

Corcoran Unified School District

Section 504 Handbook and Procedural Guide

Regarding Section 504 of the Rehabilitation Act of
1973, Public Law 93-112



June 10, 2013

District Mission

We are relentless in creating an environment for all to improve mind, character and body

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1. Policy Statement

Within Corcoran Unified School District's Board of Education has a policy to provide a free appropriate public education (FAPE) to each qualified disabled student within its jurisdiction, regardless of the nature or severity of the disability. Consequently, it is the intent of each district to ensure that students who are disabled within the definition of Section 504 are identified, evaluated and provided with free appropriate public educational services. The due process rights of disabled students and their parents under Section 504 will be enforced.

This handbook provides information for the implementation of the procedural provisions for services to students identified under §504.

504 and Special Education:

Section 504 is not an aspect of "special education". Rather, it is a responsibility of the comprehensive general public education system. Thus, the building administrator and the superintendent of schools are responsible for its implementation within districts. As a general rule, special educators lead the district efforts in the identification process, while general educators lead the development and implementation of the 504 plan. It is a collaborative effort.

All students who are enrolled in special education are automatically covered by 504 regulations. Normally, a 504 plan is not necessary for special education students, as the Individual Education Plan (IEP) provides a higher level of service than a 504 plan. In regard to the possibility of special education placement for a 504 student, it must be kept in mind that Section 504, along with the Individuals with Disabilities Act (IDEA), and the Americans with Disabilities Act (ADA) were enacted by Congress to end the practice of automatically segregating persons with disabilities on the basis of their labels. A Joint Policy Memorandum, issued by the Assistant Secretaries for the Office of Special Education and Rehabilitative Services; the Office for Civil Rights; and Office of Elementary and Secondary Education, states that the proper placement of a 504 student is in the regular classroom, with a regular educator who has been trained in making necessary adaptations. The child's education must be provided in the regular education classroom unless it is demonstrated that education in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. (34 CFR 104.34)

504 and ADD/ADHD

Section 504 can provide an ideal mechanism for addressing ADD/ADHD through reasonable adaptations and interventions in the regular classroom. If a student who is diagnosed as having ADD/ADHD does not meet legal criteria for special education placement, the district must evaluate the child to determine whether he or she is handicapped as defined by Section 504. Evaluation may include consideration of information from outside resource(s). If the school accepts the outside agency determination of ADD/ADHD, it is still the school personnel's responsibility to determine whether or not the handicap "substantially limits a major life activity." Please note that ADD/ADHD alone is not sufficient for 504 eligibility. The ADD/ADHD must also substantially limit a major life activity (usually learning.)

504 and Student Discipline

The 504 student is subject to normal discipline procedures, unless otherwise noted on the 504 plan. The 504 student may be suspended just as any other student. The district must afford 504 students due process in expulsion cases, by reviewing the 504 plan before a referral for expulsion is made. The review will address whether the misbehavior was a direct manifestation of the handicap, and whether the student was appropriately placed at the time of misconduct.

2. Legal Overview of 504

Federal law requires that any school district receiving federal monies must develop and implement policies and procedures concerning Section 504 of the Rehabilitation Act of 1973. Section 504 was enacted in 1973 and implemented in 1977. Components of this Act prohibit discrimination against disabled persons by school districts receiving federal financial assistance. This includes all programs and activities of the school district receiving federal funds, regardless of whether the specific program or activity involved is a direct recipient of federal funds. The Office for Civil Rights (OCR) monitors compliance with Section 504 requirements.

Each district's obligation under Section 504 is to ensure, as a result of civil rights legislation, that any student with a mental or physical impairment that substantially limits a major life activity will be afforded reasonable accommodations and will be assured a free appropriate public education. Districts may not discriminate against a student with a disability and shall provide the necessary accommodations to avoid discrimination.

To be eligible under §504, a student must be "qualified" and "handicapped." Under 324 C.F.R. §104.3(j)(1) of the regulations, "handicapped" (a term which has been replaced with "disabled") is defined as follows:

Any person who:

1. has a physical or mental impairment which substantially limits one or more major life activities (such as: caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working)
2. has a record of such impairment, or is regarded as having such an impairment.

The first prong of the definition focuses on current identified disabilities. To be protected by Section 504, one must have an impairment and the impairment must be of a certain level of severity in terms of its impact on the individual.

The second and third prongs cover persons with a history of a disability or persons who are perceived as having a disability. The second and third prongs create a very different type of §504 eligibility. While a "record of" an impairment or being "regarded as having" an impairment gives rise to anti-discrimination protection under §504, these two prongs do not trigger a school's obligation to provide a free and appropriate public education (FAPE). These two prongs are meant

to reach situations where individuals either were or are "considered" to be disabled, and are currently being treated by others as if they were (OCR Senior Staff Memo, 19 IDELR 894, 1992). Consequently, the only duty as to these students is to not discriminate against them on the basis of the history or perception of impairment.

Note: The following definitions are consistent with 42 USC 12101-12213, the Americans with Disabilities Act Amendment Act of 2008.

For the purpose of implementing Section 504 of the Rehabilitation Act of 1973, the following terms and phrases shall have only the meanings specified below:

Free appropriate public education (FAPE) means the provision of regular or special education and related aids and services designed to meet the individual educational needs of a student with disabilities as adequately as the needs of nondisabled students are met, without cost to the student or his/her parent/guardian, except when a fee is imposed on nondisabled students. (34 CFR 104.33)

1. What is Section 504?

Section 504 is the section of the Rehabilitation Act of 1973, Public Law 93-112. This section applies to persons with disabilities. The Office for Civil Rights (OCR) enforces this section which prohibits organizations (schools) that receive federal funds from discriminating against otherwise qualified individuals solely on the basis of a handicap.

