

# **Section 504 Manual**

## **Practices & Procedures For Staff**

### **Greenwich Public Schools**

504 Coordinator:

Judith Nedell, Coordinator of Guidance Services

Revised August 2021

**POLICY REGARDING STUDENTS AND  
SECTION 504 OF THE REHABILITATION ACT OF 1973 AND  
TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) prohibits discrimination against individuals with a disability in any program receiving Federal financial assistance. Similarly, Title II of the Americans with Disabilities Act of 1990 (“Title II” or “ADA”) prohibits discrimination against individuals with a disability by state and local governments. To be protected under Section 504 and the ADA (“collectively, “Section 504/ADA”), an individual must (1) have a physical or mental impairment that substantially limits one or more major life activities; (2) have a record of such an impairment; or (3) be regarded as having such an impairment.

**In order to fulfill its obligation under Section 504/ADA, the Greenwich Public Schools recognize a responsibility to avoid discrimination in policies and practices regarding its personnel, students, parents/guardians and members of the public who participate in school sponsored programs.** In this regard, the Greenwich Public Schools prohibit discrimination against any person with a disability in any of the services, programs or activities of the school system.

**The school district has specific responsibilities under Section 504 to identify, evaluate and provide an educational placement for students who have a physical or mental impairment that substantially limits a major life activity.** The school district’s obligation includes providing access to a free appropriate public education (“FAPE”) for students determined to be eligible under Section 504/ADA. Under Section 504, FAPE is defined as the provision of regular or special education and related services that are designed to meet the individual educational needs of a student with a disability as adequately as the needs of students without disabilities are met, and that are provided without cost (except for fees imposed on nondisabled students/parents). **“FAPE may include, as appropriate, special education and related services provided through distance instruction provided virtually, online, or telephonically.” “Many disability related...services may be effectively provided online...through video conferencing.” (OCR Supplemental Fact Sheet, March 21, 2020)**

If the parent/guardian of a student disagrees with the decisions made by the professional staff of the school district with respect to the identification, evaluation or educational placement of his/her child, the parent/guardian has a right to request an impartial due process hearing.

In addition, a student or parent/guardian of a student may also file an internal grievance/complaint on these issues or any other type of discrimination on the basis of disability by or within the district by utilizing the grievance/complaint procedures outlined in the Board’s Administrative Regulations Regarding Students and Section 504 of Rehabilitation Act of 1973 and Title II of Americans with Disabilities Act, and/or may file a complaint with the Office for Civil Rights, U.S. Department of Education (“OCR”): Office for Civil Rights, Boston Office, U.S. Department of Education  
8<sup>th</sup> Floor, 5 Post Office Square, Boston, MA 02109- 3921, (617) 289-0111

Anyone who wishes to file a grievance/complaint with the district, or who has questions or concerns about this policy, should contact Judith Nedell, the Section 504/ADA Coordinator for the Greenwich Public Schools, at phone number 203-625-8097. **(School teams - please provide parents with a copy of the GPS Section 504 Guide as needed. This guide is available on the GPS district website or in the Section 504 Schoology group resources folder.)**

## PURPOSE OF THIS MANUAL

This Section 504 Manual addresses the processes for locating, evaluating and identifying a student who has a physical or mental impairment that substantially limits a major life activity, as well as placement of a student within the educational environment with necessary supports and services. For a student to qualify for Section 504 protection, the student must meet three criteria: (1) have a mental or physical impairment, (2) which substantially limits, (3) one or more major life activities. **All decisions relative to eligibility and accommodations are made on a case-by-case basis in accordance with applicable statutes and regulations.**

Questions or concerns about Section 504 process and implementation should be communicated to Judith Nedell, district Section 504 Coordinator, based at GHS – [judith\\_nedell@greenwich.k12.ct.us](mailto:judith_nedell@greenwich.k12.ct.us) or x8097

Questions or concerns about working in the Frontline database should be communicated to Alli Pagni, the data specialist in the PPS offices at Havemeyer – [allison\\_pagni@greenwich.k12.ct.us](mailto:allison_pagni@greenwich.k12.ct.us) or x7495.

## DEFINITIONS & REVIEW OF KEY CONCEPTS

**Disability**: For the purposes of Section 504/ADA, the term “disability” with respect to an individual means: (a) a physical or mental impairment that substantially limits one or more major life activities of such individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment.

**Free Appropriate Public Education (FAPE)**: for purposes of Section 504, refers to the provision of regular or special education and related aids and services that are designed to meet individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met, that are provided without cost (except for fees imposed on nondisabled students/parents), and is based upon adherence to procedures that satisfy the Section 504 requirements pertaining to educational setting, evaluation and placement, and procedural safeguards.

**Physical or Mental Impairment**: (a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems, such as: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine or (b) any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability. Physical or mental impairment includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech, and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

**Major Life Activities**: include, but are not limited to, self-care, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, writing, communicating, interacting with others, and working. A major life activity also includes the operation of a major bodily function, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive system functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

**Mitigating Measures:** include, but are not limited to, (a) medication, medical supplies, equipment, appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies; (b) use of assistive technology; (c) reasonable modifications or auxiliary aids or services; (d) learned behavioral or adaptive neurological modifications; or (e) psychotherapy, behavioral therapy, or physical therapy.

**Parental Consent:** Under Section 504, written parental consent must be obtained prior to conducting an initial evaluation for eligibility, placement and provision of specific educational services. Parental consent means that the parent has been fully informed of all relevant information regarding the evaluation.

