name of Student: _____

Date of Birth: _____ School: _____

This is to verify that I have received a copy of Section 504 *Notice of Parent/Guardian Rights and Procedural Safeguards* which informs me of my rights as the parent of a student with a disability.

I understand that my rights include the right to receive:

- 1.) This and all other written notices in the language I understand (primary language) or, if needed, a translation of such orally, in sign language, or Braille as appropriate, and
- 2.) Answers from school personnel to additional questions I may have.

My signature below indicates that I received the rights and understand its contents.

Signature of Parent, Guardian, or Adult Student

Date Signed

CONSENT FOR EVALUATION FOR 504 ELIGIBILITY

Date: _____

Student Name: _____

D.O.B: _____

School: _____

Grade: _____

Teacher: _____

Your child has been referred for evaluation for consideration of eligibility as a person with disabilities according to Section 504 of the Rehabilitation Act (1973) or a re-evaluation prior to a substantial change in the 504 Service Plan.

The following elements need to be considered in establishing eligibility:

- Presence of a physical or mental disability usually (lasting or expecting to last for at least six months) according to the Diagnostic and Statistical Manual IV (date) or other respected source
- Impact on one or more major life activities which impede your child's ability to participate/benefit from school and school-related activities.
- Level of impact.

The district proposes to conduct the evaluation using the following means:

- Contacting your child's physician for medical records and diagnosis (see attached consent form)
- Contacting other specialists (therapists, public health nurses, etc.) (see attached consent form)
- Interview with parents/family members
- Review of school records
- Observation of the child in various school settings
- Teacher(s) Interviews
- Social/Emotional Checklist
- Academic assessments
- Adaptive Behavior Tools
- Other (specify) _____
Assessment will be in (language): _____

The following staff will be involved in the assessment:

Name:

Title:

If you have questions about this consent, please call me at the number listed here.

Name: _____

Phone: _____

Please sign:

I give my permission for the evaluation of my child as specified above.

Parent/Legal Guardian/Adult Student/Surrogate

Date

CONSENT FOR RELEASE OF INFORMATION FOR 504 EVALUATION

A. Student Information

Name: _____ Date of Birth: _____
Home Address: _____
Telephone Number: _____ Medical Record Number (if applicable): _____
Previous School: _____ Present School: _____

B. Educational/Health Information Requested From

Agency/Person: _____
Address: _____
Telephone Number: _____ Fax Number: _____

C. Educational/Health Information to be Released To and Used By

Agency/Individual: _____
Address: _____
Telephone Number: _____ Fax Number: _____

D. Purpose of the Requested Educational/Health Information

- Request of student's parent, guardian or legal representative.
- Determine eligibility as a person with a disability under Section 504
- Provide and plan educational accommodations, supports and services for student.
- Other: _____

E. Type/Description of Educational/Health Information to be Released

- | | |
|---|--|
| <input type="checkbox"/> History and Physical Exams | <input type="checkbox"/> Diagnostic/Treatment Information |
| <input type="checkbox"/> Psychological Records | <input type="checkbox"/> Current Medical Information |
| <input type="checkbox"/> Mental Health Records | <input type="checkbox"/> Admission and Discharge Summaries |
| <input type="checkbox"/> Immunization Record | <input type="checkbox"/> Section 504 Service Plan |
| <input type="checkbox"/> Other/Comments: _____ | |
- _____

F. Expiration of Authorization

Unless otherwise revoked, this Authorization is effective upon my signing and shall expire _____ (insert date or event). If no date is indicated, this Authorization will expire twelve (12) months after the date of signing this Authorization.

G. Signature

By signing below, I authorize the disclosure and use of the educational/health information specified above, and further acknowledge that I have read and understand the Authorization Restrictions and Rights.