2. What does this mean for schools?

It means that a school district must operate academic and extracurricular programs in a manner, which provides disabled students equal opportunity to participate. Failure to do so allows OCR to remove or withhold federal funds for noncompliance.

3. How is a student 504 eligible?

A student of school age is eligible if that student has a physical or mental impairment, which substantially limits one or more major life activities. While there are several categories, schools are generally concerned with the life activity of learning.

4. What physical or mental disability usually indicates the pursuance of 504 eligibility?

Chronic illnesses such as arthritis and asthma, a medical diagnosis of ADD/ADHD, and physical impairments are often conditions under which 504 accommodations can be explored.

5. If a student is 504 eligible, does the student receive special education services?

Usually not. The 504 student is considered eligible for accommodations in the general education setting (regular classroom). In fact, 34 CFR 104.34, states that a student's education must be provided in the general education environment with supplementary aids and services to the greatest extent possible. Only if it can be demonstrated that such an environment cannot be achieved satisfactorily, may other environments be considered.

6. Does 504 eligibility affect student discipline policies?

Yes. If the student is up for expulsion or suspension of more than 10 days either consecutively or cumulatively, the manifestation determination process occurs.

7. Is behavior, which interferes with learning considered an appropriate 504 eligibility area?

No. Bad conduct, per se, without another handicapping condition, does not make a student eligible for a 504 plan. However, if any student demonstrates consistent behavioral problems, the student's school staff must have considered and if appropriate, developed behavioral interventions.)

8. Who determines if a student is 504 eligible?

Districts/sites have a separate 504 team that determines if the child meets the criteria to be considered for a 504 plan.

9. How does a team actually determine eligibility?

There is no clear-cut answer. Eligibility is based on the team determination that the child has a disability and the extent to which it is substantially limiting a major life event (learning). Contact your site/district 504 coordinator for your procedures and forms.

10. Then what is the 504 Plan?

After determining eligibility, the team develops an accommodation plan to be implemented in the general education setting.

11. Once determined as eligible, is a student 504 eligible for life?

Eligibility and the 504 plan are reviewed annually.

12. If a student has been through the SST process and assessed for consideration for special education but not found eligible, does the SST automatically write a 504 Plan.

No. There must be a 504 eligibility meeting. All of the information that was gathered during the previous SST meetings, plus any other pertinent data, can be used to determine 504 eligibility by the 504 team. Eligibility is based on a physical or mental impairment, which substantially limits a major life event (learning, breathing, walking.)

13. Must a student go through the usual SST process before a 504 meeting can be held?

No. Anyone can request a 504 meeting. If there has been an SST, documentation can be used to assist in determining 504 eligibility. Use 504 forms, however, to document the plan, eligibility, accommodations, etc.

When to Convene a 504 meeting

The 504 team may convene when:

- Parent and/or teacher expresses concerns regarding student progress
- Suspension or expulsion is being considered
- Retention is being considered

Reviews:

- Academic skill levels/standardized test scores
- Academic productivity/classroom work samples
- Attending skills
- Social/behavioral skills
- Attendance
- Medical issues

Implements:

- Classroom accommodations/strategies
- Student contracts/assignment logs
- Parental interventions
- Additional information gathering, as appropriate

Recommends:

- Continued implementation/adjustment of modifications
- Referral to other school programs
- Additional modifications/classroom support
- Referral for special education assessment
- Review for 504 eligibility

SECTION 504 GENERAL INFORMATION

THE FOLLOWING ARE SOME EXAMPLES OF DISABILITIES THAT COULD FALL UNDER SECTION 504:

ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS): - EXAMPLE - Student frequently misses school and does not have the strength to attend a full day. This student has a record of a disability, which substantially limits the life activities of learning and working.

ALLERGIES: - EXAMPLE - Student has severe allergic reactions to certain pollens and foods.

ARTHRITIS: - EXAMPLE - Student has arthritis and experiences persistent pain, tenderness and swelling in one or more joints.

ASTHMA: - EXAMPLE - Student has been diagnosed as having asthma. The doctor has advised the student not to participate in physical activity outdoors. The disability limits the major life activity of breathing.

ATTENTION DEFICIT DISORDER (ADD) AND

ATTENTION DEFICIT HYPERACTIVITY DISORDER (ADHD): - EXAMPLE - Student does not meet eligibility requirements under IDEA as emotionally disturbed, learning disabled or other health impaired. The student is diagnosed as having ADD or ADHD by a doctor, and the disability limits the major life activity of learning. Psychoeducational assessment information may also be considered.

CANCER: - EXAMPLE - Student has been diagnosed with brain cancer and is undergoing chemotherapy.

CEREBRAL PALSY: - EXAMPLE - Student has serious difficulties with fine and gross motor skills. A wheelchair is used for mobility. Cognitive skills are very good.

DRUGS AND ALCOHOL: - EXAMPLE - Student has used drugs and alcohol for many years. This problem has affected the major life activities of learning and caring for one's self. The student is presently not using drugs or alcohol and is in or has completed a rehabilitation program. He/she could qualify for accommodations under Section 504.

EMOTIONALLY DISTURBED: - EXAMPLE - Student has experienced periods of depression throughout his life and receives regular outside counseling for the condition. Student does not meet eligibility criteria under IDEA as emotionally disturbed but depression may result in decreased attention or concentration.