**Evaluation:** Under Section 504, an evaluation is a multi-disciplinary team review of information from a variety of sources. The scope of the evaluation is determined by the nature of the student's suspected disability as well as the nature of the student's academic and behavioral performance in school. The data used must be sufficient to determine if a physical or mental impairment substantially limits an identified major life activity. Under Section 504, an evaluation need not consist of formal evaluations or standardized assessments. A review of existing information, evaluations and data, with input from teachers and parents, may be appropriate. Teams should refer to and may wish to use the template *Section 504 Records Review Details* to gather information to share and/or record details at the meeting. When a parent provides a private educational evaluation report (PIPE) or a medical report from a physician, the team should review the report at a 504 meeting. **Eligibility determinations are not made solely on the basis of information collected in private evaluations.** Rather, this information will be reviewed and the team will determine what additional information, if any, is needed. While all recommendations contained in private evaluations will be considered, determinations of eligibility, and the need for accommodations and services are made by the team using the steps outlined in the *Section 504 Worksheet Custom 04 Evaluation and Eligibility* form.

**Reevaluations & Annual Review:** Section 504 requires that eligible students are reevaluated "periodically" and prior to any significant change in placement. **While Section 504 does not define the term "periodically," the best practice is to hold an annual review meeting** to review an eligible student's Section 504 plan and any other issues that might be related to the student's eligibility or needs relative to Section 504. The team should, at minimum, review the student's use of accommodations, progress reports, teacher observations and parent/student input. The plan should be modified, as appropriate. It is important to obtain teacher observations/feedback, preferably when the teachers have had the most time to work with the student and observe the accommodations needed and used in the classroom. It is also important to obtain or request updated medical documentation if such documentation was used, in part, to determine initial eligibility. When obtaining feedback on accommodations, teams should be looking for evidence that students routinely and effectively use any accommodation on the 504 Plan. Plans should be reviewed at any time when accommodations need to be updated or changed based upon change in student performance (including, but not limited to academics, behavior, attendance), or in the nature of a student's disability (e.g., change in substantial limitation on one or more major life activities).

**Child Find Obligation for Students with Health/Medical or Academic or Behavioral Needs:**

Responsible school personnel in consultation with the school nurse(s), should consider whether students with chronic health concerns should be considered for Section 504 eligibility. This is because an Individual Health Plan does not obviate the need to conduct a 504 evaluation and provide non-

discrimination protection/procedural safeguards. The school nurse should be invited to 504 team meetings as appropriate when the impairment is physical and/or when the school nurse needs to share information, be part of the decision making, or deliver related services to the student.

**Referral “red flags” that could indicate a student may have an impairment that substantially limits a major life activity and should be evaluated via a Section 504 eligibility meeting:**

- Chronic health conditions
- Individual Health Plan (consider risk to student, complexity, intensity, frequency)
- Unusual absences/truancy/skipping classes
- Return from serious illness or injury or hospitalization
- Participation in the PBIS/MTSS/RTI process with little progress or positive response to interventions
- Retention
- Failing or noticeably declining grades or progress reports
- Poor or noticeably declining progress on standardized assessments
- Pattern of disciplinary infractions, suspension or expulsion
- Not responding to traditional forms of behavior management/behavior is out of the expected range of behaviors of students that age
- Signs of substantial anxiety, depression, withdrawal, inattention/distraction or other mental health issues
- Section 504 eligible student transfers from another district (implement the transfer plan until an eligibility meeting can be held with the new school’s team)
- Parent request for evaluation
- Did not qualify for or has been dismissed from special education services\*

\*please note that the role of the PPT is to refer a student to a Section 504 team for evaluation. A PPT should not make any statement about a student being eligible for a Section 504 accommodation plan without first convening a Section 504 team meeting and going through the steps of the Section 504 Worksheet Custom 04 Evaluation and Eligibility to determine eligibility.

If the school-based team has no reason, based on all relevant data, to believe or to suspect that a student has a disability or need for special services, then there would be no reason to evaluate under Section 504 or consider providing a 504 Plan. Teams should ask the question, “Do we have the knowledge to think that the student has an impairment that affects a major life activity to a substantial extent?” If the answer is YES, or MAYBE, then we must evaluate (convene a 504 Team meeting, follow the steps in the Section 504 Worksheet Custom 04 Evaluation and Eligibility). If the answer is NO, a notice of refusal to conduct an evaluation must be provided to the parent, including the evidence considered and the reason for refusal. Parent must also be provided with their procedural safeguards, Notice of Parent/Student Rights Under Section 504 available in English & Spanish. We are not obligated to evaluate a student we don’t suspect has a disability. We evaluate for eligibility, not to diagnose. Despite this, the most effective decision is typically to convene a Section 504 team and conduct an evaluation using the Section 504 Worksheet Custom 04 Evaluation and Eligibility.

**Referral to PPT (IDEA) or Section 504:** Students who may have a disability that requires school accommodations and/or special education and related services based on a disability are referred to either a planning and placement team (PPT) to consider eligibility for special education services, or to a Section 504 team. The team to which the student is referred is based on the student’s specific need. If the PPT determines that the student is not eligible for special education services under the IDEA, but may be eligible as a student with a disability under Section 504, such shall be noted in the PPT summary and the

PPT meeting shall be adjourned. A Section 504 meeting will then be scheduled to determine initial eligibility.

**Tuition Students:** If the parents provide the school with a current 504 Accommodation Plan or Health Care Plan from the nexus district the school will schedule a 504 Multidisciplinary Team meeting with the parents. At that meeting, the team will review the plan and confirm the documentation used to make the determination. At that time, they will revise the plan if any of the circumstances have changed and share the plan with all appropriate staff.