Parent/Guardian Signature: _____ Date: _____

Print Name: _____ Relationship to Student: _____

Authorization Restrictions and Rights

1. Refusing to sign this Authorization will not affect the District's commitment to provide a quality education for your child. However, without the proper educational/health information, the District may not be able to properly plan and provide educational services for your child.
2. This Authorization may be revoked at any time. To revoke this Authorization, you must provide the organization or individual listed in Section B of this Authorization with a written request to revoke this Authorization. The revocation will take effect when the organization or individual listed in Section B receives your revocation. Any information disclosed before your revocation is received by the organization or individual listed in Section B may be used as permitted in this Authorization. Please provide the District with a copy of the revocation.
3. You have a right to receive a signed copy of this Authorization. Upon request, you will be provided a copy of this Authorization.
4. The District and many other organizations and individuals such as physicians, hospitals and health plans are required by law to keep your child's educational/health information confidential. If you authorize the disclosure of your child's educational/health information to a person or entity that is not legally required to keep it confidential, the information may be re-disclosed and may no longer be protected by state or federal law.
5. A photocopy or fax copy of this Authorization is as valid as the original.

NOTICE OF SECTION 504 TEAM MEETING

Student: _____ School: _____
Parent/Guardian: _____
Date of Birth: _____ Date This Notice Was Mailed: _____

Dear Parent/Guardian:

A Section 504 team meeting has been scheduled for your child. Your participation is essential to the development of your child's educational program, and we hope that you will join us for this meeting. You have the right to have your child participate in the meeting if you feel it would be helpful. You may bring someone such as a social worker, service provider, or friend with you, or anyone who has knowledge or special expertise regarding your child. If you have information you would like the team to consider during this meeting, please provide it to the district as soon as possible or during the meeting. If you need an interpreter for this meeting, please let us know in advance of the meeting, so the district can provide one.

The meeting has been scheduled for _____ at _____.
(Date) (Time)

and will take place at _____.

The purpose of this meeting is (check all that are appropriate):

- To review initial Section 504 evaluation results and consider your child's eligibility for a Service Plan.
- To conduct an review of your child's Section 504 Service Plan.
- To discuss possible changes in the Section 504 Service Plan.
- To conduct a manifestation determination regarding the relationship between your child's disability and behavior subject to disciplinary action.
- Other: _____

The following people have been invited to attend your child's Section 504 Service Plan team meeting:

- School Administrator: _____ General Education Teacher(s): _____
- District/Site Section 504 Coordinator: _____ School Psychologist: _____
- Other Service Provider/Assessor (Include Title): _____ Other Service Provider/Assessor (Include Title): _____
- Other Service Provider/Assessor (Include Title): _____ Other (Include Title): _____
- Student: _____ Other (Include Title): _____
- Interpreter: _____

Please Check One and Return to the District as Soon as Possible:

- I plan to attend the meeting. I understand that you will proceed with this meeting without me if I do not contact you to reschedule the meeting.
- I would like the meeting rescheduled. I prefer to meet at (time) _____ (date) _____.
- I do not plan to attend the meeting; the District may proceed without me.
- I do not plan to attend the meeting and will be sending _____ as my representative.

Parent/Guardian Signature _____ Date _____

Site Chairperson's Use Only	
Results of Attempts to Contact (e.g., correspondence, phone calls, visits to home or place of employment)	
Response Record	Will Attend
Other (date) _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
Telephone Call (date) _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
Telephone Call (date) _____	<input type="checkbox"/> Yes <input type="checkbox"/> No

_____ School District

SECTION 504 TEAM MEETING SUMMARY

Meeting Date: _____

Next Review Date: _____

Student's Name:		Grade:	Age:	Date of Birth:
Referral Date:	School:		Site Chairperson:	
Parent/Guardian(s) Name:			Phone: (Home)	
			(Work/Cell)	
Address: (Zip Code)	(Street)	(City)	(State)	

Purpose of Meeting (Check all that apply.)

- Eligibility (Attach Eligibility Summary)
- Develop Section 504 Service Plan (Attach Service Plan)
- Review (Attach Service Plan)
- Manifestation Determination Review (Attach Determination of Manifestation of Disability on Behavior Summary)
- Other:

Parent/Guardian Statements	
<input type="checkbox"/> I agree with the Section 504 Service Plan. (Parent approval required for initial Service Plan only)	
<input type="checkbox"/> I do NOT agree with the: <ul style="list-style-type: none"> <input type="checkbox"/> evaluation <input type="checkbox"/> identification <input type="checkbox"/> service plan <input type="checkbox"/> other: _____ 	
<input type="checkbox"/> I have received a copy of the Notice of Parent/Guardian Rights and Procedural Safeguards under Section 504	
<input type="checkbox"/> I am aware that Section 504 records will be destroyed three years after their usefulness ceases or on the student's 25 th birthday, whichever is sooner, and that I may request access to these records prior to destruction.	
Comments:	
Parent/Guardian Signature:	Date:
Parent/Guardian Signature:	Date:
Student Signature:	Date:

Signatures of Persons in Attendance		
Name:	Title:	Date:
Name:	Title:	Date:
Name:	Title:	Date:
Name:	Title:	Date:
Name:	Title:	Date:

Student Name: _____

D.O.B: _____

Eligibility Team Members: Fill in names and check areas of knowledge for each member:

Names:	Student	Evaluation Data	Accommodations/Supports Options

Note: Make sure there is at least one check in each column

Sources of evaluation information (check each one used):

- | | | |
|-------------------------------|------------------------------|---------------------------------|
| ____ Physician | ____ Observational tools | ____ Social/Emotional Checklist |
| ____ Specialist _____ | ____ Teacher recommendations | ____ Academic Assessments |
| ____ Family Interview | ____ Others (specify): _____ | ____ Adaptive Behavior Tools |
| ____ Review of school records | | |

- *Specify the mental or physical *impairment* _____
(as recognized in *DSM-IV* or other respected source, excludes illegal drug use)
- Check the *major life activity which is impacted (Must be related to participation in school activities)*:

____ Seeing	____ Manual tasks	____ Eating	____ Standing	____ Bodily functions (specify)
____ Reading	____ Walking	____ Speaking	____ Lifting	_____
____ Social/behavioral	____ Concentrating	____ Breathing	____ Bending	____ Other (specify) _____
____ Hearing	____ Working	____ Self care	____ Communicating	_____
____ Thinking	____ Learning	____ Sleeping		
- Place an "X" on the following scale to indicate the specific degree that the impairment (in #1) limits the major life activity (in #2): (Use the rubric "Level of Impact of Disability on School Activities" [on back] to assist in establishing level of impact)

Fill in specific information from rubric that justifies the rating:

- ⑤ Extremely _____
- ④ **Substantially** _____
- ③ Moderately _____
- ② Mildly _____
- ① Negligibly _____

Student is Eligible for 504 Service Plan Not Eligible

Rubric for Establishing Level of Impact of Disability on School Activities

- Mental or Physical Impairment (#1 from Eligibility Form) _____
- School-related activity which is impacted (#2 from Eligibility Form) _____
- Level of Impact:
 - Make an educated estimate **without** the effects of mitigating measures, such as medication; low-vision devices (except eyeglasses or contact lenses); hearing aids and cochlear implants; mobility devices, prosthetics, assistive technology; learned behavioral or adaptive neurological modifications; and reasonable accommodations or auxiliary aids/services.
 - Similarly, for impairments that are episodic or in remission, make the determination for the time they are active.
 - Use the average student in the general (school) population as the frame of reference.

Place a check in the highest area which applies in each column: (Check area if any factors apply)