EPILEPSY: - EXAMPLE - Student is on medication for seizure activity, but experiences several grand mal seizures each month.

LEUKEMIA: - EXAMPLE - Student has recently been diagnosed with leukemia and requires frequent hospitalization.

OBESITY: - EXAMPLE - Student has an extreme eating disorder that may require special accommodations. Obesity may be considered a disability under Section 504 where it substantially impairs a major life activity.

ORTHOPEDICALLY IMPAIRED: - EXAMPLE - Student frequently misses school and does not have the strength to attend a full day. This student has a record of a disability, which substantially limits the life activities of learning and working.

PREGNANCY: - EXAMPLE - Student is in the 12th grade and expecting a baby in February. She has good grades and has kept up with graduation credit requirements. Student wants to return to school after her baby is born.

SOCIALLY MALADJUSTED: - EXAMPLE - Student exhibits severe difficulty with peer interactions, has no friends and isolates himself from group activities.

STUDENT FORMERLY RECEIVING SPECIAL EDUCATION SERVICES: - EXAMPLE – Student has been exited from a special education program, but still needs some academic accommodations to function in a regular classroom.

STUDENT WITH SPECIAL HEALTH CARE NEEDS: - EXAMPLE - Student has a special health care problem and requires clean intermittent catheterization twice each day. This procedure empties the bladder and helps prevent urinary tract infections. The school is required to provide trained personnel to perform the procedure or to provide the student a private location to perform the procedure.

TEMPORARILY DISABLED: - EXAMPLE - Student was in an automobile accident and will be homebound and/or hospitalized for a period of time. The student is considered temporarily disabled under Section 504 and should receive accommodations if this disability limits a major life activity.

TOURETTE'S SYNDROME: - EXAMPLE - Student exhibits inappropriate gestures and sounds in the classroom and hallways. Note - IDEA 2004 has clarified that Tourette's Syndrome may result in special education eligibility under the handicapping condition of other health impaired (OHI).

TRAUMATIC BRAIN INJURY: - EXAMPLE - Student sustained a brain injury in an automobile accident. Many academic and motor skills have been lost from the injury, however doesn't rise to the level of requiring special education.

TUBERCULOSIS: - EXAMPLE - Student contracted tuberculosis two years ago and has been under treatment. The disease is no longer infectious, but the student is still weak.

VISUAL IMPAIRMENT: - EXAMPLE - Student has poor vision but only requires large print books.

3. Section 504 Eligibility and Definitions

Students may be disabled under Section 504 even though they do not require services pursuant to the Individuals with Disabilities Education Act (IDEA). In other words, a student may have a disabling condition (as defined by §504) but evidence no significant cognitive or academic impairment (thus not IDEA eligible) yet remain eligible for receipt of related services and/or accommodations in a regular classroom setting.

As stated previously, to be eligible under the first prong of §504, a student must have a (a) *physical or mental impairment*, which (b) *substantially limits* one or more (c) *major life activities*.

a. Physical or Mental Impairment

Unlike the Individuals with Disabilities Education Act (IDEA), §504 does not list disability categories. While the "physical or mental impairment" language is designed to include virtually anything that can happen to your body or your mind, the

narrowing of eligibility under §504 occurs through the substantial limitation language. That is, to be eligible, one must have:

- a. the required impairment and
- b. the impairment must be of a certain level of severity in terms of its impact on the individual.

To date, the "required impairment" remains undefined. Please note, however, if a student is found to meet the criteria for eligibility under the IDEA definitions, then subsequent procedural safeguards and services are to be provided as prescribed by that Act's regulations, not §504 regulations. Although a student may be found eligible for both IDEA and §504 services, it would be nonsensical unless there is an issue of "access" (to building facilities) that cannot be addressed through the Individualized Education Program (IEP). Conversely, a student found eligible under §504 is not privy to the range of services provided to students identified under the IDEA. §504 services are primarily provided through the implementation of accommodations in regular education settings. If the student requires a direct service delivery model, then IDEA eligibility proceedings should be considered and, if appropriate, initiated.

b. Substantial Limitation

Substantial limitation is required; however, the §504 regulations do not contain a definition of "substantial limitation." Under the Americans with Disabilities Act (ADA) a major life activity is substantially limited when the "individual's important life activities are restricted as to the conditions, manner or duration under which they can be performed **in comparison to most people.**"

The regulations developed pursuant to the ADA provide some additional information regarding the substantial limitation issue. Under the ADA regulations adopted by the Equal Employment Opportunity Commission (EEOC), "substantially limits" means:

- a. "unable to perform a major life activity that the **average person** in the general population can perform"
- or
- b. "significantly restricted as to the condition, manner or duration under which an individual can perform a particular major life activity **as compared to** the condition, manner or duration under which the **average person** in the general population can perform that same major life activity."

The regulations list the following factors for use in evaluating whether someone is substantially limited in a major life activity:

- a. "The nature and severity of the impairment;
- b. the duration or expected duration of the impairment; and

- c. the permanent or long-term impact, or the expected permanent or long-term impact of or resulting from the impairment."

While considering a student's eligibility under §504, and subsequent accommodations, it is appropriate to consider the necessity for systematic and consistently implemented accommodations, over an extended period of time, in order to have the student's needs met as adequately as non-disabled students. If such a systematic approach is not necessary, then §504 eligibility may not be appropriate.

c. Major Life Activity

"Major life activities" are interpreted as daily, or ordinary, functions; for example, caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. This list is not exhaustive. The phrase "major life activities" is calculated to include "those basic activities that the average person in the general population can perform with little or no difficulty." The student need not have a disability limiting the major life activity of learning to qualify. The student may not have a disability that adversely affects the ability to learn, yet may require assistance from the school system to access learning. For instance, a child may have a very severe asthma condition (affecting the major life activity of breathing) that requires regular medication and regular use of an inhaler while in school. Without regular administration of the medication and inhaler, the student cannot remain in school, thus learning is impacted. The §504 plan would formally address the use of the inhaler.