**Private School / Non-GPS Students:** The GPS has a State of CT Child Find obligation to identify students with disabilities who are being educated in the Town of Greenwich (similar to child find under IDEA). We have a legal obligation to evaluate under Section 504 by holding an official Section 504 eligibility meeting. The GPS is not obligated to write 504 accommodation plans for students who are not enrolled in the GPS. School administrators are encouraged to informally assist parents who are residents of the Town of Greenwich with information about how Section 504 is implemented should they enroll their child in the GPS, what the process would entail and potential supports that might be considered when a student with a similar disability is found eligible.

**Research Based Interventions:** When a student is experiencing academic and/or behavioral problems that cannot be successfully addressed in the classroom, the teacher or other staff member should make a referral to the school-based team charged with developing and implementing scientifically research-based interventions. Interventions should be developed to address the student's learning and/or behavioral issues. The goal of the intervention process is to improve a student's school performance so that the student can make adequate progress. Interventions should be of sufficient duration (e.g. six to eight weeks). The implementation intervention should be closely monitored and adjusted when necessary. The RTI process can be implemented prior to, simultaneously, or as part of, determining 504 eligibility or the accommodations and /or services necessary. The RTI process may not delay a request for an evaluation under Section 504.

**Notice of Rights/Procedural Safeguards:** Section 504 requires that school districts establish and implement a system of providing parents with their rights under the law. Legal rights under Section 504 include the right to notice, the opportunity for parents to examine relevant records, the right to an impartial hearing and the right to representation by legal counsel. Prior to convening the Section 504 meeting, parents should be given *Notice of Parent/Student Rights under Section 504*. Send this Notice with all meeting invitations. Available in English and Spanish in Frontline and Schoology group resources and on the last pages of this manual.

**Section 504 Team:** The Section 504 eligibility determination must be made by a group of persons knowledgeable about the child, the evaluation data and the various resources/placement options available within the educational environment. This team should therefore include teacher(s), parents, the student (when appropriate), the professionals who conducted or can interpret the relevant evaluations or may be called upon to do so, an administrator, school nurse (when appropriate), and other personnel as may be necessary.

**Responsible School Personnel:** At the middle school and high school level in the Greenwich Public Schools, the School Counselor is typically responsible for coordinating the 504 process and monitoring the implementation of 504 Accommodation Plans for students 6-12. Other staff members who may be responsible are school administrators, school nurses, school social workers, and school psychologists. At

the elementary level, the Assistant Principal or School Psychologist is typically the staff member who has this responsibility.

**Distribution of 504 Accommodation Plans to Staff:** A copy of each active (i.e., most current) 504 Accommodation Plan must be finalized in Frontline, where teachers and other staff members can read and document receipt of IEPs and 504 Plans. **504 Plan monitors may send emails or hold staff meetings as needed to clarify accommodations and must alert teachers to new or revised plans.**

**Database Updates in Aspen:** It is vital that Aspen records be accurate and up-to-date. When a student is found eligible and placed on a 504 plan, or when a student is no longer eligible, their status must be updated in Aspen. Student Demographic Details Tab – first page, check (or uncheck) the “504 Plan” box AND select the correct “504 Plan Status” – hit save.

**Extra-Curricular Activities and Non-Academic Activities Under Section 504:** Section 504 requires that school districts afford disabled students an equal opportunity for participation in extra-curricular and non-academic activities, including athletics. The Section 504 regulations prohibit exclusion from or denial of the benefits of extra-curricular and non-academic activities solely on the basis of disability, assuming that the student is otherwise qualified to participate. An otherwise qualified student with a disability shall be provided with the reasonable accommodations/modifications necessary for the student to participate in these activities.

**Discipline Under Section 504:** School personnel may remove a child with a disability from his or her current educational placement for disciplinary purposes for a period of up to 10 school days. Exclusion for more than 10 consecutive days is considered a “significant change in placement,” which requires reevaluation. Cumulative suspensions (including bus suspensions) totaling more than 10 days in school year may be a significant change in placement if it constitutes a pattern of similar behavior. An expulsion will always constitute a significant change in placement. The reevaluation conducted before excluding a student with a disability for more than 10 consecutive school days or, if the behavior constitutes a pattern or similar behavior after 10 cumulative removals, is the manifestation determination review (MDR). All necessary members of the Section 504 team, including the parents, and student where appropriate, must be invited to attend the MDR using the correct invitation in Frontline. Utilize the Frontline form 504 Manifestation Determination to guide the process. At the MDR, the Section 504 team must determine whether the misconduct in question was caused by or had a direct and substantial relationship to the student’s disability; and/or whether the misconduct was the direct result of the school’s failure to implement the student’s Section 504 plan. If the team determines that the behavior was a manifestation of the student’s disability, the student must be returned to the current educational placement and cannot be disciplined further based on this misconduct. The team should conduct a functional behavioral assessment and develop a behavior intervention plan, where appropriate, and request consent to perform any additional evaluations that might be appropriate. If the Section 504 team determines that the misconduct was not a manifestation of the student’s disability, the school may implement the same disciplinary consequences against the student as it would for non-disabled students. If a student with a disability under Section 504 violates the Board’s policies relative to the use or possession of illegal drugs or alcohol, the Board may take disciplinary action against such student for his/her illegal use or possession of drugs or alcohol to the same extent as the Board would take disciplinary action against nondisabled students. Such disciplinary action is not subject to the complaint or due process procedures outlined below.

**Grievances/Complaints/Concerns:** In order to provide FAPE, the Section 504 team must comply with procedural due process requirements and substantive due process requirements (appropriate regular or

special education & related services). Refer parents and students to the *Section 504 Guide* posted on the GPS website (Student Support Services) whenever parents disagree with an aspect of the 504 process or share a concern. Provide the guide in print or via email as needed. You can offer to re-convene a 504 meeting to address the concerns, or an informal meeting with Judy Nedell can be scheduled. However, parents always have the right to file a formal complaint or request a mediation at any time as outlined in the *Section 504 Guide*.