	Academic	Social	Behavioral	Participation/Attendance
⑤ Extremely	<ul style="list-style-type: none"> • Performs far below basic on standardized tests • Failing grades • Never turns in tests or school work • Grade retention <input type="checkbox"/>	<ul style="list-style-type: none"> • Has no friends • Always alone • No relationships with adults at school • Poor self-esteem <input type="checkbox"/>	<ul style="list-style-type: none"> • Multiple /frequent suspensions • In office several times a week • Detentions several times a week • Kept in from recess several times a week • Parent called more than once a week <input type="checkbox"/>	<ul style="list-style-type: none"> • Misses over 90% of school activities due to school work or behavior • Frequently absent • More than 10 minutes tardy to 4 or more classes per week <input type="checkbox"/>
④ Substantial	<ul style="list-style-type: none"> • Below basic on standardized tests • Failing or very low grades • Turns in very little work • Grade retention <input type="checkbox"/>	<ul style="list-style-type: none"> • Has very few friends • Expresses feelings of loneliness • Very few relationships with adults at school • Poor self-esteem <input type="checkbox"/>	<ul style="list-style-type: none"> • Frequent suspensions • In office several times a month • Detentions several times a month • Parent called weekly <input type="checkbox"/>	<ul style="list-style-type: none"> • Frequently misses school activities (over 75%) • Often absent • More than 10 minutes tardy to 2 or more classes per week <input type="checkbox"/>
③ Moderate	<ul style="list-style-type: none"> • Basic or below basic on standardized tests • Poor grades • Inconsistent school work • Grade promotion <input type="checkbox"/>	<ul style="list-style-type: none"> • Makes but loses friends • Trouble interacting with adults • Occasionally expresses low self-esteem <input type="checkbox"/>	<ul style="list-style-type: none"> • Some suspensions • Some office referrals • Occasional detentions • Parent called monthly <input type="checkbox"/>	<ul style="list-style-type: none"> • Misses school activities (over 50%) • Frequently absent • More than 10 minutes tardy to at least 1 class per week <input type="checkbox"/>
② Mild	<ul style="list-style-type: none"> • Basic or above standardized tests • Grades of concern • Occasionally misses school work • Grade promotion <input type="checkbox"/>	<ul style="list-style-type: none"> • Would like more friends • Typical relationships with adults • Self-esteem average <input type="checkbox"/>	<ul style="list-style-type: none"> • Occasional behavior concerns • Parents have been called <input type="checkbox"/>	<ul style="list-style-type: none"> • Occasionally excluded due to behavior or school work • Average attendance • Tardy to at least one class a week <input type="checkbox"/>
① Negligible	<ul style="list-style-type: none"> • Basic or above standardized tests • Average or above grades • Turns in most school work • Grade promotion <input type="checkbox"/>	<ul style="list-style-type: none"> • Many friends • Participates in activities with others • Good relationships with adults • Good self-esteem <input type="checkbox"/>	<ul style="list-style-type: none"> • Behavior typical of peers <input type="checkbox"/>	<ul style="list-style-type: none"> • Participates in almost all school activities • Average attendance • Tardy less than twice a monthly <input type="checkbox"/>

Use the highest score in any column to determine impact of disability. For example, if there is a “4” checked under “social,” check #4 on question #3 on “Student Eligibility Form”

SECTION 504 SERVICE PLAN

Area(s) of Difficulty	Accommodations and Supports and/or Regular or Special Education, Related Aids and Services	Person(s) Responsible	Start/End Date

Plan to be reviewed (frequency): _____

Next review: _____

Person responsible for implementation and communication with staff and family:

Name/Title

Contact Information

SECTION 504 MANIFESTATION OF DISABILITY ON BEHAVIOR SUMMARY

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

Disability: _____

Behavior Subject to Disciplinary Action: _____

Proposed Disciplinary Action:

- Suspension beyond ten cumulative days in school year
- Expulsion

The 504 Team must consider:

- All relevant information in student's files
- The 504 Service Plan
- Teacher observations
- Relevant information provided by parents

Based on the above sources of data the team determines:

- Yes No

The conduct in question was caused by, or had a direct and substantial relationship to the student's disability.

- Yes No

The conduct in question was the direct result of the district's failure to implement the student's current 504 Service Plan.

If either question is checked "yes" the district shall not proceed with the disciplinary action proposed above.

(If yes to either question) Describe next steps:

- Revise 504 Service Plan
- Provide better monitoring and implementation of plan
- Other

(If no to both questions)

- Continue to suspend for subsequent occurrences of this behavior
- Initiate expulsion procedures

NOTICE TO PARENTS REGARDING SECTION 504 EVALUATION OR SERVICES

Date: _____

To: _____

Address: _____

Re: _____

D.O.B.: _____

Dear: _____

This letter serves as notice regarding proposed or refused actions regarding Section 504 Evaluation or Services. The district is required to provide you with prior written notice when it proposes to initiate or change, or refuses to initiate or change, the identification, assessment, or educational placement of the child, or the provision of a free appropriate public education.

The district has determined/offered the following:

Evaluation

_____ The district declines to assess your child for Section 504 Eligibility.

Explanation: _____

Eligibility

_____ Your child is eligible for Section 504 Services.

_____ Your child is not eligible for Section 504 Services.

Explanation: _____

General or Special Education and Related Aids and Services

_____ Based upon the information considered at your child's Section 504 review team meeting, the District determined that the following general or special education and related aids and services are designed to meet your child's individual educational needs as adequately as the needs of his/her non-disabled peers, and will be included in the 504 Service Plan: _____

Assessment

_____ The Section 504 team considered, and the district determined, that additional assessment of your child is needed at this time. Please find attached the district’s proposed “Consent for Evaluation” as discussed at the Section 504 team meeting.

