

## Section 504 Procedures: Glenview 34

Consideration for Section 504 eligibility may be made at any time

Requests may be made by individuals with knowledge of the student's needs and/or educational programming (i.e., teachers, parents, doctor)

### Process Before and During

- Child Find triggered through problem solving process or via nurse's office for medical issues.
- Parent invited in to share concerns with team or hear concerns of team through the problem solving process or for a medical issue, nurse makes contact with parent.
- If a decision is made to conduct a 504 evaluation follow the below steps:
- APSS adds student to EMBRACE 504 through Admin tab
- Appropriate forms added through EMBRACE
- Appropriate reports uploaded if indicated
- Initial/Re Evaluation (re-eval does not require Consent for Initial Services)

#### **504 Forms**

- ✓ ⚙ [Conference Summary Report](#)
- ✓ ⚙ [Consent for Evaluation - Form A](#)
- ✓ ⚙ [Notice of Conference and Rights - Form B,C,D - 09/17/2019](#)
- ✓ ⚙ [504 Eligibility Conference - Form E](#)
- ✓ ⚙ [504 Plan and Summary - Form F](#)
- ✓ ⚙ [Conference Notes/Summary - Form G](#)
- ✓ ⚙ [Consent for Initial Services - Form H](#)

- Annual Plan

#### **504 Forms**

- ⚙ [Conference Summary Report](#)
- ⚙ [Notice of Conference and Rights - Form B,C,D](#)
- ⚙ [504 Plan and Summary - Form F](#)
- ⚙ [Conference Notes/Summary - Form G](#)

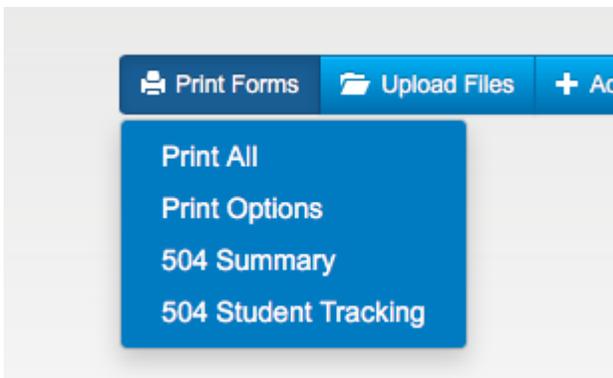
- ❑ Additional forms are available when there is a medical plan, behavior plan, or a manifestation meeting is needed.

**504 Forms**

- ⚙ Manifestation Determination - Form J
- ⚙ Functional Behavioral Assessment - Form L
- ⚙ Behavior Intervention Plan - Form K
- ⚙ Medical Services Plan - Form M

## Process After

- ❑ If eligible, a case manager (individual that makes the most sense- general ed teacher, social worker, nurse, etc) is assigned
- ❑ Parent leaves with copy of 504 plan
- ❑ Provide 504 summary to share with staff working with students and send 504 Student Tracking to Kathy O’Grady using the FACTS email: [ssfacts@glenview34.org](mailto:ssfacts@glenview34.org)



- ❑ APSS/LEA at meeting confirms status in EMBRACE by checking “504” and making sure “active” button is checked
- ❑ APSS update Power School to reflect eligibility
- ❑ Until reports can be run though EMBRACE, place student name on internal building tracking form to ensure compliance.

<input type="checkbox"/> IEP	Disability	99 - None	2nd Disability	99 - None	
<input checked="" type="checkbox"/> 504	Service Transportation	Not Eligible	<input type="checkbox"/> Private School Student (important for state reporting)		
Case Manager	Stella/Wade	IEP Entrance Date	MM/DD/YYYY	IEP Exit Date	MM/DD/YYYY
Case Manager Email:					
504 Plan Entry Date (updates yearly)	08/21/2019	504 Plan Exit Date (updates yearly)	06/05/2020		

# 504 Guidance:

A student is considered “qualified” under Section 504 if the student is between the ages of 3 and 22 years of age and has a disability, which is defined as a physical or mental impairment that **substantially limits** one or more major life activities.

Major Life Activities Include Functions Such As		
Caring for oneself	Lifting	Learning
Performing manual tasks	Sleeping	Reading
Seeing	Walking	Concentrating
Hearing	Standing	Thinking
Eating	Breathing	Communicating
Bending	Speaking	Working

This is not an exhaustive list. Major life activities include basic activities that the average person in the general population can perform with little or no difficulty. A number of bodily functions are considered major life activities (i.e., functions of the immune system, digestion, neurological functions, respiratory functions, and brain functions).