**504 Plan Records/Files/Document Repository:** The long-term goal is to eliminate hard copies of Section 504 related records. Include and/or upload any records to each student's Frontline 504 Document Repository over the course of the school year rather than saving them in hard copy. Do not destroy previously stored hard copy documents.

- All records relating to 504 Plans (meeting documents, supporting documents, physician questionnaires, etc.) must be retained for a period of 6 years after a student graduates from high school.
- GHS – 504 Plan files are stored separately from cum folders, similar to other PPS records. They may be stored in the House Admin's office, School Psych's office or School Counselor's office. They must be stored in the Main Office after graduation similar to other PPS records.
- Middle Schools & Elementary Schools – 504 Plan files are stored separately from cum folders, similar to other PPS Records. 504 Plan files must be sent from Elementary to Middle School through the regular ed sharing process with the 6<sup>th</sup> Grade School Counselor/Middle School Guidance Office, or with the other PPS files to each middle school. 504 Plan files must be sent from Middle School to GHS through the regular ed sharing process with the 8<sup>th</sup> Grade School Counselor/GHS House Guidance Offices, or with the other PPS files to the houses.

## **PROCEDURES TO IMPLEMENT SECTION 504**

### **Request/Referral/Consent to Evaluate**

When a parent makes a request for an evaluation or a Section 504 initial eligibility determination, provide the family with the form: *Section 504 Notice - Custom Referral to Determine Eligibility and Gain Consent*. Ask the parent to submit it to you as soon as possible. If the parent does not give you the form or bring the form to the meeting, have them sign the consent to evaluate page so we have their signature. We cannot hold up the evaluation/meeting for their written input, but we should also not hold an initial eligibility meeting without written consent. Informed, written parental consent must be obtained prior to conducting an initial evaluation for the identification, diagnosis and prescription of specific educational services for a student.

When a school is aware of a student's disability, or has reason to suspect a student has a disability, it triggers the district's "child find" responsibility to evaluate whether the student has a disability and may require a 504 plan. If the school-based team initiates the referral, provide the family with the form *Section 504 Notice - Custom Referral to Determine Eligibility and Gain Consent* and actively involve them in the process.

### **Gather Data to Review for Evaluation**

A Section 504 evaluation requires review of information from a variety of sources. The scope of the evaluation is determined by the nature of the student's suspected disability as well as the nature of the student's academic and behavioral performance in school. The data used must be sufficient to determine if a physical or mental impairment substantially limits one or more major life activities. Seek information



about the student’s needs and performance across settings (subjects, classes, home, school, extracurriculars, etc.)

Documents, information and data that may be collected and reviewed through a Section 504 evaluation may include, but are not limited to: Cumulative record information, attendance, discipline/behavior, grades, classroom assessments or work samples, state testing results, student input, parent input, teacher/counselor input, screening tools/informal checklists, observations, ed-psych evaluations, medical information, interventions/accommodations already used, and any other relevant data. Teams may consider using the template *Section 504 Records Review* to gather and record this information for discussion at the eligibility meeting as appropriate.

If the Section 504 team believes that additional information is required in order to determine if the student has a physical or mental impairment that substantially limits a major life activity, the Section 504 team may request consent from the parents to obtain additional individualized assessments.

The Section 504 team should request written permission from the parents to speak with the student’s private medical professionals (e.g. pediatrician, psychiatrist, therapist), where appropriate.

A medical diagnosis (doctor’s note) alone does not qualify as an ‘evaluation’ for Section 504 purposes. It is insufficient to determine if a student has a physical or mental impairment that substantially limits a major life activity. We may request, but cannot require, medical information. Further, we cannot decline to evaluate a student or determine eligibility based on a parent’s failure to provide such documentation. Bottom line: medical documentation is neither necessary nor sufficient.

### **Follow A Two Step Eligibility Determination Process**

Use the *Section 504 Worksheet Custom 04 Evaluation and Eligibility* to guide the process of reviewing the evaluation information and making an eligibility determination. (The worksheet is available in Frontline, and in Schoology group resources.) Obtain written parental consent prior to conducting an initial evaluation. Acquire and discuss evaluation information; data collected must be sufficient to determine if impairment substantially limits an identified major life activity (or activities). If data is insufficient, additional information should be requested and the team will reconvene as appropriate.

**STEP 1: Disability Determination** – To answer the main question: Does the student have a disability under Section 504? Teams need to answer these three sub-questions connected to the criteria: Does the student have a physical or mental impairment? Does it affect a major life activity? Does the impairment substantially limit the major life activity?

### **THREE CRITERIA are necessary to meet the Section 504 disability guidelines:**

**IMPAIRMENT** - There must be evidence of an impairment. Identify the mental or physical impairment as recognized by a respected source, such as the DSM-V. **See the definition on page 3 of this manual.** If the school requires a medical assessment, the school is responsible for getting it done and paying for it, even if the parent volunteers. Schools can assess impairments such as ADHD, depression, anxiety; schools cannot hold up the process from a child find perspective. If a physician or other therapist provides a diagnosis, teams must consider it; however, “evaluation” is collecting information from a variety of sources; it is always prudent to consider the physician information and ask the parents to sign a release if more information is needed. It serves the student best to obtain physician input when there are

medical or health issues involved (written or phone or both). An impairment does not equal *disability*. Under Section 504 regulations, the other two criteria are necessary in the determination of *disability*.