The Bottom Line

Two main questions need to be addressed when considering eligibility under §504.

First, is there a physical or mental impairment?

Second, does that physical or mental impairment substantially limit one or more major life activities?

Additionally, while a student may be eligible under the criteria of having a record of an impairment or be regarded as having an impairment, such eligibility is limited to the anti-discrimination provisions, not educational services. Thus, without a current impairment, there is no presumed educational need and, consequently, the student would not be eligible for educational services under §504.

4. Section 504 Accommodation Plan

In the §504 context, "placement" simply means the regular education classroom with individually planned modifications (accommodations). It does not mean taking the student out of the regular classroom and placing elsewhere. Since §504 students typically have less severe disabilities than their IDEA counterparts, they will very likely not require the high

level of modifications or separate classes sometimes required for students in special education. For the child with an attention deficit (AD/HD) served under §504, for example, "placement" may include such things as an assignment book, preferential seating, or reduced assignments.

A §504 accommodation plan is utilized to define the instructional modifications a particular student requires. The purpose of the §504 plan is to modify the regular classroom so that the student has equal access to the educational benefits of the school's program. Section 504 is an anti-discrimination law, not a service law like the IDEA. The concept of a 504 accommodation plan is not to discriminate, not for the child to do better; that is the job of the regular education classroom. Having a disability does not mean that the child is eligible for a 504 accommodation plan. The school must consider all the data and demonstrate that there is a substantial limitation and an impact on the student's education. More succinctly, the 504 accommodation plan is a program created and maintained pursuant to the procedural requirements of the §504 regulations that gives the student with a disability an equal chance to succeed in the classroom.

(Please note that if the school implements an accommodation for all students, such as dispenses medication or allows extra time between classes for students who need it, then they do not need to draw up a Section 504 accommodation plan for a student who requests this kind of service.)

The accommodation plan is developed by a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. This committee, known as the §504 Team, will consist of, at a minimum:

- * a building level administrator, or designee;
- * a regular education teacher;
- * specialists, as necessary;
- * school nurse;
- * the student, as appropriate;
- * a parent/guardian/surrogate, as available.

5. Section 504 Process

General Information:

Each district must assign a §504 Coordinator, whose duties will include monitoring §504 compliance, distributing necessary information, and overseeing §504 decisions. In addition, the §504 Coordinator handles parent complaints, coordinates responses to OCR investigations, and makes necessary arrangements for §504 due process hearings. Consideration should be given to assigning an individual on each campus to direct the school's §504 activities with the District Coordinator.

The §504 team collects the information necessary to make an educational determination that a child may have a disability that is substantially limiting his/her performance in the classroom. Conclusive medical diagnoses of disabilities are not

required for a school to determine §504 eligibility, though acquiring this information is helpful.

Typically, there is information readily available in a child's cumulative folder to aide in the determination of whether a child needs modifications in the regular classroom because of a disability. Possible types of information may include:

- ❖ Standardized Test scores
- ❖ Report Cards
- ❖ Referral forms
- ❖ Disciplinary Records
- ❖ Teacher Reports and Observations
- ❖ Prior Special Education Assessment data
- ❖ Parent Information
- ❖ School Health Records
- ❖ Counselor's Reports
- ❖ Outside Evaluations provided by Parent

1. Avenues of Referral

- 1.1. Referral to the Student Study Team (SST) due to school staff concerns that a student may have a mental or physical disability, which substantially limits a major life activity. The SST will consider the need for further evaluation under Section 504 and/or refer for assessment for Special Education eligibility.
- 1.2. As a result of information presented at an SST meeting, the team may become concerned that the student may have a mental or physical disability, which substantially limits a major life activity. The SST will then consider the need for further evaluation under Section 504 and/or refer for assessment for Special Education eligibility.
- 1.3. If a request for evaluation under Section 504 is being made by the parent or an outside source, it is recommended that the principal or designee schedule a student study team meeting and obtain input from the classroom teacher, as well as the information from the outside source.
- 1.4. When a student is referred for a 504 evaluation, the *Referral for Section 504 Review* is completed. A parent/guardian, teacher, other school employee, student study team, or community agency may refer a student to the principal or 504 Coordinator for identification as a student with a disability under Section 504.

- 1.5 If it is determined that the student needs special education services under section 504, the district shall conduct an evaluation of the student prior to his/her initial placement. (34 CFR 104.35)

2. Prior to a Section 504 Team Meeting

- 2.1. Prior to a meeting to determine eligibility for a student's protection under Section 504, an evaluation must be completed. The *Consent for Section 504 Evaluation* must be signed by the student's parent.
- 2.2. As part of the evaluation, the school nurse, school psychologist, and/or other professionals with special expertise may need to gather additional information to assist the Section 504 team in determining eligibility and/or accommodations.
- 2.3. The principal or designee notifies the parent of the meeting sending home the *Notice of Section 504 Meeting*.

Note: The law does not specify a time frame for completion of the evaluation and placement process, but OCR requires completion within "a reasonable amount of time." Generally, compliance with the timelines in IDEA will be considered "reasonable" and thus in compliance with Section 504. However, Section 504 does not provide for an automatic suspension of the timelines during extended breaks or when schools are not in session.