Some examples of impairments that may **substantially limit** major life activities, even with the help of medication, aids or devices are:

- attention deficit hyperactivity disorder (ADHD)
- asthma, allergies
- blindness or visual impairment, deafness or hearing impairment
- diabetes, epilepsy, heart disease, and mental illness.

With the passage of the ADA Amendments Act in 2008, Congress expanded the scope of "major life activities" and clarified that a disability determination under the ADA and Section 504 should not demand extensive analysis, which is why the ameliorating effects of mitigating measures (other than ordinary eyeglasses or contact lenses) are no longer considered when making a determination.

- There is no definition to “substantially limits”
- It is more than a mere limitation, and less than a significant restriction
- Some guidance: Being unable to perform a major life activity that the average person can perform, or being significantly restricted as to the condition, manner, or duration under which an individual can perform a major life activity compared to the average person.

## Section 504 Evaluation

An evaluation does not have to be formalized testing, but it must consider information from a variety of sources (parent notes, doctors' notes if available, test scores, observations, etc.). Decisions about who qualifies for Section 504 cannot be based solely on a single source of data (i.e. a doctor's diagnosis or grades). **A medical diagnosis is NOT required under Section 504.**

Once a child has been deemed eligible for accommodations, a Section 504 Plan is then developed by a Section 504 committee. Before any significant changes are made to an existing plan, the child should be evaluated again. A significant change in placement includes changes due to disciplinary actions longer than 10 days as well as changes that result from moving from one grade to another.

Parent participation is not an entitlement right under Section 504 as it is under IDEA. Depending on the procedures used by your local school district, parents or legal guardians may or may not have a right to active participation or decision-making through Section 504. **In Glenview, parents are part of the 504 team.**

Section 504 regulations do not specify the time period within which an evaluation must be conducted. Typically, OCR and courts will use a "reasonable amount of time" standard. Absent specific guidelines, and given that Section 504 does not require a full and individual evaluation it would be prudent (though not required) to apply IDEA timelines when conducting Section 504 evaluations. **This means yearly reviews and re-evaluations every 3 years.**

## Discipline under Section 504

Students with disabilities under both Section 504 and IDEA are provided with special procedures in situations involving disciplinary removals from their regular educational setting. Discipline procedures under Section 504 are similar, but not identical, to discipline procedures under IDEA. Students with a Section 504 Plan may be suspended or expelled in the same manner as any child without a disability for up to 10 school days. After removals of 10 consecutive days, or a pattern of short term removals amounting to 10 days or more, a meeting (called a manifestation determination) must be held to determine if the behavior subject to disciplinary action is linked to the child's disability. If there is a direct link between the behavior and the disability, the child may not be sent to a disciplinary or alternative education placement. If there is no link between the behavior and the disability, the child may be disciplined in the same manner as any other child without a disability. There are two exceptions to this rule:

1. If a child who is being served by Section 504 is caught "currently engaging in the use of illegal drugs or alcohol," the child forfeits all rights and procedural protections under Section 504, including the right to a manifestation determination, and may be disciplined in the same manner as any other child without a disability.
2. A child caught in possession of a firearm in any manner may be immediately removed to an alternative education placement where a manifestation determination must be conducted within 10 school days. If there is a link to the disability, the child may still be removed for up to 45 school days. If there is no link to the disability, the child may be disciplined in the same manner as any other child

**without a disability.**

There are a number of invalid reasons for placing a student on a Section 504 plan, including the following:

■ The parent and/or doctor presents the school with a disability diagnosis and a 504 plan is written without first determining if the disability substantially limits a major life activity;

■ A student is placed on a 504 plan solely because the parent wants the student to have additional time on state examinations (e.g., ACT, SAT);

■ A student fails to qualify for special education support and is automatically signed up for a 504 accommodation plan without first qualifying them based on Section 504 criteria;

■ A student is automatically placed on a 504 plan when the student no longer qualifies for special education services without first qualifying them based on Section 504 criteria; or

■ A student is placed on a 504 plan as an alternative way to receive special education services because the parent refuses to “label” a student by including them in a special education program.

[504 vs Idea Guidance](#)