**MAJOR LIFE ACTIVITY** – essential human activities. The team must specifically identify what major life activity is limited by the student’s physical or mental impairment. **See the definition on page 3 of this manual.**

**SUBSTANTIAL LIMITATION**– this is a relative term and not defined in the regulations; use as your frame of reference *most students in the general population – comparison to persons of the same age or grade*. The team must answer the question “Does the student’s physical or mental impairment substantially limit one or more major life activities as compared to most students in the general population?” An impairment need not prevent, or significantly or severely restrict, the student from performing a major life activity in order to be considered substantially limiting. Nonetheless, not every impairment will constitute a disability within the meaning of Section 504. Limitations in the student’s academic, behavioral and/or medically-related abilities or performance must be greater than that of their average, nondisabled peers. When considering the restriction or impact, the 504 team is directed to examine the condition, extent, manner and duration of the impairment on the major life activity. The student’s ability to perform the major life activity (as easily as/in a similar fashion to) may be compared to “most people in the general population”, i.e. the “typical student” in the student’s school, grade level or classroom. Note that students with impairments may perform on par with nondisabled students only because of greater efforts. The 504 team should consider the time, energy and effort the student is investing in reaching their level of performance. **Consider use of percentiles, the bell curve, or a scale from 1 to 5 (no limitation, mild limitation, moderate limitation, substantial limitation, severe limitation) to help teachers compare the student’s performance of a major life activity to other students performing that activity.** Make an effort to determine the *typical* level of focus/attention/completion of tasks (etc.) for all students. “Someone might say that the student isn’t working up to his potential, but this isn’t about considering the student against himself; you have to compare the student against an average peer.” (Section 504 Compliance Handbook, p.4:27)

**Collect and consider information / data in two broad categories (a) school-based information and (b) information from student, parents, medical professionals and other outside sources.** The team must consider a student’s social or cultural background in determining eligibility under Section 504. Cultural, environmental and economic disadvantages are not disabilities; therefore, a child with limitations in learning that are caused by cultural, environmental or economic factors does not have a disability within the meaning of Section 504. The team should consider a variety of information concerning the student’s classroom and school performance to gauge the degree to which the mental or physical impairment limits the student’s major life activity when compared to other, nondisabled students.

**Consider the ameliorative effects of mitigating measures.** The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures. Thus, in determining whether there is a substantial limitation, the team must determine how the student would otherwise perform without the use of mitigating measures **as defined on page 4 of this manual.**

**Consider whether the student has a condition that is episodic or in remission.** An impairment that is episodic (e.g., allergies, depression, Crohn’s disease) or in remission (e.g., cancer) is a disability if it would substantially limit a major life activity when active.

**Consider whether the student has a condition that is temporary or transitory.** A temporary impairment is not a disability under Section 504 unless its severity is such that it results in a substantial limitation of one or more major life activities for an extended period of time. The issue of whether a temporary impairment is substantial enough to be a disability must be resolved on a case-by-case basis, taking into consideration both the duration (or expected duration) of the impairment and the extent to which it actually limits a major life activity of the affected individual. An impairment that is, or is expected to be, BOTH transitory AND minor is not typically regarded as a disability under Section 504. A transitory impairment is generally defined as lasting or expected to last six months or less. For students diagnosed with a concussion, or broken limb, for example, provide immediate medical accommodations and re-assess their needs regularly with guidance from their physician. If symptoms do not resolve within a month or two, consider referral for evaluation under Section 504.

**STEP 2: PLACEMENT DETERMINATION** – Answers the question: Does the student need accommodations and/or regular or special education related aids and services because of the disability in order to receive FAPE? Under Section 504 regulations, *disability* does not equal accommodations & services.

Once the student is found eligible under Section 504, the team must determine what accommodations, *if any*, the student requires in order to provide the student with a free appropriate public education, aka meeting their individual educational needs as adequately as the needs of their non-disabled peers are met.

**Some students eligible for Section 504 do not require services to receive FAPE. When determining services, the ameliorative effects of mitigating measures may be considered.** If mitigating measures are effective, then the student may not need 504 services. Accommodations and other services under Section 504 must be designed to meet the individual educational needs of the disabled student as adequately as the needs of nondisabled students are met. Eligible students who are already having their individual educational needs met as adequately as the needs of nondisabled will not require any accommodations or a Section 504 plan. While these students do not have a “504 plan”, they do receive the non-discriminatory protection of Section 504. In the event that the student’s needs change, a Section 504 meeting can be held to determine whether a plan is appropriate.

The need for accommodations and services should arise from data; make individualized determinations with respect to the student’s individual and disability-related educational needs; list only services that are necessary. Do not use a pre-set / prepared list! The accommodations and/or other services required to allow the student’s individual educational needs to be met as adequately as the needs of nondisabled students are met. When appropriate, determine whether or not accommodations are necessary for standardized testing. If the student does not need nor utilize accommodation(s) for assessments in the classroom setting then he/she would not typically require the accommodation in the standardized test setting.

If accommodations or other services are necessary, complete that section in the Frontline document. All components of the document must be completed and data supporting the student’s eligibility under Section 504 uploaded to the student’s Frontline Document Repository.