_____ The district determined that the additional assessment(s) you requested in the area(s) of _____ are not necessary in determining and providing a free appropriate public education to your child. Therefore, the district will not conduct the assessment(s) you requested at this time.

The specific information the district/team used in making this decision(s) included: _____

Please do not hesitate to contact me should you have any questions regarding your child or if you need further information in order to respond to the district’s proposal(s)/refusal(s) as detailed above.

Please find enclosed a copy of the Parent/Guardian Rights and procedural safeguards under Section 504. In addition to contacting the district, you may also contact the following agency to obtain assistance in understanding your rights:

Office for Civil Rights
907th Street, Suite 4-100
San Francisco, CA 94103

Thank you for your time and careful consideration in this matter. Again, if you have any questions or need further assistance, please do not hesitate to contact me at (_____) _____ - _____.

Sincerely,

(Signature of District Representative)

(Printed Name of District Representative)

(Title of District Representative)

Enclosures: Notice Parent/Guardian Rights and Procedural Safeguards Under Section 504
Section 504 Service Plan dated ____/____/____, (if appropriate)
Consent for Evaluation Plan, (if appropriate)

APPENDICES

IDEA AND SECTION 504: A Comparison

Component	IDEA	Section 504
Purpose	To provide federal financial assistance to state and local education agencies to assist them to educate children with disabilities.	To eliminate discrimination on the basis of disability in all programs and activities receiving federal financial assistance.
Who is protected?	All school-age children who fall within one or more of 13 specific categories of disability and who, because of such disability, need special education and related services (i.e., mentally retarded, hard of hearing, speech or language impaired, visually impaired, seriously emotionally disturbed, orthopedically impaired, other health impaired, deaf, deaf-blind, multiple disabled, specific learning disabled, autistic, or traumatic brain injured).	All school-age children who have a physical or mental impairment which substantially limits a major life activity, have a record of such an impairment or are regarded as having such an impairment. Major life activities include walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself and performing manual tasks and thinking concentrating, eating, sleeping, lifting, bending reading communicating. Section 504 protects a broader group of students than does the IDEA.
Duty to provide a Free and Appropriate Public Education (FAPE)	Both laws require the provision of F APE. Section 504 defines FAPE more broadly than does the IDEA.	
	Requires that F APE be provided to only those protected students who, because of disability, need special education or related services.	Requires that F APE be provided to only those protected students who, because of disability, need regular education accommodations, special. Education or related services.
	Defines F APE as special education and related services. A student can receive related services under the IDEA if and only if the student is provided special education and needs related services to benefit from special education.	Defines FAPE as regular or special education and related aids and services. A student can receive related services under Section 504 even if the student is in regular education full-time and is not provided any special education.
	Requires a written IEP document with specific content and a required number of specific participants at the IEP meeting.	Does not require a written IEP document, but does require a plan. It is recommended the district document that a group of persons knowledgeable about the student convened and specified the agreed upon plan of services.

Special Education V s. Regular Education	A student is protected by the IDEA, if and only if: because of disability, the student needs special education.	A student is protected by Section 504 regardless of whether the student needs special education. Some students protected by Section 504 are in regular education full-time and are not provided any special education.
Funding	Provides additional funding for protected students.	Does not provide additional funds. IDEA funds may not be used to serve students protected only under Section 504.
Procedural Safeguards	Both laws require prior notice to parents or guardians with respect to the identification, evaluation and/or placement of protected students. IDEA procedures will suffice for Section 504 implementation.	
Evaluations	Both laws require that tests and other evaluation materials: <ol style="list-style-type: none"> 1. Be validated for the specific purpose for which they are used; 2. Be administered by trained personnel in conformance with the instructions provided by their producer, 3. Include those tailored to assess specific areas of educational need; and 4. Be selected and administered to assure that the test results accurately reflect whatever factors the test purport to measure. 	
	Requires informed consent before an initial evaluation is conducted.	Same as IDEA.
	Requires re-evaluations to be conducted at least every 3 years.	Requires periodic re-evaluations. IDEA schedule for re-evaluation will suffice.
	A re-evaluation is not required before a change of placement. However, an IEP team should review current evaluation data, including progress towards goals and objectives when considering a significant change of placement. When data are insufficient to answer questions regarding the appropriateness of the special education and related services being considered, then a re-evaluation is required.	Requires re-evaluation before a significant change in placement.
	Provides for independent educational evaluation at district expense if parent disagrees with evaluation obtained by school and hearing officer concurs.	No provision for independent evaluations at district expense. However, a district must carefully consider any such evaluations presented.