3. Section 504 Team Meeting

- 3.1. The Section 504 Team members may include, but are not limited to, the parent(s), teacher, principal or designee, nurse and/or psychologist and any other persons knowledgeable about the student, assessments and disability.
- 3.2. The Section 504 meeting begins with presentations of the appropriate assessment reports and the student's present levels of performance in the classroom.
- 3.3. If there is a need to address physical accommodations, the principal or designee should communicate with the appropriate district official in charge of facilities in order to obtain information regarding physical accommodations.
- 3.4. There may be occasions when the support personnel cannot be present at a Section 504 meeting. The support personnel should provide necessary information to the school site in order to aid the decision making about 504 eligibility and appropriate accommodations.

4. 504 Eligibility Determination and Development of Accommodation Plan

- 4.1. The *Section 504 Accommodation Plan* is completed at the 504 meeting, beginning with the first page where eligibility is determined.
- 4.2. A child with an impairment that substantially limits a major life activity is considered disabled under Section 504. Thus the student is protected and accommodations may be necessary in order for the student to benefit from a free and appropriate public education.
- 4.3. In determining “substantial”, consider what information is needed (e.g. medical records, observations of target behaviors, and etc.) to address the area of concern. For example, a child with asthma may only need medical records and possibly anecdotal records that describe the days the student had to sit out from PE. Another example would be an ADHD student. In this case, an observation that describes the student’s on task behavior compared to others in the class may be necessary.
- 4.4. Using the information from the Student Study Team, Section 504 assessments, and other reports, the team will determine what accommodations, if any, are necessary for the student to receive FAPE. The Section 504 Team must outline in the accommodation plan the appropriate accommodations.

5. Review and Reevaluation

- 5.1 The district needs to establish procedures for the periodic reevaluation of a student who has been identified as needing services under Section 504.
- 5.2 The 504 team shall monitor the progress of the student and, at least annually, shall review the effectiveness of the student’s Section 504 services plan to determine whether the services are appropriate and necessary. The review must consider whether the student’s needs are being met as adequately as the needs of nondisabled students. In addition, each student with a disability under Section 504 shall be reevaluated at least once every three years.
- 5.3 The district is required to reevaluate a student’s needs before a significant change occurs in his/her placement. Such actions that might constitute a “significant change in placement” triggering a reevaluation include, but are not limited to:
 - a. Expulsions
 - b. Suspensions that exceed 10 school days
 - c. Removal from a fully integrated curriculum to a resource room
 - d. Home instruction, independent study or continuation school

PARENT AND STUDENT RIGHTS UNDER SECTION 504

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

If your child is eligible for Section 504 services you have the right to:

1. Have your child take part in, and receive benefits from public education programs without discrimination based on a disability.
2. Have the school district advise you as to your rights under federal law.
3. Receive written 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 other students without disabilities to the maximum extent appropriate within the least restrictive environment. It also includes the right to have the school district make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
5. Have your child educated in facilities and receive services comparable to those provided students without disabilities.
6. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by individuals who know your child, the evaluation data, and placement options.
7. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement.
8. Obtain copies of educational records at a reasonable cost if the fee would effectively deny you access to the records.
9. Have your child receive special education and related services if she/he is found to be eligible under the Individuals with Disabilities Act (IDEA), or to receive reasonable accommodations if found eligible under Section 504 of the Rehabilitation Act.
10. Have transportation provided to a school placement setting at no greater cost to you than that would be incurred if the student were placed in a program operated by the school district.
11. Have your child receive an equal opportunity to participate in non-academic and extracurricular activities offered by the school district.
12. File a local grievance with your school district if you feel your child is being discriminated against because of their disability. You can also contact the Office for Civil Rights.
13. Request mediation or an impartial due process hearing related to decisions regarding your child's identification, evaluation, educational program, or placement.
14. Expect periodic reevaluations before any significant change is made in your child's program
15. Request information in native language or primary mode of communication.

**Parent/Guardian Right of Appeal
(34 C.F.R. Section 104.36.)**

The parent or guardian has the right to appeal the final determination of the 504 Team regarding evaluation, eligibility, or services of the procedure for Section 504.

The appeal process is an impartial hearing (Section 504 Due Process Hearing) and the parent or guardian may request a hearing as described below. However, the parent or guardian also may, as an option, first attempt to resolve any disagreement with the team decision through the principal of the school, the administrator assigned by the district to Section 504 issues.

Prior to requesting a Section 504 due process hearing, the parent/guardian may, at his/her discretion, but within 30 days of the district's action or decision, request an administrative review of the action or decision. The 504 Coordinator shall designate an appropriate administrator to meet with the parent/guardian to attempt to resolve the issue and the administrative review shall be held within 14 days of receiving the parent/guardian's request.

The parent or guardian may then appeal the decision within ten days to the school board. If the parent/guardian is not satisfied with the resolution of the issue, he/she may request a Section 504 due process hearing.

An appeal or request for a Section 504 Due Process Hearing is to be filed in the Office of Associate Superintendent of Educational Services and will identify the district decision with which the parent disagrees.