**Based upon their individual needs, accommodations:**

- Provide students equal access to grade level learning/content (“meaningful access”)
- Provide students equal opportunity to demonstrate what is learned - their knowledge and skills
- Are based on individual strengths/weaknesses and are supported by evaluation data

- May vary in intensity and degree
- Are anticipated/expected to be routinely and effectively used
- Do not substantially change instructional level or content; do not change what is taught or what the student is expected to know and do; (*modifications* alter content or standards and affect the integrity of the curriculum)
- Should not affect validity or reliability of test results; should not change what test is measuring
- Are designed to “level the playing field”; are not required to maximize potential; there is no guarantee of grades or outcomes; a student is not “substantially limited” simply because they are not reaching their potential.
- Must consider non-academic and extracurricular activities as well as classroom performance: e.g., field trips, athletics, after-school activities and school sponsored functions such as dances
- Can include a shortened or lengthened school day only if required to make educational progress/receive FAPE/meet individual needs

### Some guiding questions:

- Do the proposed accommodations target and address the impact of the substantial limitations in the identified major life activity?
- Does the accommodation allow the student to access their program as adequately as their peers?
- What specific tasks does the student struggle with more so than his peers?
- To gain equitable educational access (FAPE), what barriers need to be removed?
- What instructional and teaching accommodations are necessary to address substantial limitations?
- Are accommodations to assessments consistently necessary for the student to be able to demonstrate knowledge?
- What does the data show the need is? (May consider conducting a trial with data monitoring if necessary.)
- Does the student require accommodations/services for attending school or to address the impact of behaviors such as impulsiveness, inattention, distractibility, lack of planning, or organization?
- Does the student require a behavior management plan to address disruptive behavior or poor social interactions?
- Does the student require an individual health plan (IHP) to manage the effects of a chronic or acute health or medical impairment?

**Accommodations in the college setting:** A Section 504 Plan is not a legally binding plan once the student graduates from high school. Colleges and universities do not have the same FAPE obligation. Students found eligible for accommodations just have to be ‘reasonably accommodated’. Students must contact the office of disability services at the college they plan to attend to discuss their needs and supply documentation required by the college or university.

## WORKING IN FRONTLINE 504

**Log into Frontline** using your individual username and password.

Step 1: If the student has a current 504 document, their name will be listed under “**My Students**”. If not, click on “New Student”. Type in the last name, a drop-down list will appear. Select the student needed.

- Once the Master Demographic Information pops up, confirm it is the correct student, click “**Create Draft** from Latest Document” or “Create Draft”. An alert will prompt you to be sure you want to create the draft. Select the current school year. If the current school year is not available

(based on the latest document), select the closest school year. The correct school year will be updated when the new document is created.

**Step 2:** Click on the student's name to **create a meeting invitation** under the "schedule tasks" tab and print the invitation from there. This will create an orange box next to the student's name under "My Students" as a reminder a meeting has been scheduled. Be sure to select the correct letterhead and the correct person's signature from the drop-down choices on the top.

- Generate invitation - "Letters & Reports" tab, click "process"
- Send Invitation (via mail or email) with *Notice of Parent/Student Rights Under Section 504.*

**Step 3:** Return to the draft document and select "**import meeting information from the invitation**" which will carry over details into the **Meeting Information section** of the document.

- In order for students to appear in "My Students" all boxes under the school year information have to be filled in the **Determination section**. Unless this info is completed before logging out, the document cannot be viewed in the Student List.
- For most students, you must check YES for "anniversary date plan". The end date needs to be during the following school year in order for the student to be rolled over for the next school year. If the student is a graduating senior, you can check NO for "anniversary date plan" and set the end date of the plan to the last day of school.

**Step 4:** When **documenting a meeting and creating a Section 504 Plan** use the edit pencil to open each section of the document. **Teams must use a *Section 504 Worksheet – Custom Evaluation and Eligibility* form to guide eligibility meetings. Best practice is to bring two copies to the meeting, one for the person leading the meeting and one for the family to read along. Scan/upload this document to the student's document repository after the meeting.**

#### **Student Document Details – Sections:**

- Basic Demographic Information – pulled/updated from Aspen
- Special Alerts – only for staff view purposes in Frontline 504, does not print on the plan.
- Meeting Information – Date, Reason, Summary, Members Present
- Determination – Decision/Status, Identify Impairment, Identify MLA, Describe Substantial Limitation, Anniversary Date Plan (YES), Projected Start Date, Most Recent Evaluation\*, Next Reevaluation\*, Recommended School, Home School (\*Please note that 'evaluation' under 504 is when the team meets to discuss eligibility or to review the plan. Therefore, the most recent evaluation date is typically the date of the meeting you are documenting. Next Reevaluation date will typically be one year from the date of the meeting as annual reviews are best practice.
- Evaluation/Reports – DO NOT upload anything to this section. Instead, scan and import into the Documents Repository for the student (menu on top of document); ideally this includes all screeners, evals, PIPEs, collected teacher observations, etc.
- Exit Information – only if appropriate
- Accommodations, Assistive Tech, Supports - Accommodations and services are listed under ten categories. Select and add the generic category and enter in specific details for each student in the description box. Click "add" to save the information.
  - Materials / Books / Equipment
  - Tests / Quizzes / Assessments\*
  - Grading
  - Organization

- Environment
- Behavior Interventions and Supports
- Instructional Strategies
- Assistive Technology
- Other (can include access to counseling here)
- Supports for School Personnel (consultation to education teachers & staff)
- Testing Accommodations Form – entering information in this field this will generate a testing accommodation form that is used by the State of CT. This form must be completed each year in which a student is taking a standardized state test for which the state has a testing portal (SBA, NGSS).
  - \*An accommodation is a change in materials or procedure that doesn't change what an assessment is measuring. A modification is a change that reduces what students are expected to know and therefore could affect the validity of the assessment. Any accommodation used for an assessment should generally be used in the instructional setting. Four categories: Presentation, Response, Setting, Timing/Scheduling.
- Related Services – enter information as applicable in this section; any related service (counseling, health, speech/lang) that is for a specified frequency and duration must be entered in this section; “intermittent” “consult” or “as needed” would NOT go in this section - use the “Other” section to document this service instead.
- Transportation – enter information as applicable in this section

Step 5: Finalizing the 504 Plan Document – once a draft is created, a blue square will appear next to the student's name and the draft can be accessed by clicking on the blue square until the document is finalized. Click “validate” to check the draft for errors. A box will appear with any suggested changes needed before finalizing the document. Click the Finalize button when complete.