Placement Procedures	When interpreting evaluation data and making placement decisions, both laws require districts to: 1. Draw upon information from a variety of sources; 2. Assure that all information is documented and considered; 3. Ensure that the eligibility decision is made by a group of persons including those who are knowledgeable about the child, the meaning of the evaluation data and placement options; and 4. Ensure that the student is education with his/her non-handicapped peers to the maximum extent appropriate (least restrictive environment).	
	An IEP meeting is required before any change in placement.	A re-evaluation meeting is required before any "significant change" in placement
Grievance Procedure	Does not require a grievance procedure, nor a compliance offer.	Requires districts with more than 15 employees to, (1) designate an employee to be responsible for assuring district compliance with Section 504, and (2) provide a grievance procedure for parents, students and employees.
Due Process	Both statues require districts to provide impartial hearings for parents or guardians who disagree with the identification, evaluation or placement of a student	
	Contains detailed heating rights and requirements.	Requires notice, the right to inspect records, the right to participate in a hearing and to be represented by counsel, and a review procedure.
Exhaustion	Requires the parent or guardian to pursue administrative hearing before seeking redress in the courts.	Administrative hearing not required prior to OCR involvement or court action; however, claim can be dismissed if issues are based solely upon underlying IDEA claims.
	Enforced by the U.S. Office of Special Education Programs. Compliance is monitored by OSPI and the Office of Special Education Programs.	Enforced by the U.S. Office for Civil Rights.
	OSPI and CDE resolve complaints.	OSPI has no monitoring, complaint resolution or funding involvement.

LEGAL REQUIREMENTS FOR IDENTIFICATION OF CHILDREN WITH ADHD

(Excerpted from: **Identifying and Treating Attention Deficit Hyperactivity Disorder: A Resource for School and Home, U.S. Department of Education, Office of Special Education Programs 2003**)

Section 504 was established to ensure a free appropriate education for all children who have an impairment-physical or mental-that substantially limits one or more major life activities, If it can be demonstrated that a child's ADHD adversely affects his or her learning-a major life activity in the life of a child-the student may qualify for services under Section 504, To be considered eligible for Section 504, a student must be evaluated to ensure that the disability requires special education or related services or supplementary aids and services, Therefore, a child whose ADHD does not interfere with his or her learning process may not be eligible for special education and related services under IDEA or supplementary aids and services under Section 504.

IDEA and Section 504 require schools to provide special education or to make modifications or adaptations for students whose ADHD adversely affects their educational performance. Such adaptations may include curriculum adjustments, alternative classroom organization and management, specialized teaching techniques and study skills, use of behavior management, and increased parent/teacher collaboration. Eligible children with ADHD must be placed in regular education classrooms, to the maximum extent appropriate to their educational needs, with the use of supplementary aids and services if necessary. Of course, the needs of some children with ADHD cannot be met solely within the confines of a regular education classroom, and they may need special education or related aids or services provided in other settings.

Components of a Comprehensive Evaluation
<ul style="list-style-type: none">• Behavioral• Educational• Medical

A diagnosis of ADHD is multifaceted and includes behavioral, medical, and educational data gathering. One component of the diagnosis includes an examination of the child's history through comprehensive interviews with parents, teachers, and health care professionals. Interviewing these individuals determines the child's specific behavior characteristics, when the behavior began, duration of symptoms, whether the child displays the behavior in various settings, and coexisting conditions. The American Academy of Pediatrics (AAP) stresses that since a variety of psychological and developmental disorders frequently coexist in children who are being evaluated for ADHD, a thorough examination for any such coexisting condition should be an integral part of any evaluation (AAP, 2000).