- A. Within twenty (30) calendar days of receipt of a written appeal/request for hearing, the school district will select an impartial Section 504 Hearing Officer in each case for which a hearing as been requested. This 30-day deadline may be extended for good cause or my mutual agreement of the parties.
- B. Within forty-five (45) calendar days of the selection of the 504 Hearing Officer, the hearing on the appeal shall be conducted and a written decision mailed to all parties.
- C. Any Section 504 Hearing Officers selected by the district must satisfy the following requirements:
 - (1) Be qualified to review district decisions relating to Section 504 of the Rehabilitation Act.
 - (2) Be impartial, i.e., not employed by or under contract with the district in any capacity other than that of a hearing officer in the last three years, or by any cooperative program in which the district participates, e.g., the SELPA of which the district is a member, or by any other agency or organization that is directly involved in the diagnosis, education or care of the student, and additionally shall not be a person who has a personal involvement that would affect his or her objectivity in this case.
- D. Any party to the hearing shall be afforded the following rights:
 - (1) The right to be accompanied and advised by counsel and/or by individuals with special knowledge or training relating to the problems of students who are qualified disabled individuals within the meaning of Section 504.
 - (2) The right to present evidence, through documents and/or testimony.

(3) The right to question and cross-examine witnesses.

(4) The right to written findings of fact, conclusions of law and decisions prepared by the Section 504 Hearing Officer.

E. In instances where a State fair hearing already has been held under the IDEA concerning issues relevant to the Section 504 proceeding, the Section 504 Hearing Officer shall, at the request of either party, accept into the record as evidence, copies of the transcript of testimony and documents submitted in the State Fair Hearing. The Hearing Officer shall then provide opportunity for the submission of additional evidence by the parties that is relevant to a determination of the issues under Section 504. The Section 504 Hearing Officer's jurisdiction shall be limited to Section 504 issues and shall not extend to a determination of eligibility for special education or special education assessment or placement under the IDEA.

F. The Section 504 Hearing Officer shall render a decision de nova pursuant to the legal standards set forth in 34 C.F.R. Part 104 and court decisions interpreting those provisions.

G. Either party may seek review of the decision of the Section 504 Hearing Officer. The parties shall abide by the decision of the Section 504 Hearing Officer unless the decision is stayed, modified or overturned by a court of competent jurisdiction.

The Superintendent will notify the parent/guardian of the date, time, and place of the hearing. The 504 Team representative, parent/guardian, and parent/guardian representative or counsel, if any, will be invited to participate in this hearing. Within forty-five (45) calendar days of the selection of the 504 Hearing Officer, the hearing on the appeal shall be conducted and a written decision mailed to all parties.

The Hearing Officer shall control the conduct of the hearing and reach a determination whether to uphold the decision of the 504 Team. The parties shall abide by the decision of the Hearing Officer unless and until such decision is overturned or modified by a court of competent jurisdiction.

CHECKLIST FOR SECTION 504 ELIGIBILITY REVIEW

- _____ A signed copy of the *REFERRAL FOR SECTION 504 REVIEW* form is received by the school principal or 504 Coordinator. This form begins the 504 process.
- _____ Parents are contacted in order to obtain signatures on the *CONSENT FOR SECTION 504 EVALUATION* form. Parents receive a copy of *PARENTS AND STUDENT RIGHTS UNDER SECTION 504*.
- _____ Evaluation is completed.
- _____ Meeting date, time and location are set.
- _____ Eligibility team members are notified of meeting date, time, location, and any information they may need to bring to the meeting.
- _____ Parents receive a copy of the *NOTICE OF SECTION 504 MEETING* and a copy of *PARENTS AND STUDENT RIGHTS UNDER SECTION 504*.
- _____ Meeting is held.
- _____ *Section 504 Accommodation Plan* is completed by the 504 multidisciplinary team at the meeting.
- _____ Signatures are secured from parents and all team members on the last page of the plan.
- _____ If the student is found eligible for 504 protection and accommodations are specified on the plan, a copy of the plan must be given to the individuals responsible for implementing the accommodations.
- _____ The original *Section 504 Accommodation Plan* is filed in the student's cumulative file or district 504 file.
- _____ If a plan is no longer needed by the student, it must be officially terminated through review by an eligibility team. This is done by completing and attaching the one page *REVIEW OF SECTION 504 ACCOMMODATION PLAN* form to the front of the original plan. Terminated plans are filed in the student's cumulative file or district 504 file.
- _____ Parents must be notified in writing of any action taken by a 504 eligibility team, with copies placed in the student's cumulative file or district 504 file.

504 REFERRAL FORM

Date of Referral _____ School of Attendance _____

Student's Name _____ Teacher/Counselor _____ Grade _____

Birthdate _____ Referred By _____ Position _____

Primary Language: Home _____ School _____

REASON FOR REFERRAL: (Check and describe specific concerns)
Academic Behavior Social Emotional Attendance Health

STUDENT STRENGTHS:

IS THE STUDENT AWARE OF THE PROBLEM? Yes No Comment: _____

DESCRIPTION OF CLASS PERFORMANCE: (Bring samples of work)

signature of referee for 504 process

position of referee

TO BE COMPLETED BY 504 SITE COORDINATOR

CUM FOLDER REVIEW:

Parent/Guardian's Name Phone _____

Address _____

Retained: Yes No Grade Retained _____ Attendance: Regular Irregular

How long in current school? _____ in US? _____ in other countries? _____ # of schools attended _____

Services Received: Migrant ESL Speech/Language Special Ed Program Type _____

Previous 504 Plan Chapter I GATE Counseling-Type _____ Other _____

HEALTH CONCERNS: _____

Yes No

Medication Comments: _____

Glasses _____

Hearing Aids _____

MOST RECENT TEST DATA:

Name of test _____ Date _____ Reading G.E. _____ Language G.E. _____ Math G.E. _____

Have test results been consistent? (Check previous years) Yes No

504 Notice of Meeting sent to parent/guardian? Yes No Date of Meeting? _____

CONSENT FOR SECTION 504 EVALUATION

Student: _____ Date of Birth: ___/___/___ Today's Date: ___/___/___
School: _____ Teacher: _____ Grade: _____
Parent: _____ Address _____ Phone: _____

Section 504 of the Rehabilitation Act of 1973 is designed to prohibit discrimination based on disability in any program or activity receiving Federal money. This statute obligates most public schools to provide equal access and equal opportunity to otherwise qualified persons with disabilities. For a student to be eligible for a 504 plan, the student must meet all three of the following criteria. It must be because of this disability that the student is unable to gain equal access and benefit from school programs and services.