Step 6: Create a 504 Plan (pdf) or send notice documenting the 504 Plan was not created. Finalized 504 Accommodation Plans are generated in Letters and Reports.

Step 7: Send the plan to parents with the correct Section 504 Notice. Be sure to select the correct letterhead and correct person for signature from the drop-down menu at the top.

- If a student is not eligible or no longer eligible, use the correct Notice in Letters and Reports
- To make minor changes to a 504 Plan without having a meeting, use 504 Notice 09

Step 8: If not done prior to the meeting, scan and upload all supporting documents to the student's Document Repository.

Step 9: In the demographics tab in Aspen, update the student's 504 Status AND check or uncheck the 504 box, click SAVE **and inform staff that the new Section 504 Plan is ready to view in Frontline.**

**Use forms and letters provided in Frontline unless there is a need to obtain documents in the “Section 504 Forms and Resources” Schoology group (Word docs and links to Google docs)**

**Notices (Letters) in Frontline Letters & Reports:**

- Section 504 Notice – 01 Custom Referral to Determine Eligibility and Gain Consent
- Section 504 Notice - 02 Referral by District with Consent for Evaluation
- Section 504 Notice - 03 Custom Section 504 Rights English
- Section 504 Notice – 03 Custom Section 504 Rights Spanish
- Section 504 Notice - 04 Student is Eligible with Consent Form – Notice of Plan

- Section 504 Notice – 04 Custom Student is Eligible (does not include consent form -use this notice unless you feel consent signature is necessary prior to implementation)
- Section 504 Notice – 05 Student is Ineligible
- Section 504 Notice – 06 Student is referred to Special Education
- Section 504 Notice – 07 Continuation of Accommodation Plan
- Section 504 Notice – 08 Student is no longer eligible
- Section 504 Notice – 09 Request to Amendment Without Meeting
- Section 504 Notice – 10 Conduct Reevaluation with Consent Form (consent is not required)
- Section 504 Notice – 11 Manifestation Determination: Misconduct was not related to disability
- Section 504 Notice – 12 Manifestation Determination: Referral to Sped
- Section 504 Notice -13 Manifestation Determination: Misconduct is Related-Conduct FBA with Consent for Eval
- Section 504 Notice – 14 Manifestation Determination: Misconduct is Related – Revise Plan

### **Worksheets in Frontline Letters & Reports:**

- Section 504 Worksheet – 04 Custom Evaluation and Eligibility (updated Aug 2020)
- Section 504 Worksheet – 05 Manifestation Determination Review
- Section 504 Worksheet – DL 504 Modifications Chart

### **Reports in Frontline Letters & Reports:**

- Section 504 - Meeting Invitation (multiple versions based on reason for meeting)
- Section 504 - Meeting Invitation (Spanish - single version, select meeting reason)
- Section 504 - Accommodation Plan (Finalized)
- Section 504 - Accommodation Plan (Draft)
- Section 504 – Blank Accommodation Plan

### **Frontline User Notes:**

- Students who no longer meet eligibility for a 504 Plan or who leave the district need to be noted as exited in two sections: Determination - Decision Status and Exit Information – Exit Date. When a student with an active Section 504 Plan withdraws from the GPS, a new draft needs to be opened up to do the following:
  - Determination Section: Change Decision/Status to "Withdrawn"
  - Exit Information Section: Enter the date that the student withdrew
  - Meeting Information Section: Include a note under Meeting Summary that the student withdrew. If known, include where the student is now attending.
  - After the document is finalized, the student will appear in grey on the My Students page.
  - Follow these steps when a student moves from a 504 Plan to an IEP, except the Decision/Status will be changed to “Exited”.
- Frontline’s online help button is very robust – it is the user manual. Search by content or use table of contents. Video webinars are short, useful and viewable on demand.
- Don’t use the back arrow
- My Students - Green is active, gray is inactive. Italics = shared with another educational institution. Red indicates re-evaluation is due. Black are finalized plans – legal and locked. Blue is draft plan.

- Filters – you can filter your own 504 students and save the filter.