Behavioral Evaluation

Specific questionnaires and rating scales are used to review and quantify the behavioral characteristics of ADHD. The AAP has developed clinical practice guidelines for the diagnosis and evaluation of children with ADHD, and finds that such behavioral rating scales accurately distinguish between children with and without ADHD (AAP, 2000). Conversely,

AAP recommends not using broadband rating scales or teacher global questionnaires in the diagnosis of children with ADHD. They suggest using ADHD-Specific rating scales including:

CPRS-R:L-ADHD Index

(Conners Parent Rating Scale-1997
Revised Version: Long Form, ADHD Index Scale)

CTRS-R:L-ADHD Index

(Conners Teacher Rating Scale-I 997
Revised Version: Long Form, ADHD Index Scale)

CPRS-R:L-DSM-IV Symptoms

(Conners Parent Rating Scale-I 997
Revised Version: Long Form, DSM-IV Symptoms Scale)

CTRS-R:L-DSM-IV Symptoms

(Conners Teacher Rating Scale-1997
Revised Version: Long Form, DSM-IV Symptoms Scale)

SSQ-O-I

(Barkley's School Situations Questionnaire-Original Version, Number of Problem Settings Scale)

SSQ-O-II

(Barkley's School Situations Questionnaire-Original Version, Mean Severity Scale)
(Taken from Green, Wong, Atkins, et al. (1999). *Diagnosis of Attention Deficit/Hyperactivity Disorder*. Technical Review 3. Rockville, MD: U.S. Department of Health and Human Services, Agency for Health Care Policy and Research, as cited in AAP, 2000).

As with all psychological tests, child-rating scales have a range of measurement error. Appropriate scales have satisfactory norms for the child's chronological age and ability levels.

Collecting information about the child's ADHD symptoms from several different sources helps ensure that the information is accurate. Appropriate sources of information include the child's parents, teachers, other diagnosticians such as psychologists, occupational therapists, speech therapists, social workers, and physicians. It is also important to review both the child's previous medical history as well as his or her school records.

Educational Evaluation

An educational evaluation assesses the extent to which a child's symptoms of ADHD impair his or her academic performance at school. The evaluation involves direct observations of the child in the classroom as well as a review of his or her academic productivity.

Behaviors targeted for classroom observation may include:

- Problems of inattention, such as becoming easily distracted, making careless mistakes, or failing to finish assignments on time;
- Problems of hyperactivity, such as fidgeting, getting out of an assigned seat, running around the classroom excessively or striking out at a peer;
- Problems of impulsivity, such as blurting out answers to the teacher's questions or interrupting the teacher or other students in the class; and
- More challenging behaviors, such as severe aggressive or disruptive behavior.

Classroom observations are used to record how often the child exhibits various ADHD symptoms in the classroom. The frequency with which the child with ADHD exhibits these and other target behaviors are compared to norms for other children of the same age and gender. It is also important to compare the behavior of the child with ADHD to the behaviors of other children in his or her classroom.

It is best to collect this information during two or three different observations across several days. Each observation typically lasts about 20 to 30 minutes.

An educational evaluation also includes an assessment of the child's productivity in completing class work and other academic assignments. It is important to collect information about both the percentage of work completed as well as the accuracy of the work. The productivity of the child with ADHD can be compared to the productivity of other children in the class.

Once the observations and testing are complete, a group of qualified professionals and the parents of the child will review the results and determine if the child has a disability and whether the child needs special education and related services. If the child is recommended for evaluation and determined by the child's IEP team not to meet the eligibility requirements under IDEA, the child may be appropriate for evaluation under Section 504.

Medical Evaluation

The IDEA does not necessarily require a school district to conduct a medical evaluation for the purpose of determining whether a child has ADHD. If a public agency believes a medical evaluation by a licensed physician is needed as part of the evaluation to determine whether a child suspected of having ADHD meets the eligibility criteria of the OHI category, or any other disability category under Part B, the school district must ensure that this evaluation is conducted at no cost to the parents (OSEP Letter to Michael Williams, May 14, 1994, 21 IDELR 73). [Comments added]: It can be assumed that the same standard would apply to eligibility for 504.