- A physical or mental impairment (has a history of having a physical or mental impairment)
- That substantially limits
- One or more major life activities

Your child, _____, is suspected of meeting the above criteria. This letter is to advise you and provide you notice that the District proposes to evaluate your child to determine if he/she is eligible for services under Section 504 of the Rehabilitation Act of 1973. The evaluation generally consists of reviewing past records, reviewing medical records, conducting classroom observations, conducting family and social histories, and using parent-teacher rating scales.

After the 504 Team completes the evaluation a multidisciplinary team meeting will be scheduled. You will receive a notice informing you of the time, date and place of that meeting. At that meeting, the 504 Team will determine if your child has a disability, which substantially impairs a major life activity, and is in need of special accommodations.

- I understand that the granting of consent for an initial evaluation is voluntary
- I give permission for the 504 evaluation
- I do not give permission for the 504 evaluation
- I acknowledge receipt of parental rights outlined on the reverse side of this form

Parent's Signature _____ Date _____

Principal/504 Coordinator Signature _____ Date _____

Notification of 504 Team Meeting

To Parent/Guardian of: _____ Date: _____
From: _____

A 504 Team/504 Committee meeting to review information and to consider accommodations and recommendations for your child's school program is planned for:

Time: _____

Date: _____

Place: _____

We encourage you to exercise your right to attend the meeting and provide information to us.

INFORMATION REGARDING SECTION 504 OF THE REHABILITATION ACT OF 1973

Section 504 is an Act, which prohibits discrimination against persons with a handicap in any program receiving federal financial assistance. The Act defines a person with a handicap as anyone who:

1. has mental or physical impairment which substantially limits one or more major life activities (major life activities include activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working);
2. has a record of such an impairment; or
3. is regarded as having such an impairment.

In order to fulfill its obligation under Section 504, the Corcoran Unified School District recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person with a handicap will knowingly be permitted in any of the programs and practices in the school system.

The school district has specific responsibilities under the Act, which include the responsibility to identify, evaluate, and if the child is determined to be eligible under Section 504, to afford access to appropriate educational services.

If the parent or guardian disagrees with the determination made by the professional staff of the school district, he/she has the right to a hearing with an impartial hearing officer.

The Family Educational Rights and Privacy Act (FERPA) also specified rights related to educational records. This Act gives the parent or guardian the right to: 1) inspect and review his/her child's educational records; 2) make copies of these records; 3) receive a list of all individuals having access to those records; 4) ask for an explanation of any item in the records; 5) ask for an amendment to any report on the grounds that it is inaccurate, misleading, or violates the child's rights; and 6) a hearing on the issue if the school refuses to make the amendment.

If there are questions, please feel free to contact the principal of your child's school.

**504 TEAM
SUMMARY OF FINDINGS**

Student's Name _____
Date of Birth _____ Age _____
School _____
Section 504 School Liaison _____
Date of Referral _____

Male _____ Female _____
Grade or Subject _____
Teacher _____
Phone No. _____
Date of Parent Conference _____
Annual Review Date for Service _____

Summary of Review of Records:

Summary of Intellect and Academic Abilities:

Summary of Teacher Information:

Summary of Parent Information:

Eligibility Determination:

1. Does the student have a disability or handicap that substantially limits one or more life activities?
 Yes No Explain: _____

2. If "Yes", which of the following major life activities is being substantially limited by the disability or handicap?

- | | | |
|--|----------------------------------|------------------------------------|
| <input type="checkbox"/> learning | <input type="checkbox"/> hearing | <input type="checkbox"/> walking |
| <input type="checkbox"/> performing manual tasks | <input type="checkbox"/> seeing | <input type="checkbox"/> speaking |
| <input type="checkbox"/> caring for one's self | <input type="checkbox"/> working | <input type="checkbox"/> breathing |

3. Does the disability or handicap impact the student's ability to receive equal access and benefit from school programs and services? Yes No

Summary Statement of Findings/Recommendations:

- The 504 Team determined that:
- This student is a Section 504 disabled individual.
 - This student is not a Section 504 disabled individual because:
 - The student does not exhibit a Section 504 disability.
 - The student does not exhibit a significant limitation in learning or other major life activity which significantly impacts learning.