## SECTION 504 RESOURCES

**Access the “GPS 504 Plan” Schoology group to obtain these resources and copies of forms:**

- **PDF of this *Section 504 Manual for GPS Staff (August 2021)***
- ***Greenwich Public Schools Guide to Section 504 (2021)* – GPS District guide; distribute to parent/guardian when needed (this is also posted on the GPS district PPS website)**
- District Notice of Parent Student Rights Under Section 504 - English (2019)
- District Notice of Parent Student Rights Under Section 504 - Spanish (2019)
- 10-point checklist to satisfy essential steps of the Section 504 process (Special Ed Connection 2021)
- Link to OCR Parent and Educator Resource Guide to Section 504  
<https://www2.ed.gov/about/offices/list/ocr/docs/504-resource-guide-201612.pdf>
- Link to OCR 504 FAQs <http://www2.ed.gov/about/offices/list/ocr/504faq.html>
- Link to Section 504 Regulations <https://www2.ed.gov/policy/rights/reg/ocr/edlite-34cfr104.html>
- Link to Q & A on the ADA/AA <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-504faq-201109.html>
- Link to OCR Publications <https://www2.ed.gov/about/offices/list/ocr/publications.html>
  - Includes several “Dear Colleague Letters” -
    - Resource Guide on Students with ADHD 07/2016
    - Resource Guide on Students with Dyslexia 10/2015
    - Resource Guide Extracurricular Athletics 01/2013
    - Responding to Bullying of Students with Disabilities 10/2014
    - Retaliation 04/2013
- Needs Assessment & Accommodations to Consider from Section 504 Compliance K-12 Handbook
- Shipman & Goodwin Law Alert re: Dear Colleague Letter re: ADHD
- NASP Eligibility Decisions for Students with ADHD
- Job Accommodation Network: located at the Univ. of W.V. – 1-800-526-7234 – maintains a database of accommodations provided by employers and provides options on how individuals may be accommodated; A to Z list by disability: <http://askjan.org>
- Section 504 Training PowerPoint – from training delivered in Greenwich, November 2015
- Peanuts, Concussions, Extracurriculars – PowerPoint Presentation Handout from Shipman & Goodwin January 2014
- Sample Protocol for First-Time Extended Time Testing Accommodation Decisions – can assist teams with determining whether extended time is a necessary accommodation
- Section 504 Enrollment in Challenging Academic Programs
- Section 504 Top 5 Errors (2013) – educational law brief clarifying common misunderstandings
- Link to Students with Disabilities Preparing for Postsecondary Education  
<https://www2.ed.gov/about/offices/list/ocr/transition.html>
- **You may contact the New England Regional OCR Representative in Boston anytime: 617-289-0111, [OCR.boston@ed.gov](mailto:OCR.boston@ed.gov)**



**GREENWICH PUBLIC SCHOOLS**  
**NOTICE OF PARENT/STUDENT RIGHTS**  
**UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973**  
**AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) is a non-discrimination statute enacted by the United States Congress. Section 504 prohibits discrimination on the basis of disability by recipients of federal funds. Title II of the Americans with Disabilities Act (“ADA” or “Title II”) also prohibits discrimination on the basis of disability by state and local governments. To be protected under Section 504 and the ADA (“collectively, “Section 504/ADA”) as an individual with a disability, an individual must (1) have a physical or mental impairment that substantially limits one or more major life activities; (2) have a record of such an impairment; or (3) be regarded as having such an impairment.

Under Section 504, the school district has specific responsibilities to identify, evaluate and provide an educational placement for students with a disability. The school district’s obligation includes providing such eligible students a free appropriate public education (“FAPE”). Section 504 defines FAPE as the provision of regular or special education and related services that are designed to meet the individual educational needs of a student with a disability as adequately as the needs of students without disabilities are met, and that are provided without cost (except for fees imposed on nondisabled students/parents).

A student is eligible for regular or special education and related services under Section 504 if it is determined that he/she has a mental or physical disability that substantially limits one or more major life activity such as (but not limited to): caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. A major life activity may also include the operation of a major bodily function, such as an individual’s immune, digestive, respiratory or circulatory systems.

A student can have a disability and be covered by Section 504/ADA even if he/she does not qualify for, or receive, special education services under the IDEA.

The purpose of this notice is to provide parents/guardians and students 18 years of age or older with information regarding their rights under Section 504. Under Section 504, you have the right:

1. To be informed of your rights under Section 504;
2. To have your child take part in and receive benefits from the Greenwich School District’s education programs without discrimination based on his/her disability.
3. For your child to have equal opportunities to participate in academic, nonacademic and extracurricular activities in your school without discrimination based on his/her disability;
4. To be notified of decisions and the basis for decisions regarding the identification, evaluation, and educational placement of your child under Section 504;
5. If you suspect your child may have a disability, to request an evaluation, at no expense to you and to have an eligibility determination under Section 504 (and if eligible, placement decisions made) by a team of persons who are knowledgeable of your child, the assessment data, and any placement options;

6. If your child is eligible for services under Section 504, for your child to receive a free appropriate public education (FAPE). This includes the right to receive regular or special education and related services that are designed to meet the individual needs of your child as adequately as the needs of students without disabilities are met;
7. For your child to receive reasonable accommodations and services to allow your child an equal opportunity to participate in school, extra-curricular and school-related activities;
8. For your child to be educated with peers who do not have disabilities to the maximum extent appropriate;
9. To have your child educated in facilities and receive services comparable to those provided to non-disabled students;
10. To review all relevant records relating to decisions regarding your child's Section 504 identification, evaluation, and educational placement;
11. To examine or obtain copies of your child's educational records at a reasonable cost unless the fee would effectively deny you access to the records;
12. To request changes in the educational program of your child, to have your request and related information considered by the team, a decision made by the team, and if denied, an explanation for the team's decision/determination;
13. To request an impartial due process hearing if you disagree with the school district's decisions regarding your child's Section 504 identification, evaluation or educational placement. The costs for this hearing are borne by the local school district. You and the student have the right to take part in the hearing and to have an attorney represent you at your expense;
14. To file a local grievance/complaint with the district's designated Section 504/ADA Coordinator to resolve complaints of discrimination including, but not limited to, claims of discrimination directly related to the identification, evaluation or placement of your child; and
15. To file a formal complaint with the U.S. Department of Education, Office for Civil Rights.

The Section 504/ADA Coordinator for this district is:

**Judith Nedell, Guidance Program Coordinator**  
**Greenwich High School, 10 Hillside Road, Greenwich CT 06830**  
**203-625-8097**

For additional assistance regarding your rights under Section 504 and Title II of the Americans with Disabilities Act, you may contact: Office for Civil Rights, Boston Office, U.S. Department of Education  
8<sup>th</sup> Floor, 5 Post Office Square  
Boston, MA 02109-0111  
(617) 289-0111.