SECTION 504 ACCOMMODATION PLAN
(attached to 504 team summary findings)

Student: _____ Date of Birth: ___/___/___ Date: ___/___/___
School: _____ Teacher: _____ Grade: _____
Parent: _____ Address: _____ Phone: ___-___-___

PHYSICAL ACCOMMODATIONS:

Provide Structured Environment:
 post schedules on board
 post classroom rules
 preferential seating (near teacher, between well-focused students, away from distractions)
 organize workspace
 use color codes

Provide Private Work Space:
 quiet area for study
 extra seat or table
 standing work station
 'time out" spot

Provide Learning Centers
 reading corner
 listening center
 hands-on area

INSTRUCTIONAL ACCOMMODATIONS:

Repeat and Simplify Directions:
 keep oral directions clear & simple
 give examples
 ask child to repeat back directions when possible
 make eye contact
 demonstrate

Individualize Homework Assignments:
 reduce volume of work
 break long-term assignments into manageable tasks
 allow specified extended time without penalty for lateness
 offer alternative assignments
 provide extra set of texts at home

Provide Directions in Written Form:
 on board
 on worksheet
 copied in assignment book by student and initialed by teacher

Use Technological Learning- Aides:
 tape recorders
 record lectures and assignments
 computers
 multi-sensory manipulatives

Modified Testing:
 distraction-free area
 extended time

BEHAVIORAL ACCOMMODATIONS:

Use Positive Reinforcement:

- ___ positive verbal or written feedback
- ___ reward systems and incentives
- ___ give tasks that can be completed
- ___ private signals
- ___ role play situations
- ___ weekly individual time
- ___ conference opportunities

Specific Goals & Reinforce w/ Incentives

- ___ state tangible goals and timetable
- ___ reward system
- ___ incentives chart for work and behavior
- ___ student contracts

Be Consistent:

- ___ with rewards and consequences
- ___ with posted rules

Communicate w/ Parents, Teachers, etc.:

- ___ letters
- ___ meetings
- ___ phone calls
- ___ use school staff for support

Promote Leadership & Account

- ___ assign jobs that can be performed well
- ___ "Student of the Week/Month"
- ___ provide responsibilities

HEALTH CONSIDERATIONS:

- ___ provide toileting hygiene accommodations
- ___ provide rest periods
- ___ address dietary concerns
- ___ provide wheel chair accommodations
- ___ provide late passes for passing periods
- ___ provide instruction re: disability conditions

Is there a health plan? Yes No; if "yes", attach health plan to this accommodation plan

Parent/Guardian Statements:

- I received a written notice of my rights under Section 504
- I received notice of the Section 504 evaluation and accommodation plan meeting.
- I agree with the Section 504 plan as written.
- I understand that, if I disagree with the content of this plan, I have the right to ask for a Section 504 review meeting by filing a written request with the school principal, site 504 coordinator, or designee

Members of the 504 Team

_____	Case Manager	_____	Parent
_____	Administrator	_____	Teacher
_____	Other	_____	Other
_____	Other	_____	Other

***File this original 504 Accommodation Plan in the student's cumulative file (red folder)**

*** If this plan is no longer needed by the student by the student it must be officially terminated by a 504-evaluation committee. Have the committee convene, and complete a Section 504 Review Accommodation Plan.**

*** Terminated 504 Accommodation Plans are filed in the student's cumulative file.**

REVIEW OF SECTION 504 ACCOMMODATION PLAN

Student: _____ Date of Birth: ___/___/___ Today's Date: ___/___/___

School: _____ Teacher: _____ Grade: _____

Parent: _____ Address _____ Phone: _____

Purpose of meeting: It is required to periodically review the student's progress under Section 504 services and make recommendations to continue, modify or terminate the program(s) and/or plan(s).

Discussion of progress: _____

Recommendation:

- Continue present services with no changes
- Modify the present program (specify below)
- Exit from program based upon the following:

Discussion of Recommendations: (For termination, reference the three qualifying criteria: (1) a physical or mental impairment (2) that substantially limits (3) one or more major life activities and why the current plan is no longer needed.)

Signatures and Titles of Participants:

**Building Principal, Building 504 Coordinator
or Designee Signature**

Parent/Guardian Signature

PHYSICAL ACCOMMODATIONS:

Provide Structured Environment:

- post schedules on board
- post classroom rules
- preferential seating (near teacher, between well-focused students, away from distractions)
- organize workspace
- use color codes

Provide Learning Centers

- reading corner
- listening center
- hands-on area

Provide Private Work Space:

- quiet area for study
- extra seat or table
- standing work station
- "time out" spot

INSTRUCTIONAL ACCOMMODATIONS:

Repeat and Simplify Directions:

- keep oral directions clear & simple
- give examples
- ask child to repeat back directions when possible
- make eye contact
- demonstrate

Provide Directions in Written Form:

- on board
- on worksheet
- copied in assignment book by student and initialed by teacher

Modified Testing:

- distraction-free area
- extended time

Individualize Homework Assignments:

- reduce volume of work
- break long-term assignments into manageable tasks
- allow specified extended time without penalty for lateness
- offer alternative assignments
- provide extra set of texts at home

Use Technological Learning- Aides:

- tape recorders
- record lectures and assignments
- computers
- multi-sensory manipulatives

BEHAVIORAL ACCOMMODATIONS:

Use Positive Reinforcement:

Incentives

- positive verbal or written feedback
- reward systems and incentives
- give tasks that can be completed behavior
- private signals
- role play situations
- weekly individual time

etc.:

- conference opportunities

Be Consistent:

- with rewards and consequences
- with posted rules

Promote Leadership & Account

- assign jobs that can be performed well
- "Student of the Week/Month"
- provide responsibilities

Specific Goals & Reinforce w/

- state tangible goals and timetable
- reward system
- incentives chart for work and

- student contracts

Communicate w/ Parents, Teachers,

- letters
- meetings
- phone calls
- use school staff for support

HEALTH CONSIDERATIONS:

- provide toileting hygiene accommodations
- provide rest periods
- address dietary concerns
- provide wheel chair accommodations
- provide late passes for passing periods
- provide instruction re: disability conditions

Is there a health plan? Yes No; if "yes", attach health plan to this accommodation plan

Does the student take medications? Yes No;